

# FALL RIVER HOUSING AUTHORITY

## ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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Fall River Housing Authority  
85 Morgan Street  
Fall River, Massachusetts 02721



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# CHAPTER 1: INTRODUCTION & POLICY

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## 1.0 INTRODUCTION

This Admissions and Continued Occupancy Policy (ACOP) defines the Fall River Housing Authority's (FRHA) policies for the operation for the Public Housing Program, incorporating Federal, State and local law. The purpose of this document is to establish local policies and procedures in accordance with U.S. Department of Housing and Urban Development (HUD). Written policies provide daily guidance to FRHA staff in the performance of routine activities and ensure that the program is administered in a fair and consistent manner. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

## 1.1 CIVIL RIGHTS & NON-DISCRIMINATION

### A. NON-DISCRIMINATION LAWS

It is the policy of the Fall River Housing Authority (FRHA) to fully comply with all Federal, State and local nondiscrimination laws including:

1. Fair Housing Act
2. Title VI of the Civil Rights Act of 1964
3. Age Discrimination Act of 1975
4. Executive Order 11063 (Access to Services for Persons with Limited English Proficiency)
5. Section 504 of the Rehabilitation Act of 1973
6. Title II of the Americans with Disabilities Act of 1990
7. Obligation to Affirmatively Further Fair Housing

### B. CIVIL RIGHTS & FAIR HOUSING

The FRHA shall not on account of race, color, religion, gender, national origin, ancestry, sexual orientation, age, familial status, veteran status, public assistance, genetic information, gender identity, disability, or any other class protected by state or local law:

1. Deny to any Household the opportunity to apply for housing, or deny to any qualified Applicant the opportunity to lease housing suitable to his/her needs;
2. Provide housing which is different from that provided others except as required or permitted by law and in accordance with this Policy;
3. Subject any person to segregation or disparate treatment;
4. Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
5. Treat a person differently in determining eligibility or other requirements for admission;
6. Deny a person access to the same level of services available to other similarly situated individuals; or

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

In accordance with affirmative fair housing marketing rules, FRHA marketing plans will be designed to attract applicants of all racial and ethnic groups. All housing applications, reasonable accommodation forms and marketing materials will include the Equal Housing Opportunity logo and statement of non-discrimination.

#### **C. DISCRIMINATION COMPLAINTS**

In its affirmative duty to comply with federal fair housing laws, FRHA will brief public housing applicants and tenants about fair housing and recourse available to them if they believe they may be victims of discrimination. All applicable Fair Housing Information and Discrimination Complaint Forms will be made available at all FRHA office locations. Upon request, staff will assist individuals in completing such forms and will put them in touch with the nearest fair housing office.

#### **D. PRIVACY RIGHTS**

Applicants/residents will be required to sign the Federal Privacy Act Statement/HUD Authorization for Release of Information, in conjunction with application and the required submission of HUD form 50058, which states under what conditions HUD will release applicant, resident and owner information. FRHA's policy regarding release of information is in accordance with this document, individual family-authorized verification forms, and the Freedom of Information Act. All requests for program statistics and general information must be requested in writing.

Information requested by outside sources will be released only upon applicant/resident written consent or court subpoena. Copies of FRHA third party verifications will not be released by written consent.

Applicants/residents may view information contained in their file upon request. Verification of rent amounts paid will be provided at no cost. If other releasable information is requested, they must complete a written request for records. A photocopying charge of \$0.10 per document will be assessed. Information requested will be made available two (2) business days after the request is received.

The HA's practices and procedures are designed to safeguard the privacy of applicants and residents. All files will be stored in a secure location accessible only by authorized staff. Files will never be left unattended in common areas. To ensure client privacy, staff will require provision of the last four numbers of client social security number prior to discussion or release of confidential information. Discretion will be used in discussion of confidential matters in the reception or other public areas. HA staff will not discuss family information unless there is a business reason to do so. Staff will refuse to discuss individual files with anyone except the applicant/resident unless so authorized to do so by a signed authorization for release of information.

To avoid any perceived or possible conflicts of interest, applicant/resident files shall not be assigned to an employee having any legal or familial relationship to any member of the household.

## 1.2 ACCESSIBILITY AND PLAIN LANGUAGE

### A. ACCESSIBLE FACILITIES AND PROGRAMS

Facilities and programs used by applicants and residents shall be made accessible. Application and management offices, hearing rooms, community centers, laundry facilities, community rooms and other public spaces will be available for use by residents with disabilities. If these facilities are not already accessible (and located on accessible routes), they will be made accessible so long as this does not impose an undue financial and administrative burden on the authority.

### B. REASONABLE ACCOMMODATIONS

Federal disability civil rights laws make it unlawful to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. FRHA has implemented a Reasonable Accommodations Policy that is consistent with Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act, Titles II and III; the Fair Housing Act; and Massachusetts Chapter 151B. See Appendix B for the agency's Reasonable Accommodations policy, procedures, notices and forms.

### C. FORMS OF COMMUNICATION OTHER THAN PLAIN LANGUAGE PAPERWORK

At the point of initial contact FRHA staff shall ask all applicants whether they require some form of communication other than plain language paperwork. Some alternatives might include sign language interpretation, having materials explained orally by staff, either in person or by phone, large type materials, having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials, etc. The FRHA will pay for sign language interpreters for the hearing impaired.

### D. ENGLISH LANGUAGE ABILITY

The FRHA will endeavor to have bilingual staff or access to people who speak languages other than English to assist non-English speaking applicants and residents. The FRHA will try to have its written materials translated into those languages frequently spoken by applicants and residents (that represent at least 5% of total tenant population) to provide oral interpretation, upon request, in accordance with its Limited English Proficiency Policy (LEP) Policy. See Appendix E for the agency's complete LEP Policy.

## 1.3 MARKETING & OUTREACH

### A. MEDIA

The Fall River Housing Authority will market the availability, eligibility guidelines and characteristics of its Public Housing program in local newspapers, broadcasting media, the FRHA website, and any other suitable means, including local media targeting sub-populations of non-English speakers. FRHA will also distribute fact sheets to local social service providers

who serve low-income, disabled and elderly persons and families so they may make appropriate referrals.

**B. REQUIRED PUBLIC POSTINGS**

In each of its offices, the FRHA will post, in a conspicuous location that is accessible by all persons including persons with disabilities, the following information:

1. Admission and Continued Occupancy Policy
2. Notice of Current Waiting List Status (Open vs. Closed)
3. Income Limits for Admission
4. Dwelling Lease
5. Flat Rent Schedule
6. Notice of language assistance services for LEP persons
7. Excess Utility Charges
8. Utility Allowance Schedule
9. Current Schedule of Routine Maintenance Charges
10. Grievance Procedure
11. Fair Housing Poster
12. Equal Opportunity in Employment Poster
13. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours.

# CHAPTER 2: APPLICANT ELIGIBILITY & SCREENING

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## 2.0 INTRODUCTION

To be determined eligible, the applicant, and other members of the applicant's household must demonstrate through verified information of past and present conduct, the ability, either alone or with a reasonable accommodation, to meet the resident selection criteria found in this policy, including compliance with the terms of Fall River Housing Authority (FRHA) lease, and any other FRHA rules governing tenancy. In determining final eligibility, FRHA will, in all cases, consider mitigating circumstances including and not limited to incidents of domestic or dating violence or stalking, and any request for a reasonable accommodation on account of a disability.

There are six eligibility requirements applicants must meet for admission to public housing: (1) family status, (2) annual household income, (3) citizenship/eligible immigrant status, (4) Social Security number documentation, (5) signed authorization consent, and (6) suitability criteria. Verification methods and documents required for admission, screening and continued occupancy are discussed in Chapter 6.

## 2.1 FAMILY STATUS

The FRHA definition of “family” is consistent with 24 CFR 5.403 and includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status.

### A. TWO OR MORE PERSONS

A household of two or more persons related by blood, marriage, adoption or affinity intending to share residency whose income and resources are available to meet the family’s needs which includes but is not limited to:

1. 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.
2. An elderly family
3. A near-elderly family
4. A disabled family
5. A displaced family
6. A remaining member of a tenant family.

### B. SINGLE PERSON

A single person who may be an elderly person, displaced person, disabled person, near elderly person or any other single person.

## 2.2 ANNUAL INCOME

### A. THRESHOLD REQUIREMENTS

To be eligible for admission, the family's annual income must not exceed the income limits for occupancy established by HUD. Specifically, the family income cannot exceed 80 percent of the area median income for that family size at the time of admission.

### B. APPLICABILITY

Income limits apply only at admission and are not applicable for continued occupancy or for transferring within the FRHA's federal portfolio of public housing. However, families already residing in assisted housing administered by FRHA (or another housing authority) must meet the applicable income guidelines when applying to one of the FRHA's other assisted housing programs. Similarly, if FRHA acquires or converts a property for federal public housing purposes, the incumbent families must meet the incomes guidelines for admission to maintain tenancy.

## 2.3 CITIZENSHIP AND ELIGIBLE IMMIGRATION STATUS

Housing assistance is available only to those individuals who are U.S. citizens, U.S. nationals, or noncitizens that have eligible immigration status. To be eligible for federally aided housing, least one (1) family member must be a citizen, national or noncitizen with eligible immigration status for the family to qualify for any level of assistance. When a family consists of those with citizenship or eligible immigration status, and those without eligible immigration status, assistance to the family must be prorated according to the Mixed Family formula.

## 2.4 SOCIAL SECURITY NUMBER REQUIREMENTS

### A. APPLICABILITY

Families must for each participant, except those age 62 or older as of January 31, 2010, whose initial determination was begun before January 31, 2010, disclose and provide verification of Social Security Numbers (SSN) for all family members prior to admission, if they have been issued a number by the Social Security Administration. This includes foster children, foster adults and live-in aides. This requirement also applies to persons joining the family after admission to the program.

### B. PENALTIES

Pursuant to CFR 5.218 and Notice PIH 2012-10, FRHA must deny admission or terminate the family's assistance, or both, if the family submits falsified SSN documentation. The Head of Household may not remove a household member from the family composition to avoid these penalties. Prorated assistance is not permitted in this situation.

**C. EXEMPTIONS**

Individuals who do not contend eligible immigration status (“non-contending” family members in a mixed family paying prorated rent) are exempt from the Social Security Number requirement.

**D. YOUTH**

A child's SSN must be disclosed within 90 days of the child's addition to the household. An additional 90 days will be granted if FRHA determines that failure to comply was outside the control of the resident or was due to unforeseen circumstances.

## 2.5 SIGNED AUTHORIZATIONS

**A. AUTHORIZATION FOR RELEASE OF INFORMATION AND PRIVACY ACT NOTICE**

All adult members (and head and spouse regardless of age) of both applicant and tenant households are required to sign Federal Privacy Act Statement/HUD Authorization for Release of Information (HUD Form 9886) as a condition of initial or continuing eligibility (24 CFR 5.230). Any request for third-party verification on an applicant or tenant will not be released unless there is a signed release of information. This form contains:

1. A provision authorizing HUD or the FRHA State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
2. A provision authorizing HUD or the FRHA to verify with previous or current employer's income information pertinent to the family's eligibility for or level of assistance;
3. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
4. A statement that the consent form expires 15 months after the date it was signed

**B. SUPPLEMENT TO APPLICATION FOR FEDERALLY ASSISTED HOUSING**

To provide applicants the option to include information on an individual or organization that may be contacted to assist in providing services or special care to those who become tenants, and to assist with resolving any tenancy issues, the FRHA includes form HUD-92006 as part of the application for federally assisted housing.

## 2.6 SUITABILITY

**A. SCREENING POLICY**

In selection of families for admission to public housing program, a FRHA is responsible for screening family behavior and suitability for tenancy. The FRHA 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, FRHA 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. The same suitability criteria used for applicants are used for a person or persons joining a family already in occupancy (See: Chapter 9.2: *Adding a New Household Member to Lease*).

## **B. SUITABILITY CRITERIA**

The FRHA will consider objective and reasonable aspects of the family's background, including the following:

1. History of meeting financial obligations, especially rent;
2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition;
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.
7. Debts owed to FRHA or other housing authorities.

## **C. LOOKBACK PERIODS FOR CRIMINAL RECORDS**

1. **Introduction:** The Fall River Housing Authority (FRHA) shall institute protocols to assure that its procedures and standards for the review of criminal records in applicant screening are consistently applied. FRHA shall continue to consider the applicant's criminal history and the degree to which the individual's conduct might threaten the health, safety and right to peaceful enjoyment of FRHA residents.
2. **Arrest Records:** Pursuant to HUD Notice PIH 2015-19, which states "arrest records may not be the basis for denying admission", FRHA shall not deny admission to public housing on the basis of an arrest record alone. An arrest record may, however, trigger an inquiry into whether a person engaged in disqualifying criminal activity. As part of such an inquiry, FRHA may consider (1) details of the arrest in the police report; (2) statements made by witnesses or by the applicant; (3) whether formal criminal charges were filed; and/or (4) whether any charges were ultimately withdrawn, abandoned, dismissed, or resulted in an acquittal. Arrest-related evidence obtained and reviewed by FRHA may be used to determine whether an applicant engaged in disqualifying criminal conduct.
3. **Conviction Records:** The best evidence of a person's involvement in criminal activity is an official record of the person's conviction in a court of law. The types of convictions considered during the screening process shall be those which would bear a relationship to the safety and security of other residents. Additionally, FRHA shall consider the length of time since the conviction. This will be achieved through the adoption of look-back periods so that decisions are based on when the conduct occurred in addition to the type of conduct. FRHA shall adhere to the following guidelines for screening for criminal

histories. An applicant will be determined ineligible when their record shows one (1) or more convictions for a crime within its corresponding look-back period. Convictions for such crimes prior to the beginning of the look-back period will not be grounds for denial.

<b>CRIMINAL LOOKBACK PERIODS BY CONVICTION TYPE</b>	
<b>Crimes Against Persons</b>	
Abuse or Neglect of Minor Children	Lifetime ban
Attempted Murder	Lifetime ban
Kidnapping/Abduction	Lifetime ban
Manslaughter	Lifetime ban
Murder	Lifetime ban
Rape	Lifetime ban
Lifetime Sex Offenders (per 24 CFR § 960.204)	Lifetime ban
Assault & Battery w/Dangerous Weapon (ABDW)/Aggravated	10 years
Assault & Battery	7 years
Animal Abuse/Animal Cruelty	7 years
Domestic Abuse	5 years
Simple Assault	3 years
Stalking	1 year
Threatening Injury to Person or Property	1 year
Witness Intimidation	1 year
<b>Property Crimes</b>	
Arson	Lifetime ban
Burglary/Breaking & Entering (Armed)	7 years
Robbery (Armed)	7 years
Burglary/Breaking & Entering (Unarmed)	5 years
Robbery (Unarmed)	5 years
Destruction of Property	2 years
<b>Drug Crimes / Crimes Against Society</b>	
Manufacture of methamphetamine or other illegal drug	Lifetime ban
Drug Trafficking	15 years
Intent to Sell or Distribute Drugs	10 years
Conspiracy to Violate Drug Laws	7 years
Illegal possession discharge, display or carrying of firearm	7 years
Disturbing the peace while armed	5 years
Use or possession of illegal drug	5 years

4. **Applicant's Right to Informal Review:** Following a determination of ineligibility, the applicant must be given the opportunity to present written or oral objections to FRHA's decision and present evidence of mitigating circumstances and/or request for reasonable accommodations based on a disability.

In accordance with 24 CFR 982.554 (b), FRHA shall notify an applicant in writing of a determination of ineligibility and the notice shall:

- State the reason(s) for the decision;
- Inform the applicant of his/her right request an informal review of the decision; and
- Describe how to obtain the informal review.

Applicants shall have 20 calendar days from the date of their Denial Notice to request an Informal Review. The informal review may be conducted by any person designated by FRHA, other than a person who made or approved the decision under review or any subordinate of this person.

Prior to the Informal Review and at the applicant's expense, FRHA must provide the applicant with copies of any documents used to determine ineligibility of admission upon request. The applicant has the right to be represented by legal counsel, a tenant rights advocate or person of their choosing at the applicant's expense.

FRHA must notify the applicant of the final decision within 20 calendar days after the informal review, including a brief statement of the reasons for the final decision. Until a final determination is made, the applicant shall maintain his/her position on the waiting list.

Copy of criminal records will be retained only for the period of denial and the review process. Criminal records not relevant to the denial process will be destroyed.

## CHAPTER 3: PROCESSING APPLICATIONS

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### 3.0 INITIAL APPLICATION

Families wishing to apply for public housing with the Fall River Housing Authority (FRHA) must go online to complete and submit a pre-application for federally assisted public housing.

#### A. AVAILABILITY OF PRE-APPLICATION

In September 2020, FRHA discontinued its paper-based housing application in favor of a more efficient and widely utilized intake method: a user-friendly, web-based application platform, *MRI WaitListCheck*. *MRI WaitListCheck* is a secure, web-based housing application platform that can be accessed from any computer, tablet, smart phone or mobile device. Designed to integrate with FRHA's existing applicant database (HAB, Inc.), *WaitListCheck* expedites the intake process by reducing agency time spent on manual data entry of paper pre-applications.

The online application can be accessed from the FRHA website ([www.fallriverha.org](http://www.fallriverha.org)) by clicking "Apply for Housing" at the bottom of the homepage. It can also be accessed directly <https://www.waitlistcheck.com/MA1047>.

Although hard copies of *Pre-application for Federally Assisted Public Housing* are no longer widely available, FRHA will continue to provide paper copies (in English or Spanish) upon request to persons without access to web-based technology. Paper pre-applications can be obtained by calling the Tenant Selection Office at (508) 675-3544.

Reasonable accommodations will be provided to disabled applicants requesting special assistance or modifications in obtaining or completing an application.

#### B. INTAKE PROCEDURE

1. To apply for federal public housing online, interested applicants must begin by registering for an *MRI WaitListCheck* account. It does not cost anything to apply, but a valid email address is required.
2. Once an application is submitted online, *MRI WaitListCheck* automatically sends a confirmation message to the email address associated the applicant's *WaitListCheck* account.
3. *MRI WaitListCheck* will automatically date and time stamp each application received.
4. Applications shall be reviewed for completeness. Incomplete pre-applications will be returned to the applicant with a request for missing information. Applications shall not be evaluated until all the required information has been provided.
5. A unique Application Control Number will be assigned to application at the time that it is uploaded and converted into an applicant record in FRHA's waiting list management database.
6. All pre-application records, regardless of final determination of eligibility are maintained in accordance with state and federal record retention requirements.

### 3.1 PRELIMINARY DETERMINATION

#### A. THRESHOLD REQUIREMENTS

Upon receipt of the family's pre-application, FRHA will determine if the family meets the threshold requirements for:

1. Eligible family status, as defined above
2. Low-income, as defined above

#### B. ASSIGNMENT TO APPROPRIATE WAITING LIST(S)

Once a pre-application is determined to meet eligibility requirements for income and family status, the applicant shall be placed on the appropriate waiting list(s). Chapter 4 discusses the waiting list placement process in greater detail.

#### C. NOTIFICATION

1. **Eligible.** If the family meets the threshold requirements, FRHA will send the applicant a *Notice of Preliminary Eligibility* notifying the family in writing of:
  - a) Date and time of placement on the waiting list
  - b) Bedroom size and type of apartment they qualify
  - c) Waiting list preference(s), if applicable
2. **Ineligible.** If the family does not meet the threshold requirements, FRHA will send the applicant a *Notice of Ineligibility* notifying the family in writing of:
  - a) Date and time their application was received
  - b) Reason(s) for disqualification
  - c) Their right to re-apply at any time

### 3.2 REPORTING CHANGES IN FAMILY INFORMATION

#### A. RESPONSIBILITY OF APPLICANTS

The *Notice of Preliminary Eligibility* will inform applicants of their responsibility to report to the FRHA, in writing, any changes to their family composition, home and mailing address, income, or waiting list preference. Applicant circumstances may change while waiting for an available unit offer which may affect their eligibility for a sub-waiting list, unit type, or preference category.

1. **Changes Affecting Sub-Waiting List Eligibility:** Upon receipt of a reported change, FRHA will review all required verification documents associated with the change. If the verified changes impact an applicant's eligibility for a different type of project, unit size, or accessibility features, FRHA will update the applicant's sub-waiting list assignment accordingly. These updates shall in no way affect the applicant's original date of application.

2. **Changes Affecting Eligibility Preference:** Families on the waiting list who experience a change in circumstances that later qualifies (or disqualifies) them for a waiting list preference will have their eligibility for that preference verified and preference points shall be awarded (or un-awarded) accordingly. Changes in an applicant's eligibility for a waiting list preference shall in no way affect the applicant's status date.

## **B. DEATH OF APPLICANT**

In the event of the death of the Head of Household on the application the spouse, co-head or other adult on the application will assume the Head of Household status on the application. Should the remaining adult be deemed ineligible, he/she will be sent a denial letter and may apply to a program for which they would be considered eligible.

## **C. GENERAL INFORMATION REQUESTS**

Applicants seeking general information regarding the status of their application and/or waiting list preference must provide their application control number, full name, current address and Social Security number. The Tenant Selection Office will not provide specific information regarding the length of time before a unit offer may be made.

# **3.3 INITIAL INTERVIEW**

## **A. NOTIFICATION**

When a family appears to be nearing the top of the waiting list, FRHA will contact the family in writing notifying them of the time and date of their scheduled Applicant Interview appointment with Tenant Selection staff. The appointment letter will include the full application and instructions regarding who is required to attend, and which documents are necessary to bring. The letter will also inform the applicant that, if they fail to appear for the appointment, their application will be withdrawn from all FRHA public housing waiting lists.

## **B. APPLICANT INTERVIEW MEETING**

At the Applicant Interview, FRHA staff will orient the applicant on the intake, screening and offer process. Staff will ensure that the applicant has completed the full package, presented all required documents, and signed all certifications and required forms. Applicants will be advised that the screening process applies to all public housing waiting lists on which their application status is currently active.

It is at this point in time that the family's waiting list preference will be verified (See: Chapter 6: *Verifications*). If the family no longer qualifies for the preference their status, FRHA will issue the family a revised *Notice of Preliminary Eligibility* indicating the change in Preference status. Their application will also be updated accordingly on the waiting list.

## **C. MISSED APPOINTMENTS**

1. **Responsibility of the Applicant.** If an Applicant fails to keep an appointment and/or fails to notify FRHA of his/her inability to appear prior to the appointment, his/her

application will be withdrawn from all public housing waiting lists. A statement to this effect will appear on the forms used by FRHA to advise Applicants of scheduled interviews or of information required.

2. **Mitigating Circumstances.** The Authority will consider Mitigating Circumstances (i.e., health problems, inclement weather, family emergency, or lack of transportation) in evaluating whether the Application should be withdrawn as described above. Applicants will be afforded a maximum of three (3) missed appointments with approved mitigating circumstances. Consideration of Mitigating Circumstances does not relieve the Applicant of their responsibility to notify the FRHA.

### 3.4 GROUNDS FOR DENIAL

The FRHA reserves the right to deny assistance to applicants who:

- A. Do not meet 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 (i.e., eviction(s) for non-payment of rent);
- E. Have a demonstrated history of living or housekeeping habits adversely affecting the health, safety, or welfare of other tenants;
- F. Have a history of criminal activity by any household member involving (1) physical violence against persons or property, or (2) drug related criminal activity as defined in the Glossary; or (3) other criminal activity that, if continued as a tenant in public housing, would adversely affect the health, safety, or well-being of other tenants or Housing Authority Staff;
- 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 programs;
- I. Have committed fraud as defined in the Glossary, bribery or other corruption in connection with any federal housing assistance program, including intentional misrepresentation of information related to their housing application (including eligibility, preference for admission, housing history, allowances, family composition or income) or benefits therefrom;
- J. Have engaged in or threatened violence or engaged in a pattern of abusive behavior towards any FRHA staff or residents;
- K. **Mandatory Denial (HUD):** Were evicted from assisted housing within three (3) years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. The FRHA will admit the household if the applicant:

1. Demonstrates to the FRHA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
  2. Has successfully completed a supervised drug or alcohol rehabilitation program approved by the FRHA;
  3. Has otherwise been rehabilitated successfully; or is participating in a supervised drug or alcohol rehabilitation program.
- L. Mandatory Denial (HUD):** Are currently engaged in illegal use a drug or controlled substance or is currently abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- M. Denied for Life (HUD):** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- N. Denied for Life (HUD):** Has a lifetime registration under a State sex offender registration program.

Subsection K through N above notwithstanding, FRHA shall consider the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct, such as (1) Evidence of rehabilitation; (2) Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling programs; and (3) protections under the Violence Against Women Act.



# CHAPTER 4: WAITING LIST MANAGEMENT

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## 4.0 ORGANIZATION OF THE WAITING LIST

The Fall River Housing Authority (FRHA) waiting list for public housing programs will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;
- B. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
- C. Any contacts between the FRHA and the applicant will be documented in the applicant file.
- D. Applicant will receive one Master Control Number unless they submit a second application on a different date.

## 4.1 OPENING AND CLOSING THE WAITING LIST

### A. MEDIA

Announcements of the opening and closing of FRHA waiting lists will be published a local newspaper of general circulation and by any available minority media. They will bear the Equal Housing Opportunity logo and FRHA Statement of Non-discrimination

### B. ANNOUNCEMENTS

- 1. **Opening of Waiting List or Sub-list.** Public notices announcing the opening/re-opening of a program waiting list or sub-list shall include the following: the date the FRHA will start accepting applications; information regarding the type of housing program; eligibility requirements and any restrictions on who may apply; where, when, and how to apply; and that applicants already on waiting lists for other housing programs must apply separately for this program and their status on other waiting lists will not be affected.
- 2. **Closure of Waiting List or Sub-list.** Public notices announcing the closure of a program waiting list or sub-list shall include the following: the date the FRHA will stop accepting applications; the housing programs and/or bedroom sizes affected; and that applicants currently on the waiting list will not be affected by its closure.

## 4.2 WAITING LIST PLACEMENT

### A. COMMUNITY-WIDE WAITING LISTS

Once it has been determined that an applicant satisfies the threshold eligibility requirements for household income and family status, the applicant shall be placed on a community-wide waiting list associated with the development type(s) for which they

- 1. Satisfy all threshold eligibility requirements, and

2. Have expressly applied on their Pre-application for Federal Public Housing.

FRHA has three (3) community-wide lists in the federal public housing program, one for each development type: Family; Elderly-Only; and Mixed Populations.

## B. WAITING SUB-LISTS

Each community-wide list is then divided into waiting sub-lists by the available bedroom sizes, ranging from zero (0) to five (5) bedroom units, within each development type<sup>1</sup>. The tables below illustrate the number of dwelling units in each bedroom size category, development type and development in the FRHA federal public housing portfolio.

PUBLIC HOUSING WAITING LISTS							
Development Type	0 BR	1 BR	2 BR	3 BR	4BR	5BR	Total
Family	0	166	438	288	63	26	<b>981</b>
Elderly Only	0	459	29	0	0	0	<b>488</b>
Mixed Population	104	458	2	0	0	0	<b>564</b>
<b>Total</b>	<b>104</b>	<b>1083</b>	<b>469</b>	<b>288</b>	<b>63</b>	<b>26</b>	<b>2033</b>

UNIT COUNTS BY DEVELOPMENT		
Housing Type	Development	Dwelling Units
<b>FAMILY</b>	Sunset Hill	355
	Heritage Heights	127
	Father Diaferio	224
	Bennie Costa Plaza	60
	Fordney Apartments	36
	North Roccliffe Apts.	35
	George E. Riley Plaza	25
	Pleasant View	119
<b>MIXED POPULATIONS</b>	Cardinal Medeiros	206
	Barresi Heights	147
	Doolan Apartments.	150
	Bates & Tower	61
<b>ELDERLY ONLY</b>	Oak Village	30
	Raymond Holmes Apartments	100
	O'Brien Apartments	100
	Mitchell Heights	103
	Cottell Heights	71
	Oliveira Apartments	84
<b>Total</b>		<b>2033</b>

Initial determination of an applicant's eligibility for waiting list preference, development type, and bedroom size shall be based on the information provided on the pre-application.

<sup>1</sup> Under the Mixed Populations program, wherein only studio apartments (0-bedroom efficiency units) and one-bedroom units available, there is one singular waiting sub-list for both unit sizes.

FRHA will follow the guidelines set forth in Sections 5.0 (Preferences), 5.2 (Designated Housing) and 5.4 (Occupancy Standards) when making these determinations. Final verification of eligibility for these waiting list factors occurs when the applicant approaches the top of the list and is invited to attend an applicant interview and complete the full application package. FRHA will document subsequent changes to an applicant's family composition or eligibility for preference. In accordance with Section 3.2 of this policy, when such changes affect an applicant's sub-waiting list assignment, bedroom size, or preference category, those updates will be made accordingly.

### 4.3 PREFERENCE POINT SYSTEM

The Fall River Housing Authority (FRHA) has established four (4) Applicant Preference categories and three (3) Unit Transfer categories that affect an individual's ranking on the federal public housing waiting list. Each category is associated with a specific point value that places it on a scale of 0 to 70. The point system hierarchy reflects the values, needs and priorities of both the Authority and the local Fall River community. Eligibility for waiting list points must be verified at the time of screening prior to admission or unit transfer.

Preference points are *mutually exclusive*, so no application on the waiting list may be assigned more than one preference. Families that are eligible for more than one preference will be assigned the highest-ranking preference for which they qualify. Applications that are not eligible for a preference will be ranked on the waiting lists according to date and time of application.

Preferences are weighted highest to lowest in the following order and date and time of application determines the ranking sequence within the categories. The preference point system used by FRHA to process new admissions and transfers on all federal public housing waiting lists is as follows:

Point System Hierarchy	
Preference Category	Points
Administrative Transfers <sup>2</sup>	70 points
Applicant Preference #1	65 points
Emergency Transfers <sup>3</sup>	56 points
Applicant Preference #2	50 points
Applicant Preference #3	40 points
Applicant Preference #4	30 points
Standard Transfers <sup>4</sup>	25 points
Standard Applicants	0 points

<sup>2</sup> Approved Administrative Transfers will be offered housing before all ranking families on the waiting list. (See: Chapter 12: Transfers)

<sup>3</sup> Approved Emergency Transfers shall be offered every other 10th unit by waiting list by bedroom size and appropriate unit type. (See: Chapter 12: Transfers)

<sup>4</sup> Under or Over Housed transfers shall be offered every 15th unit by development by bedroom size when the site is at 97% occupancy. (See: Chapter 12: Transfers.)

## 4.4 APPLICANT PREFERENCES

### A. APPLICANT PREFERENCE #1: EMERGENCY (65 PTS)

Applicants displaced by one of the following:

1. Fire
2. Federally declared natural disaster
3. Condemnation
4. Urban renewal
5. Presence of Lead Paint if a home with a child age 6 and under
6. Witness relocation as determined by city, county, state or federal law enforcement

### B. APPLICANT PREFERENCE #2: LOCAL RESIDENCY (50 PTS)

Applicants who currently reside in the City of Fall River, or have at least one (1) adult member who either

1. Works or has been hired to work in the City of Fall River, *or*
2. Attends an educational or training program full-time in the City of Fall River.

FRHA does not require a minimum term of Fall River residency to qualify under this preference. A family that can provide proper verification as outlined in Section 6.3 (B) of this policy qualifies as a resident, provided they do not live somewhere else.

### C. APPLICANT PREFERENCE #3: EMPLOYED/EDUCATION/WORK-EXEMPT (40 PTS)

1. Applicants with at least one adult who is employed a minimum of 32 hours weekly and has been employed for at least three months; *or*
2. Applicants with at least one adult who is a full-time participant in an educational or training program designed to prepare the individual for the job market; *or*
3. Applicants where both the Head of Household AND spouse/co-head, or sole member, are age 62 or older, or are receiving social security disability, supplemental security income, disability benefits, or any other payments based on an individual's ability to work.

## 4.5 APPLICANT PRIORITIES

Priority points shall be added to preference category points for applicants at admission only.

### A. VETERANS PRIORITY (+3 PTS)

Applicants determined eligible for Veterans Priority shall have three (3) points added to their current preference point total. To claim Veterans' Priority, and applicant must be either:

1. A "**Veteran**", as defined under M.G.L. c. 4, sec. 7, cl. 43rd as amended by the Acts of 2005, Ch. 130, (See Glossary: Veteran), or
2. The "**Dependent of a Veteran**". The following categories of persons may qualify as Dependents of Veterans for the purposes of determining applicant priority:
  - Spouse of the veteran.
  - Widow or widower of the veteran.

- Dependent parent of the veteran.
- Any person who acted as a parent to the veteran for five years immediately preceding the commencement of the veteran's wartime service.
- Child of the veteran until his or her 19th birthday.
- Child of the veteran between 19 years and 23 years of age while the child is attending high school, an institution of higher learning or some other accredited educational institution provided that the applicant is in receipt of benefits under the provisions of M.G.L. c. 115.
- Child of the veteran 19 years of age or older who is mentally or physically unable to support himself or herself and was affected by the disability prior to his or her 18th birthday.
- Legally adopted children of the veteran.

**B. VAWA PRIORITY (+4 PTS)**

Victims of domestic violence, dating violence, sexual assault, or stalking will be given applicant priority whether they are eligible for an applicant preference. (See: Appendix C: *Violence Against Women Act Policy*) Applicants determined eligible for VAWA Priority shall have four (4) points added to their current preference point total.

## 4.6 UPDATING THE WAITING LIST

**A. FREQUENCY**

The FRHA will update its waiting list every three (3) years to ensure that the pool of applicants reasonably represents the interested families for whom the FRHA has current information.

**B. PROCESS**

1. FRHA will send each active applicant an update package that explains the update process and includes a form for the applicant to complete and return.
2. The update package will be mailed to each applicant in a format that accommodates individual applicant's need.
3. Applicants will be allowed thirty (30) calendar days from the post-date of the update package to respond either by mail or hand delivery to the FRHA.
4. Applicants must complete the form by marking if they are still interested in remaining on the waiting list and reporting any changes in address, family composition, income and preference.
5. Applicants who fail to respond within the time frame or whose letters are returned undeliverable will be removed from the waiting list and will not be entitled to an Informal Review.

## 4.7 FACTORS AFFECTING APPLICANT RANKING

There is no guarantee that an applicant's ranking on the waiting list will continually rise over time. Various factors affect the length of time an applicant spends on the waiting list. Factors such as unit

turnover rates, waiting list demand, and the constant influx of new applicants qualifying for preference points may cause an incumbent applicant's ranking to rise or fall to varying degrees. Examples of these factors affecting rank include, but are not limited to:

- A subsequent applicant is placed on the same sub-waiting list and bedroom size but qualifies for a higher-ranking preference.
- An applicant with an older application date and/or higher-ranking preference category experiences a change that qualifies them to be placed on another sub-waiting list.

## 4.8 REMOVAL OF APPLICANTS FROM THE WAITING LIST

### A. REASONS FOR REMOVAL

FRHA will only remove an applicant's name from the waiting list if he/she:

1. Requests in writing that the name be removed
2. Fails to respond to a written request for information or a request to declare their continued interest in the program
3. Fails to attend a scheduled appointment without advance notification and/or good cause.
4. Fails to meet either the eligibility or suitability criteria for the program.

If an applicant has been placed on more than one sub-waiting list for the federal public housing program, once they are admitted to federal public housing, they will be removed from all other sub-waiting lists.

### B. RIGHT TO DISPUTE THE ACCURACY OF A CRIMINAL RECORD

1. **Notice:** Federal law requires that PHAs provide applicants with notification and the opportunity to dispute the accuracy and relevance of a criminal record before admission is denied on the basis of such record. To ensure that decisions are made based on accurate information, the FRHA will (a) first notify the family of the proposed action and (b) provide the subject of the record and the applicant a copy of the record and (c) an opportunity to dispute the accuracy or legitimacy of the record prior to a denial of admission.
2. **Response.** The applicant will have ten (10) business days to respond to the notice and request an Informal Review. Failure to respond within the timeframe will result in denial of admission.
3. **Dispute Process.** The applicant must be able to demonstrate that the record contains inaccurate or incomplete information as such it would deem the applicant eligible under this screening category. FRHA will consider the evidence in determining whether to admit or deny. During this process the applicant will maintain their position on the waiting list. Failure to present satisfactory evidence will result in denial of admission.

### C. NOTIFICATION OF DENIAL

Following a determination of ineligibility, the applicant must be given the opportunity to present written or oral objections to FRHA's decision and present evidence of mitigating circumstances and/or request for reasonable accommodations based on a disability. In

accordance with 24 CFR 982.554 (b), FRHA shall notify an applicant in writing of a determination of ineligibility and the notice shall:

1. State the reason(s) for the decision;
2. Inform the applicant of his/her right request an informal review of the decision; and
3. Describe how to obtain the informal review and timeframe in which to respond and request one.

#### **D. APPLICANT'S RIGHT TO AN INFORMAL REVIEW**

1. Applicants have 20 calendar days from the date of their Denial Notice to request an Informal Review.
2. The applicant must be given the opportunity to present written or oral objections to the FRHA's decision and present evidence of mitigating circumstances and/or request for reasonable accommodations based on a disability
3. The applicant has the right to be represented by legal counsel, a tenant rights advocate or person of their choosing at the applicant's expense.
4. The informal review may be conducted by any person designated by the FRHA, other than a person who made or approved the decision under review or any subordinate of this person.
5. Prior to the Informal Review and at the applicant's expense, FRHA must, upon request, provide the applicant with copies of any documents used to determine ineligibility of admission.
6. The FRHA must notify the applicant of the final decision within 14 calendar days after the informal review, including a brief statement of the reasons for the final decision.
7. Until a final determination is made, the applicant shall maintain his/her position on the waiting list.



# CHAPTER 5: TENANT SELECTION & ASSIGNMENT PLAN

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## 5.0 INCOME MIXING AND DECONCENTRATION

### A. INCOME MIXING

It is FRHA'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, FRHA will periodically review its waiting list to determine whether there is a representative income mix of Low, Very Low, and Extremely Low-Income Households. If there is not a representative income mix, FRHA will consider strategies to encourage a greater income mix including, but not limited to, conducting targeted outreach efforts.

Regardless of any discretionary strategies the FRHA may adopt to achieve the goal of income mixing, the FRHA will ensure that at least 40% of new admissions to the FRHA's public housing program during each fiscal year will be Extremely Low-Income Households (at or below 30% of the area median income).

### B. DECONCENTRATION

The admissions policies contained in this ACOP are designed to de-concentrate poverty. Information regarding specifics of each development is contained each year in the FRHA's Annual Plan (See: Appendix F: *Deconcentration Policy*). The FRHA 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.

In accordance with PIH Notice 2001-4, prior to the beginning of each fiscal year, FRHA will calculate the average annual income of all family development households authority-wide; the average of each family development (adjusted for bedroom size); and the income levels of the families on the waiting list. The worksheet for the analysis can be found in Appendix F.

### C. INCENTIVES

For those developments whose average incomes, adjusted for bedroom size, do not fall within the 85% - 115% range of the authority-wide average, FRHA will implement deconcentration incentives. The FRHA 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.

## 5.1 DESIGNATED HOUSING

### A. ELDERLY ONLY HOUSING

FRHA's Elderly-Only housing developments are designated for residents ages 50 and above. Pursuant to FRHA's Designated Housing Plan, Elderly families (age 62+) on the waiting list shall be given priority over Near-Elderly families (age 50-61).

### B. MIXED POPULATIONS (ELDERLY AND DISABLED HOUSING)

Pursuant to FRHA's Designated Housing Plan, at least 50 percent of all vacancies in Mixed Population housing shall be offered to Elderly and/or Disabled families. Unit offers shall be made to Elderly and Disabled families before any Near-Elderly families and unit offers to Near-Elderly families shall be made before any Non-Elderly, Non-Disabled applicants on the waiting list.

## 5.2 DETERMINING UNIT SIZE & TYPE

### A. OCCUPANCY STANDARDS

The following guidelines will be used determine a family's unit size and assume that each bedroom will accommodate no more than two persons:

OCCUPANCY STANDARDS		
Unit Size	Minimum # Persons	Maximum # Persons
Studio	1	1
1-bedroom	1	2
2-bedroom	2	4
3-bedroom	3	6
4-bedroom	4	8
5-bedroom	5	10

### B. UNIT ASSIGNMENT GUIDELINES

Families shall occupy units of the appropriate bedroom size. This maintains the usefulness of the units, while preserving them both from excessive wear and under-utilization. It is also fully compliant with HUD rules related to Occupancy Standards. The following principles govern the size of unit for which a family will qualify:

1. Persons of different generations, persons of the opposite sex (other than spouses), and unrelated adults may be allocated separate bedroom.
2. Children of the same sex will share a bedroom unless there is a significant difference in age as determined by the FRHA.
3. Children of the opposite sex, both under the age of four (4) will share a bedroom. (If an applicant has children of the opposite sex and one of those children is at least three and a half years old, FRHA will assign the appropriate unit size as if the child were already four)

4. Adults and children will not be required to share a bedroom.
5. Foster adults and/or foster children will not be required to share a bedroom with family members.
6. Live-in aides shall be assigned a separate bedroom.
7. A living room will not be counted as a bedroom, except in FRHA's studio/efficiency apartments or for the use of an overnight Personal Care Attendant (PCA).

With respect to resident families whose household composition changes after admission, these unit assignment guidelines will be discretionary, not mandatory.

### **C. ACCESSIBLE UNITS**

Accessible units will be first offered to disabled families who require accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above.

If there are no disabled applicants **or** tenants requiring accessible units on the waiting list, such units will be offered to the next eligible, non-disabled applicant. Such non-disabled tenants must sign a lease addendum certifying that they will be subject to a mandatory transfer (at their own expense) should an applicant or current tenant require an accessible unit and no such units are available. Any family required to transfer will be given a 30-day notice.

If there is more than one accessible unit occupied by a non-handicapped household, volunteers for transfer will be solicited. If there are no volunteers, length of tenancy will be considered. The tenant with shortest tenancy length will be required to transfer first.

## **5.3 YOUTH ANTICIPATED TO LIVE IN THE UNIT**

### **A. ELIGIBLE YOUTH**

When determining unit size for applicants, the FRHA will consider all children (youth underage of 18) anticipated to live in the unit. This includes:

- Unborn children
- Children who are in the process of being adopted
- Children whose custody is being obtained by an adult
- Foster children
- Children who are temporarily absent from home due to placement in foster care, kinship care or away at school but who live with the family during recesses
- Children whose parent has court-awarded custody 183 days per year

### **B. JOINT CUSTODY OF CHILDREN**

Children who are subject to a joint custody agreement must reside in the household at least 50% of the time to be considered members of the household for the purposes of occupancy

standards and dependent allowances. "50% of the time" is defined as 183 days of the year, which do not have to run consecutively.

### **C. CHILDREN NOT UNDER LEGAL CUSTODY**

In order for a child to be claimed as member of the household for purposes of unit size designation and dependent deductions, there must be a legal custody arrangement unless an adult member of the household can prove responsibility for the dependent by verification through a social service agency or receipt of federal, state or local benefits on behalf of the child.

If the head of household is unable to furnish documentation of responsibility and the HA gives permission, the child may remain in the household as an approved minor visitor as long as minimum size Housing Quality Standards are met. No dependent deduction will be provided, and the unit size needed will not be increased.

If two applications are received claiming the same dependent as a household member, and there is no formal custody arrangement, the parent who receives income benefits for the child (i.e., public assistance, social security, income tax deduction) will be allowed to claim the child as a dependent. If neither parent receives income benefits for the child, the child will be claimed by the parent who first made application.

## **5.4 LIVE-IN AIDES**

### **A. DEFINITION**

A live-in aide is a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

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

Relatives are not automatically excluded from being live-in aides, but they must satisfy all of the elements in the live-in aide definition.

### **B. GUIDELINES**

1. A live-in aide may only reside in the unit with the approval of the FRHA.
2. FRHA will conduct criminal background checks on all live-in aides.
3. FRHA requires verification from a reliable, knowledgeable professional (i.e., doctor, social worker, or case worker) certifying that a live-in aide is necessary for the care of the family member. Verification must include the hours the care will be provided, as well as the services and time required by the family member from the live-in aide.
4. As household members, live-in aides are treated differently than family members.
  - a) Their income is not counted for purposes of determining eligibility or level of benefits;

- b) They are not subject to Non-Citizen Rule requirements; and
  - c) They may not be considered as a remaining member of the tenant family.
5. Family members of a live-in aide may also reside in the unit providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the live-in's family members does not overcrowd the unit.

## 5.5 EXCEPTIONS

In rare cases, families may occupy units smaller or larger than their unit assignment prescribed by the guidelines above.

### A. BELOW OCCUPANCY STANDARDS

1. At the family's request, FRHA will admit a family to a smaller unit provided no more than two (2) people per bedroom are assigned.
2. In such situations, the family will sign a certification stating they understand they will be ineligible for a transfer to a larger size unit for at least one (1) year, transfers for changes in family composition or reasonable accommodation, notwithstanding.

### B. ABOVE OCCUPANCY STANDARDS

1. FRHA will admit a family into a larger size unit than the guidelines allow provided the family provides a verified medical need that the family be housed in a larger unit.
2. If there are no eligible families on the waiting list for a particular unit size and a vacancy becomes available for that unit size, then FRHA will select an eligible family from the waiting list for the next largest bedroom size. In these cases, it will be the applicant family the greatest number of household members. Prior to occupancy, the family will sign a certification acknowledging that they may later be required to transfer (at the family's expense) to another unit of appropriate size should there be no available units in that bedroom size and a back log of eligible families.
3. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

## 5.6 UNIT OFFERS

The FRHA shall abide by its Deconcentration Policy and 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.

### A. ONE-UNIT OFFER METHOD

In accordance with HUD's Public Housing Occupancy Guidebook, FRHA has opted the "One-Unit Offer" (Plan A) method. Under this plan, the Applicant is offered one unit and unless the applicant has good cause (See: Chapter 5.7C: *Definition: "Good Cause" For Unit Refusal*) for refusing the offer, the applicant should accept it or be dropped to the bottom of the waiting list. Not only does this approach create an incentive to accept a unit offer, but it also limits

the time spent offering units to each applicant to the amount of time it takes to make one offer.

Studio units (which are only available in the Mixed Populations program) shall only be offered to single-occupant households. This notwithstanding, there is no special distinction between studio apartments and one-bedroom units under the Mixed Populations program.

The available unit that has been vacant the longest will be offered to the next applicant on the Mixed Populations waiting list, regardless of whether it is a studio or a 1-bedroom. Additionally, FRHA's record-keeping is limited to the offer made, whether it is accepted or refused, and whether the applicant has good cause for refusal (and is entitled to another offer).

#### **B. SELECTING APPLICANTS FROM THE WAITING LIST FOR ELIGIBILITY SCREENING**

Tenant Selection shall run the waiting list (and all active sub-waiting lists) as often as is required to fill existing and/or anticipated vacancies, but *no less than once* in a one-month period.

When selecting which applicants to contact by mail to begin the applicant review and screening process, Tenant Selection shall

1. Utilize the Applicant/Tenant Management software application to run the current waiting list(s) for the corresponding housing program(s) and bedroom size(s) for which it is actively seeking to fill existing and/or anticipated vacancies. The computer-generated list shall automatically sort all active applicants in ranking order according to:
  - a) waiting list preference points, and then
  - b) date of active waiting list status.
2. Save, label, and maintain the list in a read-only electronic file format that is date-stamped, read-only for periodic auditing and quality control purposes (see Section J below)
3. Determine how many applicants should be contacted for interviews based on two factors:
  - a) the actual and anticipated supply of vacant units and
  - b) the number of eligible applicants that are currently awaiting unit offers
4. Select the determined number of applicants starting with the highest-ranking unscreened applicant and selecting all subsequent applicants in ranking order from highest to lowest.
5. Send Applicant Interview appointment letters to selected applicants by mail.

#### **C. OFFERING READY UNITS TO ELIGIBLE APPLICANTS (NEW ADMISSIONS)**

Only families in the FRHA pool of screened, eligible public housing applicants will receive unit offers. The first applicant in the waiting sub-list sequence shall be offered a unit in the corresponding development type that is the appropriate size and type to their needs.

Units shall be organized chronologically by the date on which they were released for occupancy and correspondingly offered to eligible applicants - sorted by waiting list rank - in that set order, with the unit with the oldest ready date being offered to the top-ranking

applicant on the list, the unit with the second-oldest ready date being offered to second applicant on the list, and so forth.

1. Tenant Selection generates the *Notice of Unit Offer* for selected applicant via the Applicant/Tenant Management software application.
2. Tenant Selection places a copy in the Applicant File and sends the written offer notice via First Class mail
3. Tenant Selection updates vacant unit status in the centralized spreadsheet stored on shared network drive, entering name of selected applicant and offer date alongside vacant unit.
4. If the Applicant responds to the Notice of Unit Offer within the required timeframe, Tenant Selection and Site Management Office staff shall follow the procedure set forth below (See: Chapter 5.6E: *Scheduling Vacant Unit Viewings*).
5. If Applicant fails to respond within five (5) business days after the date the *Notice of Unit Offer* is mailed, the Tenant Selection Clerk shall inactivate Applicant from waiting list, with an effective as of the required response deadline (See: Chapter 5.7E: *Procedure When "Good Cause" Does Not Exist*).

#### **D. OFFERING READY UNITS TO ELIGIBLE TENANTS (TRANSFERS)**

See: Chapter 12.3: *Unit Offers (Transfers)*.

#### **E. SCHEDULING VACANT UNIT VIEWINGS**

Each FRHA property shall have a designated Point of Contact (POC) among the clerical personnel assigned to work at the Site Management Offices. The POC will coordinate the scheduling of unit viewing appointments for all prospective tenants for that particular site.

Tenant Selection and Site Management Office staff shall follow a Designated Points of Contact list each development. Senior Property Management staff shall immediately inform the Director of Field Operations and the Tenant Selection Coordinator of any changes to their designated POCs.

The procedure shall be as follows:

1. Tenant Selection shall make a Unit Offer to the Applicant as described in this chapter.
2. If the Applicant (referred to as Prospective Tenant in this section) agrees to view the unit, Tenant Selection shall:
  - a) Confirm that the Prospective Tenant's current phone number is active.
  - b) Provide the Prospective Tenant with the contact info for site's Designated POC.
  - c) Inform the Prospective Tenant he/she will be contacted to schedule a viewing appointment within the next two (2) business days.
  - d) Notify the POC of the following information:
    - i. Applicant's full name & current phone number
    - ii. Unit address
    - iii. Any other critical information that may be pertinent
3. Designated Point-of-Contact shall:

- a) Call the Prospective Tenant within two (2) business days of receiving e-mail from Tenant Selection
- b) Schedule a unit viewing appointment that is mutually convenient for POC and Prospective Tenant
- c) Reply to the Tenant Selection e-mail advising that appointment has been scheduled

## 5.7 UNIT OFFER ACCEPTANCE AND REFUSAL (NEW ADMISSIONS)

All waiting list applicants awaiting admission to federal public housing shall be made only one housing offer to a unit of appropriate size and type. Only substantiated reasons for unit refusal which satisfy the definition of “good cause”, as defined in in this Policy, will be accepted and result in subsequent, alternative unit offers. All applicants must contact the Tenant Selection Office no later than two (2) business days after viewing a unit to accept or decline the offer.

### A. PROCEDURE: ACCEPTANCE OF UNIT OFFER

1. Within one business day of unit acceptance, Site Management staff shall schedule an Applicant Lease and Occupancy Orientation meeting with the Applicant.
2. The Head and/or Co-head of Household must attend this meeting to execute the Lease Agreement which shall be effective no more than three (3) business days following the date of unit acceptance (or the business day after the day the unit is ready for occupancy, whichever is later).
3. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled.
4. If the Applicant fails to attend the Lease and Occupancy Orientation without good cause may result in the cancellation of the occupancy process (in accordance with *Section 3.3-C Missed Appointments*).
5. Site Management staff shall provide the Applicant with one copy of the executed Lease Agreement, Excess Utility Fee Schedule, the current schedule of Routine Maintenance Charges, New Tenant Policy Handbook, and a Request for Reasonable Accommodation form. These documents shall be explained in detail during the orientation meeting.
6. The Applicant shall sign a certification that they have received these documents and that they have reviewed them with FRHA personnel.
7. The executed lease, signed certifications and all other admission documents will be maintained in the Tenant File

### B. PROCEDURE: REFUSAL OF UNIT OFFER

1. Site Management staff shall document the reason for unit refusal on the Applicant File and return the Applicant File to Tenant Selection.
2. Tenant Selection staff shall document the unit refusal date and reason in unit offer module of the Applicant/Tenant Management software application and in the centralized vacancy spreadsheet located on shared network drive.

**C. DEFINITION: “GOOD CAUSE” FOR UNIT REFUSAL**

The following reasons shall be considered “good cause” for unit refusals for New Admissions provided the Applicant is able to verify the reason(s) provided to FRHA’s satisfaction:

1. Inaccessibility to source of employment, education, or job training, children’s day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
2. Accepting the offer will place a family member’s personal safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.
3. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.
4. The special features in an accessible unit are not suited to accommodate the applicant’s disabilities.
5. The non-disabled family does not need the accessible features in the unit offered and does not want to be subject to the 30- day notice to move requirement.
6. The family is being selected over other eligible applicants to help the FRHA meet deconcentration goals.
7. Applicant is temporarily residing out-of-state (or overseas) as part of his/her military service and/or training with the United States Armed Forces.

**D. PROCEDURE: WHEN “GOOD CAUSE” EXISTS**

In all cases of New Admissions - regardless of waiting list preference or priority – unit offer refusals **with good cause** will not result in any changes to the Applicant preference points or date/time of application status on the waiting list. Prior to approving a unit refusal to under “good cause”, Tenant Selection shall

1. Request the Applicant provide satisfactory verifications that supporting the Applicant’s stated reason for refusal.
2. Review the documents and grant/deny “good cause” waiver.
3. Document the unit refusal in Applicant/Tenant Management software application as being covered under “good cause”
4. Maintain any records of supporting verifications in the Applicant File.
5. Offer the next available unit of appropriate size, type and features to the Applicant.

**E. PROCEDURE: WHEN “GOOD CAUSE” DOES NOT EXIST**

1. With respect to New Admissions, an applicant’s refusal of an appropriate unit offer for reasons other than those that qualify as “good cause” will result in the following actions being taken on the application across all federal public housing sub-waiting lists:
  - a) Any and all preference and/or priority points (i.e., for veterans’ status) shall be forfeited, **AND**
  - b) Date/time of application status shall be revised to reflect the date/time of unit refusal, **AND**
  - c) Applicants will not be eligible to apply for any waiting list preference categories for a period of 12 months from the date of unit refusal.
2. Upon determination that an applicant’s reason for unit refusal does not constitute “good cause” as defined in this policy. FRHA shall:
  - a) Document the reason provided by the applicant for unit refusal on the Applicant record;
  - b) Revise the Applicant record according to requirements in Sections 5.7 E.1 of this policy; and
  - c) Notify the Applicant in writing of:
    - i. Their revised waiting list status per FRHA policy;
    - ii. FRHA definition of good cause for unit refusal;
    - iii. Their right to request an informal review if they believe their refusal reason does constitute good cause.

## 5.8 INTERNAL CONTROLS – TENANT SELECTION OPERATIONS

Tenant Selection shall run the waiting list (and all active sub-waiting lists) as often as is required to fill existing and/or anticipated vacancies, but no less than one time in a one-month period.

Whenever the waiting list is run for the purposes of applicant selection (or posterity), Tenant Selection shall generate, save, label, and store in electronic file format a date-stamped, read-only copy of the waiting list and sub-waiting list for each program.

On a quarterly basis, the Director of Field Operations (DFO) shall audit the archived waiting lists generated during the previous quarter. For quality control purposes, the DFO shall cross-reference data on the archived waiting lists with Tenant Selection activities taking place prior and/or subsequent to the waiting list date. Activities shall include, but will not be limited to, the following:

- Placement of new applicants to the waiting list.
- Removal of active applicants from the waiting list.
- Reasons and documentation denying applicant admission
- Final Determinations of Eligibility
- Modifications to applicant Status Dates.
- Modifications to applicant Waiting List Preferences.
- Ranking and selection of ready, vacant units for assignment to eligible applicants.
- Unit Offer and Refusal activity
- New Admission and Unit Transfer activity.

- History of Notices sent to applicants.

The DFO shall note any deviations from the Admissions and Continued Occupancy Policy with the TSC and take corrective action to ensure future alignment with the ACOP, if required. follow-up will be taken on all identified deficiencies to ensure that applicants are being selected and offered units in accordance with the Admissions and Continued Occupancy Policy.



# CHAPTER 6: VERIFICATIONS

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## 6.0 INTRODUCTION

Fall River Housing Authority (FRHA) is required by HUD regulations to verify information related to eligibility, income, assets, admissions preferences, deductions from income, and compliance with applicant selection criteria (24 CFR § 5.617 and 960.259). Verification ensures both the housing authority and the family that all information contained in an application or family report, including that information used to determine eligibility and income-based rent calculations is accurate. The following areas affecting family eligibility and rental subsidy must pass through the verification process:

- Waiting List Preference
- Suitability criteria
- Household composition
- Social security numbers
- Citizenship or eligible immigration status
- Income, assets and asset income, and divested assets
- Income exclusions
- Allowances and deductions

## 6.1 CONSENT FORMS

Before requesting verification from any source, FRHA must obtain signed consent forms from family members authorizing release of information. Form HUD-9886 *Authorization for the Release of Information/Privacy Act Notice* is used for this purpose ([See](#): Chapter 2.5: *Signed Authorizations*). FRHA has also developed an *Authorization for Release of Information* form so it may request verification of information not covered by form HUD-9886. Because of privacy act issues, this consent form includes the names of the specific verification sources.

## 6.2 TIMING AND FREQUENCY

### A. ONE-TIME VERIFICATIONS

For each family member, the following will be verified only once prior to admission and/or prior to a new member joining the family:

- Citizenship status
- Social Security Number
- Proof of Identity
- Proof of Age

- Proof of Familial Relationships
- Proof of Marital Status
- Proof of eligibility for waiting list preference category
- Criminal background inquiries
- Landlord references
- Credit Report inquiry

## **B. PERIODIC VERIFICATIONS**

For each family member, the following will be verified prior to admission and again at every annual recertification, unless otherwise stated in this policy:

- Family Composition
- Status as full-time student or disabled person,
- Income
- Asset Income
- Expenses
- Exclusions

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

## **C. STREAMLINED ANNUAL REEXAMINATION FOR FIXED INCOMES**

FRHA has adopted the Streamlined Annual Re-examination for Fixed Incomes provision of the HUD Streamlining Final Rule (published April 7, 2016) which allows PHAs to conduct third-party verifications of “fixed-income” sources every three years instead of annually.

This provision applies to the income determination for any family member with a fixed source of income, irrespective of whether that individual or the family also has a non-fixed source of income. It is only available to *residents* of public housing, and is not available for program *applicants*.

1. **Baseline (Year 1):** FRHA shall determine whether an individual’s source of income is fixed. For the purposes of this policy, FRHA shall limit sources of “fixed-income” to the following:
  - Social Security payments, to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
  - Federal, state, local, and private pension plans; and
  - Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.

FRHA shall verify the sources income, fixed and not fixed, through third-party verification in accordance with Section 6.7 of this policy.

2. **First Annual Re-exam (Year 2).** For the first annual reexamination following the baseline year, no third-party verification of the “fixed income” source is required. FRHA shall determine the adjusted income by applying a verified cost of living adjustment (COLA) and/or the current rate of interest to the fixed income amount verified in the previous year.

The COLA or current interest rate applicable to each source of fixed income must be obtained either from a public source or from tenant-provided, third-party generated documentation. In the absence of such verification for any source of fixed income, third-party verification of income amounts must be obtained.

The family member may also have non-fixed sources of income, which remain subject to third-party verification.

3. **Second Annual Re-exam (Year 3).** For the second annual reexamination of streamlined income determination, FRHA shall apply the COLA adjustment to the previously determined fixed income amount in Year Two.

The family member may also have non-fixed sources of income, which remain subject to third-party verification.

4. **Third Annual Re-exam (Year 4).** For the third income determination involving a family member whose income had been adjusted twice using a streamlined income determination, the FRHA shall perform third-party verification of the fixed income source. Third-party verification of all income amounts for all family members must be performed *at least every three years*.

#### **D. COMPUTER MATCHING**

Where allowed and/or required by HUD and/or other State or local agencies, computer matching will be done. If a participant is reported under HUD income discrepancy, failed verification, deceased tenant, or multiple subsidy reports, they may be required to complete additional certification documents and follow-up verifications may be required which may result in recertification and retroactive rent charges.

### **6.3 VERIFICATION OF WAITING LIST PREFERENCES AND PRIORITIES**

#### **A. PREFERENCE #1: DISPLACED BY FIRE, NATURAL DISASTER, OR GOV. ACTION**

1. Proof that applicant was a resident of the affected property (such as copies of rent receipts, copy of lease or rental agreement)

AND

2. At least one of the following documents:

- **Official Fire Report** (Fire Department)
- **Official Flood or Earthquake Report** (Red Cross or FEMA)
- **Official notification** of land/property taking and the stated purposes thereof from the public agency involved including legislative authority exercised and date of displacement

- **Declaration of Condemnation** due to code enforcement including the specific property involved
- **Certification from Board of Health** indicating that lead levels of affected property exceed those deemed safe for children under the age of 6
- **Certification from law enforcement** agency overseeing witness protection and relocation.

**B. PREFERENCE #2: CURRENT RESIDENT OF THE CITY OF FALL RIVER**

Proof that applicant is a current resident of the City of Fall River as verified by at least one of the following documents:

- **Utility Bill:** Gas, electric, telephone, cable, or heating oil bill, less than 60 days old, containing applicant's name and residential address.
- **Cell Phone, Credit Card, Doctor or Hospital Bill:** Must be less than 60 days old.
- **Pay Stub:** Pre-printed with employer's name and address and applicant's name and residential address. This must be less than 60 days old.
- **Bank Statement or Transaction-related Document:** less than 60 days old, on a form generated by the issuing bank. This must display the bank's name and mail address, and the applicant's name and residential address. Must also have been received through mail by applicant.
- **ATM/Debit Card or Credit Card Statement:** With name and residential address, less than 60 days old.
- **Car Insurance Policy or Bill:** Must be less than 60 days old.
- **Car Loan Payment Book:** Must be current and display residential address.
- **First-Class Mail from any Federal or State Agency:** Must display residential address and no older than three (3) months.
- **Household or Motor Insurance Certificate:** No older than six (6) months.
- **School Transcript:** Must be an original with name and residential address and must be less than six (6) months old.
- **School Letter:** Original letter issued and signed by the principal, headmaster, or official keeper of records of Fall River school (including a college or university) that is on school letterhead and states that the applicant currently is an enrolled student and includes the applicant's name and residence.
- **Voter Registration:** Signed and certified by city/town clerk.
- **Annual Pension or Retirement Statement:** For the current year.
- **Homeowners or Renters Insurance Policy:** Must be current with applicant's residential address for current year.
- **Official letter from Shelter/Homeless Services provider:** Must be on original agency letterhead certifying applicant's date of placement and current temporary residency in a Fall River shelter.

**C. PREFERENCE #3: EMPLOYMENT/EDUCATION AND TRAINING/WORK EXEMPTION**

Proof at least one adult in applicant's household is employed a minimum of 32 hours weekly for at least three months OR as verified by at least one of the following:

- **Letter from Employer:** indicating date of hire, workplace location and weekly hours of employment. Must be less than 30 days old.

OR

Proof at least one adult in applicant's household is enrolled full-time in an educational or employment training program:

- **Letter from Education/Job Training Program:** Original letter issued and signed by the principal, headmaster, or official keeper of records of education or training program. Letter must be on school letterhead, include the applicant's name and residence, and dated within the last 30 days. Must state that the applicant's enrollment status in the education or training program is "full-time".

OR

Proof that both Head of Household and Spouse/Co-head, or sole member, are exempt from work due to elderly or disability status:

- **Original copy of Birth Certificate; Unexpired Passport; Original Baptismal Record; Marriage certificate, or Statement from Social Security Administration** that bears name and date of birth.
- **Letter from Physician or Medical professional.** On professional's letterhead stationery.
- **Statement, record, or letter from State or Federal Government agency that issues or provides disability benefits.** On original agency letterhead.
- **Statement, record or letter from a State Vocational Rehabilitation Agency counselor.** On original agency letterhead.

**D. VETERANS PRIORITY**

Proof of Veteran status:

- **DD214** or other discharge certificate
- **Income verification.** Pay stubs, award letters or other documents showing monthly income.
- **Shelter verification.** Rent receipt or mortgage payment.

Proof of status as Dependents of Veterans:

- **Marriage certificate** (for spouse or widow/widower of a veteran)
- **Birth certificate or adoption record with name of eligible veteran as parent** (for child of a veteran)
- **Death certificate** (for widow/widower of a veteran, child of deceased veteran)
- **Birth certificate of veteran with name of parent** (for parent of a veteran)

- **Public record or statements from the veteran or other knowledgeable people, showing that the applicant stood in place of a parent to the veteran for five years immediately preceding the veteran's wartime service** (for person in place of a parent to a veteran)

#### **E. VAWA PRIORITY**

1. **Form HUD-50066** completed and signed by applicant;

AND

2. **Certification** from an employee, agent or volunteer of a victim service provider, an attorney, or a medical or mental health professional;

AND

3. **Police or Court Record** describing the incident or incidents in question

### **6.4 VERIFICATION OF SUITABILITY FOR ADMISSION**

At the time of the Initial Interview, applicants will be informed about the FRHA applicant selection policy and what aspects of their background will be checked. The applicant and all adult family members, including live-in aides, will sign certifications to authorize the third-party release of information to FRHA. Third party verification of references must be kept in the application file for cases of denial.

#### **A. CRIMINAL BACKGROUND CHECKS**

##### **1. Legal Authorization**

Pursuant to the National Housing Act of 1937, which was amended by the Housing Opportunity Program Extension Act of 1996 and the Quality Housing and Work Responsibility Act of 1998, administrators of the Department of Housing and Urban Development's (HUD's) assisted housing programs (AHP) are permitted to obtain criminal history records of current and prospective tenants receiving benefits under an AHP for purposes of applicant screening, lease enforcement, and eviction, where applicable. On May 29, 1996, the HUD and the Department of Justice entered into an agreement which sets forth procedures for access to criminal history data under this Act.

A criminal background checks are conducted on every adult household member - including live-in aides - who applies for federally assisted public housing. Criminal history screening for applicants of FRHA's State-Assisted Housing Program is limited by statute to the Massachusetts Criminal Offense Records Information (iCORI)

FRHA contracts the services of National Credit Reporting (NCR) to conduct Criminal Background Checks on housing applicants. NCR has the unique advantage of being an FBI-approved Channeler and, as such, is able to submit applicant fingerprints to the FBI for processing in accordance with provisions of the National Housing Act of 1937, as amended

##### **2. Process for Obtaining FBI Reports**

- a) The inquiry process begins with adult applicants signing a Fingerprint/Criminal Conviction History Report Release Form.

- b) During an applicant's Initial Interview, Tenant Selection staff will scan the fingerprints of all adult household members using FBI-approved fingerprint scanning equipment. The LiveScan® Technologies flat fingerprint scanner electronically captures applicant fingerprints and ensures image quality.
- c) The files containing each applicant's fingerprints are then encrypted by LiveScan® Technologies software and submitted directly to NCR via a secure Internet connection.
- d) NCR then forwards the request to the FBI in accordance with provisions of the National Housing Act of 1937, as amended.
- e) Within 24 hours of submission, FRHA will receive an automated response that will list any criminal record matching the subject's fingerprints or a notification no matches were found.
- f) Records may only be accessed by FRHA staff who are designated as Authorized Recipients and who must meet all technical security requirements on the [www.myfbireport.com](http://www.myfbireport.com) website to view the results.
- g) To ensure criminal records are maintained confidentially, not misused or disseminated, and destroyed once the purpose for the record has been accomplished.

### **3. Scope of FBI Reports**

The FBI Criminal Reports provide information from 3,200 court jurisdictions and over 1,000 law enforcement agencies with one single request. This reduces the amount of time and money spent obtaining such information through multiple search methods. Because the FBI Criminal Report is based upon fingerprint matching, it is more accurate than the Nationwide Criminal Report, which only uses name and birthdate match. Each FBI Reports includes:

- a) Nationwide Criminal Report (arrest and conviction records for all fifty states)
- b) County Criminal Report (for all localities in which the applicant has reported residence)
- c) Nationwide Sex Offender Report
- d) Terrorist Database

## **B. ADDRESS HISTORY AND LANDLORD REFERENCES**

### **1. Address History Report**

In addition to providing FBI Records on all adult applicants, FRHA is also able to obtain applicants' current and previous addresses through its service agreement with NCR. FRHA uses this information to address any discrepancies between the NCR address history report and what has been disclosed by applicants.

### **2. Obtaining Landlord References**

FRHA verifies applicant tenant histories by solicitation of references from all landlords known to the applicant in the last five (5) years. References may be obtained from landlords in writing or orally. FRHA uses a 2-page questionnaire designed to solicit

information about potentially disqualifying conduct. Landlords are asked to return completed reference requests within seven (7) calendar days.

If FRHA obtains an oral landlord reference, extensive and detailed notes of the conversation shall be recorded in the applicant's file and include the conversation date, the identity of the source, and the name of the person receiving the information.

If a landlord reference is vague, FRHA will follow up with the landlord to determine whether reasons are sufficient for a disqualification.

### **3. Absence of Landlord Reference**

FRHA will not delay an applicant's final determination of eligibility due to a lack of responsiveness from previous landlords but shall make every effort to obtain information about a tenant's history.

In the absence of a credible landlord reference or if a landlord refuses to provide information, FRHA shall ask someone with knowledge of the applicant (i.e., a current or previous neighbor, case worker, or current housing provider) to complete and sign a checklist certifying the applicant's ability to comply with lease terms.

If an applicant is living in a shelter, safe haven or place not meant for human habitation and is actively receiving services from a Housing Stabilization Program recognized by the Commonwealth of Massachusetts (i.e., Continuum of Care, HOME Base, Emergency Solutions Grant Programs, etc.), FRHA shall waive the landlord reference requirement, provided his/her assigned case worker, advocate or other homeless services professional completes and signs a verification document certifying the applicant's ability to comply with lease terms.

### **4. Disqualifying Conduct in Tenant History**

FRHA shall follow the guidelines set forth in 760 CMR 5.08 (1) to determine whether an applicant's tenant history disqualifies him/her for admission. A disqualified applicant or household member is one who has:

- Disturbed a neighbor or neighbors in a prior residence by behavior, which if repeated by a tenant in public housing, would substantially interfere with the rights of other tenants to peaceful enjoyment of their units or the rights of FRHA employees to a safe and secure workplace.
- Caused damage or destruction of property at a prior residence, and such damage or destruction of property, if repeated by a tenant in public housing, would have a material adverse effect on the housing development or any unit in such development.
- Displayed living habits or poor housekeeping at a prior residence, and such living habits or poor housekeeping, if repeated by a tenant in public housing, would pose a substantial threat to the health or safety of the tenant, other tenants, or FRHA employees or would adversely affect the decent, safe and sanitary condition of all or part of the housing.
- Engaged in criminal activity, or activity in violation of M.G.L. c. 151B §4, which if repeated by a tenant in public housing, would interfere with or threaten the rights of other tenants or FRHA employees to be secure in their persons or in their property or with the rights of other tenants to the peaceful enjoyment of their units and the common areas of the housing development.

- A history of non-payment of rent and such non-payment, if repeated by a tenant in public housing, would cause monetary loss; provided, however, that if the applicant or household member paid at least 50% of his/her household's monthly income for rent each month during a tenancy but was unable to pay the full rent, an eviction for non-payment of the balance shall not disqualify such individual from public housing pursuant to 760 CMR 5.08(1)(e).
- A history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure, if repeated by a tenant of public housing, would be detrimental to the FRHA or to the health, safety, security or peaceful enjoyment of other tenants or of FRHA employees.

### **C. HOME VISIT FORM**

1. FRHA may complete a home visit on applicants that have passed criminal history screening and have incomplete or unfavorable landlord references. Home visits help FRHA assess whether the applicant's housekeeping habits might adversely affect the health, safety, or welfare of other tenants (See: Chapter 3.4G: *Grounds for Denial*)
2. Trained FRHA staff conducting the home visit will consider whether the conditions they observe are the result of the applicant's treatment of the unit or are caused by the unit's overall substandard condition.
3. All applicants shall have at least two (2) days' advance written notice of Home Visits.
4. Housekeeping criteria to be checked and documented shall include, but not be limited to:
  - a) Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entranceways, halls, and yard (if applicable);
  - b) Cleanliness in each room; and
  - c) General care of appliances, fixtures, windows, doors and cabinets.
5. Other FRHA lease compliance criteria will also be checked, such as:
  - a) Evidence of destruction of property;
  - b) Unauthorized occupants;
  - c) Evidence of criminal activity; and
  - d) Conditions inconsistent with application information.

### **D. EIV RECORDS/FORMER TENANT FILES**

FRHA will check the HUD Enterprise Verification System (EIV) system to determine if the applicant and/or any adult family members previously participated in any HUD housing programs (including its own) and whether or not they were evicted from the PHA, had Section 8 assistance terminated, or vacated owing debts. FRHA may also review an applicant family's former tenant/participant records that it may have on file. (See: Chapter 6.9: *Enterprise Income Verification*)

## **6.5 VERIFICATION OF NEED FOR PARTICULAR APARTMENT FEATURES**

At the time of screening for eligibility, applicants will be asked if they have a disability-related need that requires their dwelling to have any special features or modifications. Such features will include first floor apartments, need for accessible features such as wheelchair accessibility, and other factors. Such requests will be processed in accordance with the FRHA Reasonable Accommodation Policy.

## 6.6 VERIFICATION OF HOUSEHOLD COMPOSITION

At the time of screening for eligibility, the identification and status of each family member must be verified. All original verification documents requested are photocopied and returned to the applicant. Copies are maintained in the applicant/tenant file.

Following program admission, the HUD matching system will verify identity by confirming matches or discrepancies of name, social security number and date of birth for all household members. If a participant is reported under HUD Failed Identity Verification Report, they may be required to complete additional certification documents and follow-up verifications may be required which may result in recertification and retroactive rent charges.

### A. PROOF OF IDENTITY

Required for the Head of Household; Spouse or Co-Head; and all adult household members including Live-in Aides. Acceptable documentation includes one of the following:

- Current state-issued driver's license,
- Current state-issued identification card, or
- Valid passport

### B. PROOF OF AGE

Required for all household members listed on application. Acceptable documentation includes one of the following:

- Certificate of Birth or Naturalization Papers,
- Valid Passport,
- Original Baptismal Records,
- Certificate of Marriage or Civil Union, or
- Verification from U.S. Social Security Administration; United States Citizenship and Immigration Services or Department of Human Services.

### C. PROOF OF FAMILIAL RELATIONSHIPS

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

1. **Verification of guardianship or custody.** Required for minor children in the care of youth (or adults) in guardianship care. Acceptable documentation includes one of the following:
  - Court records of adoption, guardianship, or custody,
  - Verification from social services agency, or
  - Other written and sworn documentation under pains and penalty for perjury such as a written designation from the minor child's parent.

2. **Verification of pregnancy.** Required for all unborn children listed on application. Acceptable documentation includes one of the following:

- Doctor's statement certifying pregnancy and anticipated date of birth, or
- Medical records documenting pregnancy and anticipated date of birth

#### **D. VERIFICATION OF MARITAL STATUS**

Marital status will only be verified if there are minor children in the household resulting from the marriage and/or a divorce occurred within the last two years.

1. **Divorce:** Certified copy of the complete divorce decree, signed by a Court Officer.
2. **Legal Separation:** Copy of court-ordered maintenance or other records.
3. **Marriage/Civil Union:** Marriage certificate or certificate of civil union

#### **E. SOCIAL SECURITY NUMBERS**

Applies to all applicant household members except those individuals who do not contend to have eligible immigration status. The documentation necessary to verify the SSN of an individual must be one of the following:

- An original social security card issued by the Social Security Administration,
- Documentation issued by the Social Security Administration that contains the name and SSN of the individual (i.e., a benefit award letter, Medicare card, or printout), or
- An original document showing the individual's name and social security number, issued by a federal, state or local government agency (i.e., welfare agency documents, military papers, unemployment insurance documents, etc.)

#### **F. STATUS AS A FULL-TIME STUDENT**

Applies to family members over 17 years of age, if applicable:

- Statement on the letterhead of educational institution stating that the household member is enrolled as a full-time student at that institution.

#### **G. STATUS AS A FAMILY MEMBER REQUIRING A LIVE-IN AIDE**

- Statement from a reliable, knowledgeable professional (i.e., doctor, social worker, or case worker) certifying that a live-in aide is necessary for the care of the family member; how many hours the care will be provided; and the services required by the family member from the live-in aide.

#### **H. STATUS AS AN ELDERLY HOUSEHOLD**

Applies to Head and/or Co-Head of Household:

- Proof of Birth (see 6.6B above) indicating an age of at least 62 years

**I. STATUS AS A DISABLED HOUSEHOLD OR DISABLED PERSON**

Applies to Head and/or Co-Head for Disabled Household; applies to all family members for disabled person status:

- The family member's sole source of income is SSI benefits, SSDI benefits, or disability retirement income (See 6.7: Verification of Income and Assets);
- A certification from a Qualified Health Care Provider verifying that the household member meets the criteria of a Disabled Person for the state and federal housing programs. (See Glossary: Person with a Disability)

The FRHA shall not inquire as to the existence or nature of a disability or ask for information related to a disability or the medical history of residents, applicants, or their household members. However, if the Applicant is claiming Disabled Household status for the purposes of waiting list preference or obtaining an accessible unit or reasonable accommodation, then FRHA staff may inquire as to the relationship between the disability and the need for accessibility features (See Appendix B: Reasonable Accommodation Policy)

**J. U.S. CITIZENSHIP OR ELIGIBLE NON-CITIZENSHIP STATUS**

Applies to all household members regardless of their age.

**1. U.S. Citizen or Nationals:**

- a) Signed Declaration of 214 Status form

AND

- b) Original of one of the following documents: Birth Certificate, United States Passport, Baptismal Certificate or Military ID or Military DD 214 Form, Naturalization Certificate, or Certificate of Citizenship.

**2. Eligible immigrants who were receiving housing assistance and age 62 or over on June 19, 1995:**

- a) A signed Declaration of Section 214 Status

AND

- b) Proof of age

**3. Eligible Non-Citizens:**

- a) A signed Declaration of Section 214 Status

AND

- b) A signed Verification Consent Form

AND

- c) Original of one of the following, which must then be verified in INS/SAVE:

- Form I-551, Permanent Resident Card
- Form I-551C, Conditional Permanent Resident Card
- Form 1-151, Alien Registration Receipt Card (issued to permanent resident aliens before 1979)
- Form I-94, Arrival-Departure Record – Annotated (with one of the following):
  - Admitted as Refugee Pursuant to Section 207;

- Section 208 or Asylum;
  - Section 243(h) or Deportation stayed by Attorney General;
  - Paroled Pursuant to Section 212(d)(5) of the INA.
  - Form I-94, Arrival-Departure Record - Unannotated (with one of the following):
    - Final court action granting asylum, only if no appeal is taken;
    - Letter from INS asylum officer or district director granting asylum;
    - Court decision granting withholding of deportation;
    - Letter from asylum officer granting withholding of deportation.
  - Form I-688, Temporary Resident Card (annotated: "Section 245A" or "Section 210")
  - Form I-766, Employment Authorization Card (annotated "Provision of Law 274a.12(11)" or "Provision of Law 274a.12")
  - Documentation evidencing Status of Citizens of the Freely Associated State of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (Form I-94 reflecting the FSM or RMI citizen's admission under the compacts.
  - Receipt issued by the INS indicating that the application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified.
  - Other documents as published in the Federal Register determined to constitute acceptable evidence of eligible immigration status.
4. **Other Non-Citizens** who elect not to contend their immigration eligibility:
- Included on Listing of Non-Contending Family Members signed by the Head of Household
5. **Verification with USCIS (INS/SAVE System).** The FRHA will make a copy of the individual's INS documentation and place the copy in the file. FRHA will also verify their status through the electronic INS SAVE system or via U.S. Mail should the system be unable to confirm eligibility. A 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.
6. **Tenant Failure to Report Ineligible Noncitizens.** If the FRHA determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

#### **K. VERIFICATION OF PERMANENT ABSENCE OF ADULT MEMBER**

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

- Husband or wife institutes divorce action
- Husband or wife institutes legal separation

- Order of protection/restraining order obtained by household member against an absent member
- If the family member is incarcerated, a document from the Court or prison stating the length of incarceration
- Utility bills in the former member's name showing service at a new address
- Certification by U.S. Postmaster as to the mailing address of family member. A PO Box verification is not acceptable to prove primary residence
- Certification from licensed nursing home facility that member will be in residence for more than 30 days, AND certification by family that they are declaring them permanently absent
- Certificate of death
- Verification of new address by provider of benefit income or by employer
- In the absence of other proof, a unit inspection by housing management staff to confirm absence of person and belongings *AND* accompanied by a signed certification from the Head of Household

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.

## 6.7 VERIFICATION OF INCOME & ASSETS

Income verification information must be dated within ninety (90) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

### A. INCOME FROM EMPLOYMENT

Required for all non-exempt household members over 18. Acceptable documentation includes one of the following:

- A statement from the Employer stating the gross wages of the employee, including history or anticipated amounts of overtime or bonus to be earned by the employee,
- Pay stubs showing gross income for each pay period and all deductions taken for four consecutive weeks;
- The income of workers employed on an irregular basis will be estimated based on the verification of the best information available, with due consideration to earning ability and work history.

**B. INCOME FROM GOVERNMENTAL AGENCIES**

Required for all household members:

- A statement from the appropriate agency (Social Security Administration, Department of Transitional Assistance, etc.), stating the amount of annual or monthly income provided, including the gross amount and any deductions taken.

**C. INCOME FROM RETIREMENT ACCOUNT**

Required for all adult members, if applicable

- A statement from the source stating the amount of annual or monthly income provided, including the gross amount and any deductions taken

**D. INCOME FROM THE OPERATION OF A BUSINESS OR PROFESSION**

Required for all family members, if applicable:

- Most recent audited financial statement of income and loss;
- Most recent tax return showing income and loss from the operation of a business or profession.

**E. ZERO INCOME**

Required for all adult members claiming zero income:

- Complete *Zero Income Checklist and Worksheet* (to determine how day-to-day living expenses are met and the possibility that provision by outside parties for those expenses may fall within income inclusion requirements.), and
- Sign *Statement of Financial Responsibility*, and
- Sign *Authorization to Review Credit Report* (to verify applicant/tenant's expenses and financial obligations reported on Zero Income Checklist and Worksheet.) FRHA has an agreement with an authorized credit bureau for provision of online credit checks. A copy of the credit report will be kept in the application file.

**F. CHILD SUPPORT, ALIMONY, REGULAR GIFTS AND GAMBLING PROCEEDS**

Required for all family members, where applicable:

- A statement from the individual, business or agency providing the income and the frequency and amount of income provided; and/or
- Signed release form allowing the FRHA to obtain information from the State Division of Child Support.

**G. ACTUAL OR IMPUTED INCOME FROM ASSETS**

For a family with net assets equal to or less than \$5,000, a FRHA may accept a family's declaration of the assets for the purposes of recertification.

The PHA must obtain third-party verification of all family assets every three years. Required for all family members, if applicable:

- Recent statements for statement accounts, including bank accounts, money market funds, mutual funds, life insurance policies, or other assets for which regular statements are issued;
- Original passbook for passbook savings accounts;
- Most recent (no older than one year) appraised value of real property owned provided it's reflective of fair market value, in the form of property tax bill or appraisal from a Real Estate Appraiser;
- Appraised valuations of any non-essential personal assets such as jewelry, coin collections, antiques or classic cars.

#### H. DIVESTED ASSETS

Appraisal documents, original receipt and receipt at disposition

### 6.8 HIERARCHY OF INCOME VERIFICATION METHODS

FRHA follows the HUD-required verification hierarchy (Notice PIH 2010-19, 24 CFR 5.236(b)(2)), which orders accepted methods of verification from most preferable to least preferable. In fulfilling its income verification requirements for applicants and participants, FRHA starts with the highest and proceeds down the list of levels (in order).

VERIFICATION TECHNIQUE	PREFERENCE RANKING (HIGH TO LOW)
HUD's Enterprise Income Verification (EIV) system	<b>Highest</b> (Mandatory)
Upfront Income Verification (UIV) using non-HUD system	<b>Highest</b> (Optional)
Written Third Party Verification Documents	<b>High</b> (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information <b>and</b> is unable to provide acceptable documentation to support dispute)
Written Third Party Verification Form	<b>Medium-Low</b> (Mandatory if written third party verification documents are not available or rejected by FRHA; and when the applicant or tenant is unable to provide acceptable documentation)
Oral Third-Party Verification	<b>Low</b> (Mandatory if written third party verification is not available)

Tenant Declaration

**Low** (Use as a last resort when unable to obtain any type of third-party verification)

## 6.9 ENTERPRISE INCOME VERIFICATION (EIV)

FRHA uses the Enterprise Income Verification (EIV) as its UIV source. 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 social security number (SSN) reported on the form HUD-50058.

### A. ROUTINE EIV MONITORING

Routine use of the EIV system is mandatory for all Annual Recertifications and Interim Re-examinations as well as for all New Admissions within 120 days following date of initial occupancy.

### B. PERIODIC EIV MONITORING

1. FRHA will monitor the following EIV reports on a monthly basis:
  - Deceased Tenants Report
  - Identity Verification Report
  - Immigration Report
2. In addition, FRHA will monitor on a quarterly basis the following EIV reports
  - Income Discrepancy Report
  - Multiple Subsidy Report
  - New Hires Report.

FRHA 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.

### C. USE OF EIV DATA REPORTS

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 FRHA 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 FRHA requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

#### **D. PRIVACY AND EIV RECORDS RETENTION**

The information FRHA 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. FRHA is required to maintain at a minimum, the last three years of the form HUD-50058 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 shredding the data.

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

FRHA must obtain at a minimum, four (4) current and consecutive pay stubs for determining annual income from wages. In addition to a minimum of four (4) current or consecutive pay stubs, more may be requested, and the staff should ask about times of the year that bonus, overtime, etc. may occur. This is also used in the event of an EIV dispute. For new income sources or when two pay stubs are not available, the FRHA should project income based on the information from a traditional written third-party verification form or the best available 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.

Documents older than 60 days (from FRHA applicant interview/determination or request date) is acceptable for confirming effective dates of income.

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

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.

### 6.11 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 FRHA. The form is completed by the third-party by hand (in writing or typeset) when sent the form by the FRHA.

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 FRHA 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.

FRHA will allow fourteen (14) calendar days for the return of third-party written verifications prior to continuing on to the next type of verification.

### 6.12 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.

FRHA will allow fourteen (14) calendar days for the return of third-party oral verifications prior to continuing on to the next type of verification.

### 6.13 REVIEW OF DOCUMENTS

When UIV, written and oral third-party verifications are not available within the fourteen (14) calendar day period allowed in Sections 6.11 and 6.12 above, the Housing Authority 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).

### 6.14 EXCEPTIONS TO THIRD PARTY VERIFICATION REQUIREMENTS

#### A. TENANT SELF-CERTIFICATION

When UIV, written and oral third-party verifications are not available within the fourteen (14) calendar days period allowed in Sections 6.11 and 6.12 above, and hand-carried

verification cannot be obtained, the Housing Authority will accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member.

**B. WHEN THIRD-PARTY VERIFICATIONS ARE UNAVAILABLE**

The PHA must obtain and document in the Tenant File third party verification of the following factors, or must document in the tenant file why third-party verification was not available:

- Reported family annual income
- The value of assets
- Expenses related to deductions from annual income
- Other factors that affect the determination of adjusted income

If third party verification is not available for a variety of reasons, then FRHA may use other than third party verification. These reasons include:

- FRHA has made numerous attempts to obtain the required verifications with no success, or
- It is not cost-effective to obtain third party verification of income, assets, or expenses, when the impact on total tenant payment is minimal.

In these cases, FRHA shall document in the family file the reason(s) why third-party verification was not available [per 24 CFR §960.259(c)(1) and §982.516(a)(2)].

## 6.15 VERIFICATION OF ALLOWANCES AND DEDUCTIONS

**A. CHILDCARE EXPENSES**

- Statement from the provider of childcare of the amount of payment made on a periodic basis by the Applicant household.
- Bills and receipts from childcare provider

**B. DISABILITY ASSISTANCE EXPENSES**

- Statement from the household member who is providing the assistance of the amount of payment made on a periodic basis by the Applicant household.

**C. MEDICAL DEDUCTIONS**

Applicants must submit evidence of the following medical expenses for all household members paid within the last twelve (12) months:

- Statement of the cost of medical insurance and the frequency of cost from the provider or in the form of deductions indicated on pay stubs or Social Security statements accompanied by proof of payment;
- Receipts for payment of prescriptions and other health care needs. Non-prescription health care needs must be documented by both receipts and a statement from a Qualified Health Care Provider of the need for such items (including non-prescription medications, wheelchairs or other disability related aids, etc.);

- Signed printout of prescription costs from a pharmacy accompanied by proof of payment
- Medical or dental bills for a household member paid by a household member.
- Un-reimbursed reasonable attendant care and auxiliary apparatus expenses.

## 6.16 VERIFICATION OF EXCLUSIONS

In each case where the Applicant/Tenant claims that income should be excluded, FRHA will decide as to whether or not the information provided needs to be verified.

# CHAPTER 7: DETERMINING INCOME AND ALLOWANCES

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## 7.0 INTRODUCTION

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

## 7.1 INCOME

### A. DEFINITION

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

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

## 7.2 INCOME CATEGORIES

### A. EMPLOYMENT INCOME

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

### B. BUSINESS INCOME

The net income from the operation of a business or profession is included as income. 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.

1. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income.
2. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations.
3. Deductible business expenses include Interest payments on loans but do not include expenses related to business expansion or other capital improvements

**C. ASSET INCOME**

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. Common household items such as furniture, clothing, and vehicles used for day-to-day transportation shall not be considered assets for the purposes of calculating income.

**1. Types of Assets:**

- a) Savings and checking accounts;
- b) Certificates of deposit (CDs);
- c) Stocks, bonds, mutual funds, and other investment accounts;
- d) Life insurance policies that have a cash value;
- e) Real property;
- f) Personal property held as an investment, such as gems, jewelry, coin collections, and antique cars;
- g) Employer pension and retirement funds;
- h) Individual retirement accounts (IRAs) and similar retirement savings accounts;
- i) Annuities; and
- j) Trusts

**2. Determining accessibility.** An asset must be accessible to the family for it to be included as income. An asset is considered accessible if it meets one or more of the following criteria:

- a) Asset is held in a family member's name;
- b) Asset is associated with a family member's social security number;
- c) Family member can withdraw funds from or sell the asset;
- d) Asset and any income that it produces accrue to the benefit of a family member;
- e) Family member is responsible for paying taxes on income generated by the asset

**3. Determining actual anticipated income from assets.** Actual anticipated income is calculated by taking the 12-month anticipated income and subtracting any costs associated with owning the asset.**4. Determining cash value of assets.** Cash value of an asset is calculated by taking the verified market value (for real property, the Appraised Value for Real Estate tax) of the asset and subtracting any reasonable costs associated with liquidating the asset.**5. Determining imputed asset income.** This calculation is necessary only when the total cash value of the family's assets is greater than \$5,000. Imputed asset income is calculated by multiplying the total cash value of a family's assets by the Passbook Rate which FRHA sets at 0.75% below the FDIC National Savings Rate as permitted in *PIH Notice 2012-29*.**6. Determining Final Asset Income.** If the total cash value is \$5,000 or less, then the final asset income will be the total actual anticipated income from the family's assets. If the value of the asset is more than \$5,000, the final asset income will be the greater of imputed income or actual anticipated income.**7. Allowances and Deductions for Assets.**

- a) Expenditures for amortization of capital indebtedness are not used as deductions in determining asset income.

- b) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations.
- c) Reasonable costs associated with liquidating an asset would include (i) penalties for premature withdrawal of funds; (ii) broker and legal fees for selling assets or converting them to cash; or (iii) settlement costs for real estate transactions.

#### **D. PERIODIC RECEIPTS FROM SOCIAL SECURITY, RETIREMENT FUNDS, ETC.**

The full amount of any periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts is included as income. This includes 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. INCOME RECEIVED IN LIEU OF EARNINGS**

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay are included in annual income when they are received either in the form of periodic payments or as a lump sum that represents the delayed start of a periodic payment. (However, one-time settlement payments, such as a claim dispute or a permanent work-related injury are excluded.)

#### **F. WELFARE ASSISTANCE PAYMENTS**

1. **Definition.** HUD defines welfare assistance to mean payments to families or individuals, based on need, under programs funded separately or jointly by federal, state, or local governments, including the Temporary Assistance for Needy Families (TANF) program. The term "assistance" includes 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).
2. **As-Paid Localities.** The Commonwealth of Massachusetts is not an As-Paid locality and therefore welfare rent is not a consideration when calculating welfare assistance payments as income.
3. **Imputed Welfare.** Special rules apply to public housing residents who receive welfare assistance from a government program that requires a family member to participate in an economic self-sufficiency program. If a family experiences a specified welfare benefit reduction because of noncompliance with the requirement to participate in an economic self-sufficiency program or because of fraud in connection with the welfare program, FRHA will count as income:
  - a) the amount of assistance the family is actually receiving, and
  - b) the amount by which the family's assistance has been reduced is also counted. This is called imputed welfare

If the family's income increases for any reason after the sanction is imposed, the amount of imputed welfare income is offset by the amount of additional income. Should the

amount of welfare assistance be reduced as a result of any other reason than those listed above, the reduced amount will be the amount that shall be counted as income.

#### G. PERIODIC DETERMINABLE ALLOWANCES

Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling are included in annual income. Regular (i.e., weekly or monthly) contributions or gifts include rent and utility payments made on behalf of a family and other cash and noncash contributions.

#### H. MILITARY PAY

All regular pay, special pay, and allowances of a member of the Armed Forces are included in annual income. (Special pay to a member exposed to hostile fire is excluded.)

### 7.3 WHOSE INCOME IS COUNTED

HUD regulations draw a line between household members and family members. Household members include individuals who live with an assisted family but are not members of the family. The income of household members who are not considered family members is not counted and does not have to be reported on form HUD-50058. The table below outlines whose income is counted and whose is not:

<b>FAMILY MEMBERS</b>	<b>EMPLOYMENT INCOME</b>	<b>ALL OTHER INCOME</b>
Head	Yes	Yes
Spouse	Yes	Yes
Co-Head	Yes	Yes
Other adult	Yes	Yes
Child under 18	No	Yes
Full-time student over 18 (excluding head, spouse, co-head)	Count \$480; exclude remainder	Exclude financial assistance, All other income, except as specifically excluded by regulations, is included
<b>OTHER MEMBERS</b>	<b>EMPLOYMENT INCOME</b>	<b>ALL OTHER INCOME</b>
Foster child	No	No
Foster adult	No	No
Live-in Aide	No	No

## 7.4 EXCLUSIONS

FRHA will not provide any exclusions from income in addition to those already provided for by HUD, which include:

### **A. WAGE EXCLUSIONS**

1. Income from employment of children (including foster children) under the age of 18 years;
2. Income of a live-in aide
3. The special pay to a family member serving in the armed forces who is exposed to hostile fire.

### **B. LUMP SUM RECEIPTS**

1. Deferred periodic amounts from Supplemental Security Income (SSI) and Social Security (SS) benefits that are received in a lump-sum amount or in prospective monthly amounts, and deferred disability payments received in a lump-sum amount or in prospective monthly amounts from the Department of Veterans Affairs (excluded from annual income but may be included in a family's assets)
2. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses

### **C. TEMPORARY, NONRECURRING, OR SPORADIC INCOME**

1. Sporadic gifts are excluded from annual income—this exclusion applies to temporary, nonrecurring, or sporadic income of any kind, including employment income
2. Temporary income payments from the U.S. Census Bureau.

### **D. STUDENT FINANCIAL ASSISTANCE**

1. The full amount of student financial assistance paid directly to a student or to an educational institution is excluded from annual income. The exclusion of student financial assistance applies to all family members who are students, whether full- or part-time, including the head and spouse or co-head
2. Amount of scholarships awarded under Title IV including Work Study

### **E. PAYMENTS RECEIVED UNDER CERTAIN FEDERAL PROGRAMS**

1. Payments to volunteers under the Domestic Volunteer Services Act of 1977
  - Programs for seniors. This includes Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
  - National Volunteer Antipoverty Programs. This includes Volunteers in Service to America (VISTA), Peace Corps, Service-Learning Program, and Special Volunteer Programs;

- Small Business Administration programs. This includes the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
2. Payments received from programs funded under Title V of the Older Americans Act of 1985
    - Includes Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
  3. Allowances, earnings, and payments to AmeriCorps residents under the National and Community Service Act of 1990 are excluded from annual income.

#### **F. CERTAIN PAYMENTS TO NATIVE AMERICANS**

1. Payments received under the Maine Indian Claims Act
2. Payments received under the Alaska Native Claims Settlement Act
3. Income from sub-marginal land of the U.S. that is held in trust for certain Indian tribes
4. Income from the disposition of funds of the Grand River Band of Ottawa Indians
5. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
6. Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990
7. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al*
8. Benefits under the Indian Veterans Housing Opportunity Act of 2010 are also excluded from annual income.

#### **G. COMPENSATION AND REPARATION PAYMENTS**

1. Payments from Agent Orange Settlement
2. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era 24 CFR 5.609(c)(10);
3. Any amount of crime victim compensation received under the Victims of Crime Act is excluded from annual income. 24 CFR 5.609(c)(17)

#### **H. RESIDENT SERVICE STIPEND**

Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring,

lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;

**I. MEDICAL EXPENSE REIMBURSEMENTS**

Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member

**J. CERTAIN TAX REFUNDS**

1. Earned income tax credit (EITC) refund payments received on or after January 1, 1991, including advanced earned income credit payments, are excluded from annual income; and
2. 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.

**K. VARIOUS OTHER FORMS OF ASSISTANCE**

1. The value of food stamps provided under the Food Stamp Act of 1977;
2. Benefits under Section 1780 of the School Lunch Act and Child Nutrition Act of 1966;
3. Adoption assistance payments in excess of \$480 per adopted child are excluded from annual income;
4. 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;
5. Amounts paid by a state agency to a family to offset the cost of services and equipment needed to allow a developmentally disabled family member to live at home are excluded from annual income;
6. Payments received for the care of foster children or foster adults (including Kinship Guardian Assistance Payments);
7. 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);
8. The value of childcare under the Child Care and Development Block Grant Act of 1990; and
9. Payments made under Department of Health and Human Services Low-Income Energy Assistance Program.

**L. CERTAIN FEDERALLY FUNDED TRAINING PROGRAMS**

1. Amounts received under training programs funded in whole or in part by HUD are excluded from annual income; and
2. Allowances, earnings, and other payments to individuals participating in programs funded under the Job Training Partnership Act or the Workforce Investment Act of 1998 are excluded from annual income. Examples of such programs include employment and

Job Corps, veteran's employment programs, state job training programs, and career intern programs.

#### **M. STATE AND LOCAL TRAINING PROGRAMS**

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) or from training of a family member as resident management staff.

1. **Requirements.** Qualifying employment training programs must have clearly defined goals and objectives; are authorized by a Federal, State or local law; are funded by the Federal, State or local government; are operated or administered by a public agency; and have as their objective to assist participants in acquiring employment skills.
2. **Excluded amounts.** Amounts are excluded only for the period during which the family member participates in the qualifying training program. The exclusion is also limited to the amount by which earnings and benefits increase from the last certified pre-training income. Incremental earnings and benefits mean the earnings and benefits resulting from a qualifying employment training program or subsequent job.

### **7.5 EARNED INCOME DISALLOWANCE**

#### **A. OVERVIEW**

1. The purpose of the Earned Income Disallowance (EID) is to encourage self-sufficiency by rewarding family members who go to work or earn additional income. Under the EID regulations, all or part of the additional income earned by these persons is temporarily excluded from annual income so that it does not produce a rent increase.
2. The EID is a temporary disallowance that consists of two 12-month exclusion periods, one full and one partial, and a lifetime limit of 24 months. Each person can receive only one 24-month disallowance period during his or her lifetime.

#### **B. FACTORS FOR CALCULATING EID**

The amount of the disallowance depends on the following factors:

1. The income the family member was receiving prior to qualifying for the EID. (This is referred to as the or *baseline* income and includes **all** income—from assets as well as other sources—received by the family member prior to qualifying for the EID);
2. The income the family member is currently receiving (this includes **all** income received by the person); and
3. The exclusion period (whether full or partial)

### C. QUALIFYING EVENTS

To qualify for the EID, a family must be a current adult tenant in a federally assisted public housing and must experience an increase in annual income that is the result of one of the following three events:

1. New employment by a family member who was previously unemployed for one or more years prior to employment;
2. Increased earnings by a family member whose earnings increased during participation in an economic self-sufficiency program or other job-training program;
3. New employment or increased earnings by a family member who has received TANF assistance, benefits or services within the past six months.

### D. DEFINITIONS

1. **During participation** means the increase in earnings must occur while the individual is enrolled in the program.
2. **Previously unemployed** includes a person who has earned not more than could be earned working 10 hours per week for 50 weeks at the established minimum wage.
3. **Economic self-sufficiency program.** Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families. Programs that satisfy this definition include:
  - a) Job training, employment counseling, workfare, work placement, and apprenticeship programs
  - b) Programs for education, basic skills training, English proficiency, and financial or household management
  - c) Programs that ready residents for work, such as substance abuse and mental health treatment programs

### E. FULL-EXCLUSION (INITIAL 12-MONTH PERIOD)

1. FRHA staff uses an EID Eligibility Checklist and Worksheet at Interim and Annual Recertifications to aid Management staff in determining if family member qualified for EID.
2. At the time of the potential EID qualifying event, FRHA will subtract the family's prequalifying annual income from the family's current annual income.
3. If the result is zero or negative, the family does not qualify for the EID.
4. If the result is positive, and a family member has experienced one of the three qualifying events, the family is eligible for the EID
5. For tracking purposes, the full exclusion period begins on the first of the month following the date on which employment and/or increased earnings commences.
6. The initial full exclusion extends for a total of 12 consecutive months.
7. The full exclusion amount is calculated by excluding 100% of the **lower** of:
  - a) family member's current earned income minus their earned baseline income
  - b) family member's total current income minus their total baseline income

**F. PARTIAL EXCLUSION (PHASE-IN 12-MONTH PERIOD)**

1. During the second 12-month exclusion and phase-in period, the exclusion is reduced to half, or 50 percent, of the increase in income attributable to employment or increased earnings.
2. The second 12-month exclusion period begins after the family member who qualifies has received 12 consecutive months of full exclusion.
3. Like the initial period, the phase-in period extends for a total of 12 consecutive months.
4. The partial exclusion amount is calculated by excluding half (50%) of the lower of
  - a) family member's current earned income minus their earned baseline income
  - b) family member's total current income minus their total baseline income

**G. MAXIMUM TWO-YEAR (24 CONSECUTIVE MONTHS) DISALLOWANCE**

1. Once a family member is determined to be eligible for the EID, the 24-calendar month period starts;
2. If the family member discontinues the employment that initially qualified the family for the EID, the 24-calendar month period continues;
3. During the 24-calendar month period, EID benefits are recalculated based on changes to family member income and employment;
4. The EID benefit is limited to a lifetime 24-month period for the qualifying family member;
5. At the end of the 24 months, the EID ends regardless of how many months were "used."

**H. TRACKING EID**

1. The FRHA's tenant management software has a module to assist Management staff in the tracking an EID qualifying individual's stages the full and partial exclusion periods and management of EID exclusions.
2. For EID participants, interim re-examinations will be conducted at the beginning of the phase-in exclusion period, whenever an EID recipient experiences an increase in income during the phase-in exclusion period, and at the end of the 24-month eligibility period.

## 7.6 ADJUSTED INCOME

HUD regulations list five mandatory deductions (also known as allowances) for which a family receiving assistance under the public housing program may qualify:

**A. DEPENDENT DEDUCTION**

One \$480 deduction for each dependent in a family

**B. ELDERLY OR DISABLED FAMILY DEDUCTION**

One \$400 deduction for any elderly family or disabled family;

### C. MEDICAL EXPENSE DEDUCTION

1. **Allowance:** The amount of total anticipated medical expenses (of all family members) of an elderly or disabled family that exceeds 3% of the family's annual income.
2. **Qualifying Criteria:** Only elderly and disabled families are eligible for this deduction. Medical expenses must meet two essential criteria:
  - a. They must be anticipated (regular, ongoing expenses that a family expects to pay in the 12 months following examination or reexamination), and
  - b. They must be unreimbursed (may not be covered by an outside source such as insurance)
3. **Allowable expenses:** Include any unreimbursed out-of-pocket expenses prescription drugs, including those incurred by participants in the Medicaid Part D prescription drug plan. FRHA uses the Internal Revenue Service (IRS) Publication 502, Medical and Dental Expenses, as the standard for defining what else qualifies as a medical expense.

### D. DISABILITY ASSISTANCE EXPENSE DEDUCTION

1. **Allowance:** The amount of the total anticipated disability assistance expenses that exceed 3% of the family's annual income.
2. **Eligibility:** This deduction is not limited to disabled families; any public housing family with a disabled member may qualify.
3. **Qualifying Criteria:** Disability assistance expenses meet five (5) essential criteria:
  - a) They must be necessary to enable at least one adult family member to work (that member may be the person with disabilities);
  - b) They must be anticipated;
  - c) They must be unreimbursed;
  - d) They may not be paid to any member of the assisted family; and
  - e) They must be reasonable.
4. **Allowable Expenses:** By regulatory definition, disability assistance expenses include costs for attendant care or auxiliary apparatus items for persons with disabilities. FRHA further defines these expenses:
  - a) Attendant care. In-home care, adult day, care, nursing, housekeeping, personal care, errand services, interpreters for persons with hearing, impairments, and readers for persons with visual disabilities, and similar care.
  - b) Auxiliary apparatus. Wheelchairs, ramps, adaptations to vehicles, scooters, reading devices for persons with visual disabilities, service animals, and similar items (including cost of maintenance and upkeep for such items).
5. **Limitations:** This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities. In such cases, the deduction for disability assistance expenses will be capped at the amount earned by that family member.

**E. FAMILIES THAT QUALIFY FOR BOTH MEDICAL AND DISABILITY ASSISTANCE EXPENSES.**

If an elderly or disabled family has both medical expenses and disability assistance expenses, FRHA uses a special calculation to ensure that the family's 3 percent threshold is applied only one time:

1. When disability assistance expenses are equal to or greater than 3% of annual income. FRHA will deduct the amount of disability assistance expenses which exceeds 3% of annual income, plus the full amount of the family's medical expenses.
2. When disability assistance expenses are less than 3% of annual income. The family does not receive disability assistance expense deduction, but the deduction for medical expenses is the amount by which the sum of both disability assistance expenses and medical expenses exceeds 3 percent of the family's annual income.
3. When a family's disability assistance expenses exceed the amount earned by the family member who is enabled to work and also exceed 3 percent of the family's annual income, FRHA will deduct the amount earned by the family member, plus the full amount of the family's medical expenses.

**F. CHILD CARE EXPENSE DEDUCTION**

1. **Allowance.** FRHA will deduct the amount of childcare expenses that do not exceed the amount of employment income of the member that is allowed to work. When childcare expenses enable more than one member of a family to work, FRHA will assume that the childcare expenses enable the lowest paid individual to work.
2. **Eligibility** Childcare expenses are deductible only if they are necessary to enable a family member to engage in one of the following three activities:
  - a) Be gainfully employed
  - b) Actively seek work
  - c) Further his or her education (academic or vocational programs)
3. **Qualifying Criteria.** Childcare expenses must meet certain criteria:
  - a) must be anticipated
  - b) must be for the care of children under the age of 13
  - c) must be reasonable
    - i. FRHA will compare the hours that a family member engages in an eligible activity with the hours during which childcare is provided to determine if expenses are reasonable.
    - ii. When childcare expenses enable a public housing family member both to work and to go to school, FRHA will prorate the childcare expenses so that the portion that corresponds to the hours the family member works can be compared with the amount earned during those hours.

# CHAPTER 8: DETERMINATION TENANT RENT

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## 8.0 CALCULATING TOTAL TENANT PAYMENT

- A.** Total tenant payment (or TTP) represents the amount that a tenant is expected to pay on a monthly basis for rent and applicable utilities. TTP is based on income and used in the calculation of tenant rent for the public housing.
- B.** HUD regulations specify the formula for calculating total tenant payment (24 CFR 5.628). TTP is the highest of the following amounts, rounded to the nearest dollar:
  - 1. 30% of family's monthly adjusted income
  - 2. 10% of family's monthly income
  - 3. minimum rent established by FRHA
  - 4. welfare rent (does not apply in Massachusetts)

## 8.1 MINIMUM RENT

### **A. DEFINITION**

Minimum rent is a term that represents a dollar amount set by the FRHA and applies to all tenants in public housing. HUD requires PHAs to implement a minimum rent within a range of zero to fifty dollars (24 CFR 5.630). The FRHA has set the minimum rent at **\$50.00**.

### **B. FINANCIAL HARDSHIP EXEMPTION**

FRHA must grant an exemption from payment of minimum rent if the family is unable to pay minimum rent because of financial hardship (24 CFR 5.630). FRHA will notify all families of their right to request minimum rent hardship exemptions and advise them that hardship exemptions are subject to applicable Informal Review and/or Grievance Hearing procedures. Families cannot request a hardship exemption if the family's calculated TTP is higher than the minimum rent.

### **C. DEFINING FINANCIAL HARDSHIP**

According to HUD regulations, financial hardship includes the following situations 24 CFR 5.630(b):

- 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
- 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;

3. When the income of the family has decreased because of changed circumstances, including loss of employment;
4. When a death has occurred in the family.

Additionally, FRHA also considers hardship to exist:

5. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;

#### **D. REQUESTS FOR EXEMPTION**

1. If a family requests a hardship exemption, the FRHA will immediately suspend the minimum rent for the family until it can be determined whether the hardship exists and whether the hardship is of a temporary or long-term nature. During the suspension period FRHA will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
2. FRHA will notify the family requesting exemption that they have thirty (30) days to provide reasonable documentation evidencing one of the hardship circumstances listed in 8.1(B) above (i.e., Examples include: statement from government agency issuing financial assistance, invoice from childcare provider or medical provider, etc.).
3. Upon receipt of such documentation, FRHA will promptly make a determination and notify the family of whether or not they qualify for an exemption and, if so, whether that exemption is temporary or long-term.
  - a) **No hardship.** If FRHA determines there is no qualifying hardship, the minimum rent will be reinstated retroactively to the time of suspension. The family must pay the back rent in accordance with the terms and conditions of FRHA's rent repayment agreement policy.
    - i. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure
  - b) **Temporary hardship.** If FRHA determines that a qualifying hardship is temporary, the minimum rent will be suspended for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the beginning of the suspension period. FRHA will offer a repayment agreement in accordance with the Section 10.6 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
  - c) **Long-term hardship.** If FRHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists. Repayment of the minimum rent for the period of the long-term hardship is not required. FRHA will determine the end of a qualifying long-term hardship at the next interim or annual recertification:
    - i. when the family's income is calculated and TTP becomes greater than the PHA's minimum rent; and/or
    - ii. when the changed circumstances resulting in hardship no longer exist.

## 8.2 RENT CALCULATION

### A. INCOME-BASED RENT

Upon admission and at every recertification, monthly rent is determined by adding together gross income from all sources for all family members, including income from assets, and reducing that income by allowable deductions and income exclusions, in accordance with Federal (HUD) and State (DHCD) laws and regulations.

Projections of annual income shall be based on the best available information, with due consideration to the past year's income of all household members, current income rate and effective date; and shall include projections for each income recipient in the household. When collecting verification documentation, FRHA will follow the HUD-prescribed Verification Hierarchy outlined Chapter 6.

### B. FLAT RENT

1. **Purpose.** The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families that are attempting to become economically self-sufficient 24 CFR 960.253(b). Families that elect the Flat Rent option shall only be subject to third-party income verifications every (3) three years.
2. **Formula.** The FRHA has set a flat rent for each Public Housing unit based on 80% of the HUD published Fair Market Rent. The Flat Rents are computed according to HUD PIH 2014-12 and shall not be less than 80% of the FMR as published subject to the phase-in requirements outlined in the notice.
3. **Notice.** The amount of the flat rent will be re-evaluated annually and updated in accordance with the HUD formula and current Fair Market Rent schedule. For families electing to remain on flat rent, any adjustments made to the flat rent tables shall applied at time of annual re-certification. Families will be given a 30-day notice of any rent change. The FRHA will post the flat rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

### C. FAMILY CHOICE OF RENT

At admission and each year in preparation for their annual reexamination, families in federally assisted public housing are given the choice of having their rent determined under the formula method (income-based rent) or having their rent set at the flat rent amount.

1. Families that choose income-based rent will be required to go through a reexamination of family composition and income annually.
2. Families who opt for the flat rent will be required to go through the income reexamination process every three (3) years but will still need to recertify annually to verify family composition and certify Choice of Rent, CSSR status and sign other required lease forms.
3. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time if payment of flat rent is a financial hardship due to:
  - a) The family's income has decreased.

- b) The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
  - c) Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- 4. FRHA will apply the same procedure for determining hardship as those described above for minimum rent exemption.
  - 5. Once a family switches to income-based rent because of financial hardship, the family must wait until its next annual reexamination to switch back to a flat rent. The flat rent option will not be offered during interim reexaminations.

### 8.3 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

#### A. REGULATIONS

HUD regulations prohibit assistance to ineligible family members, that is to say, those who are without citizenship or eligible immigration status. However, an eligible mixed family who requests prorated assistance must be provided prorated assistance per 24 CFR §5.520(d). A “mixed family” means a family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

#### B. STEPS FOR CALCULATING PRORATION OF ASSISTANCE

- 1. Determine the Total Tenant Payment (TTP) in accordance with 24 CFR §5.628. (Annual income includes income of all family members, including any family member who has not established eligible immigration status.)
- 2. Family *maximum rent is equal to the applicable flat rent* for the unit size to be occupied by the family (maximum rent = flat rent).
- 3. Subtract the TTP from the family maximum/flat rent. The result is the maximum subsidy for which the family could qualify if all members were eligible (“family maximum subsidy”).
- 4. Divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status (“eligible family member”). The subsidy per eligible family member is the “member maximum subsidy.”
- 5. Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status (“eligible family members”). The product of this calculation is the “eligible subsidy.”
- 6. The mixed family TTP is the maximum/flat rent minus the amount of the eligible subsidy.
- 7. Subtract any applicable utility allowance from the mixed family TTP. The result of this calculation is the mixed family tenant rent.
- 8. When the mixed family’s TTP is greater than the maximum rent, the PHA must use the TTP as the mixed family TTP.

**C. DETERMINING MAXIMUM RENT**

1. **Methodology.** Family maximum rent is equal to the applicable flat rent for the unit size to be occupied by the family.
2. **Notification.** The Schedule of Maximum Rents should be publicly and conspicuously posted in the PHA or project office and furnished to applicants and tenants upon request.

**D. FLAT RENT UNDER MIXED FAMILY RULE**

When a Mixed Family elects to pay the Flat Rent, certain exceptions to the “Family Choice of Rent” option apply:

1. If the **Mixed Family TTP** is *greater* than the **Flat Rent**, then FRHA must use the Mixed Family TTP, and the “Family Choice of Rent” option shall not apply.
2. If the **Mixed Family’s TTP** is *less* than the **Flat Rent**, then FRHA shall offer the “Family Choice of Rent” option and the family may elect to pay either the Mixed Family TTP or the current Flat Rent.

## 8.4 PAYING RENT

**A. ACCEPTANCE METHODS**

All rents are due and payable on or by the seventh day of the month. All rents shall be paid via U.S. Postal Service to Fall River Housing Authority, PO Box 2755, Fall River, MA 02722. Reasonable accommodations for this requirement will be made for persons with disabilities. All rent is to be paid with check or money order and only small cash payments of less than \$10 may be accepted at the Authority’s main office located at 85 Morgan Street.

**B. LATE PAYMENT**

1. In the event a family fails to pay all or any part of the rent within thirty (30) days of its due date, FRHA will charge a late fee in accordance with Part I, Section II (D) of the Public Housing Lease Agreement. If the family demonstrates good cause for late payment and enters a repayment agreement, FRHA may, at its discretion, waive the late fee.
2. By charging a late fee, FRHA in no way excuses a family’s breach of its obligation under lease to pay rent. FRHA retains the rights to terminate the lease; to evict the family; and to collect arrearages, constable fees and costs on account of the family’s failure to pay rent when due.
3. If rent is paid by a personal check and the check is returned by the bank for insufficient funds, this shall be considered a non-payment of rent and the Tenant shall be charged a fee for the penalty costs associated with returned checks in accordance with Part I, Section II (B) and Part II, Section VI of the of the Public Housing Lease Agreement.

## 8.5 ABSENCE DUE TO MEDICAL REASONS

A Tenant may be absent from the unit for up to 180 days while receiving medical treatment for a condition that has been certified as a medical necessity by a licensed physician and the treatment will take place at a licensed medical treatment facility. The tenant must inform the FRHA of this treatment within 30 days of the start of the absence from the apartment. Tenant must remain current with rent payments during the absence. Absences under this section that exceed 180 days shall be considered abandonment of the unit.

# CHAPTER 9: LEASING AND LEASE PROVISIONS

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## 9.0 PRE-OCCUPANCY ORIENTATION

As part of the first stage in the leasing process, Fall River Housing Authority (FRHA) requires applicants to attend a formal training, or an orientation session. The purpose of a training or orientation session is to:

1. Help explain tenant and PHA obligations
2. Review the lease with the tenants
3. Answer questions
4. Show the unit to the family

Topics covered include:

1. FRHA policies and lease (i.e., Pet Policy, VAWA, Reasonable Accommodations)
2. Resident and PHA responsibilities under the lease
3. Paying rent
4. Family choice of rental payment
5. Community service requirements
6. Care of the unit
7. Requesting maintenance services
8. Definition of routine vs. emergency repairs
9. Obtaining service in an emergency
10. Unit Inspections
11. Tenant fair housing rights
12. Lead safety

## 9.1 LEASING

The public housing lease is a legal contract between FRHA and a resident that establishes FRHA's obligations to its residents as well as the obligations of the residents to the FRHA.

### A. LEASE EXECUTION

1. The lease shall be signed by the Head of Household, and Co-Head of Household, if any, and by the authorized representative of FRHA, prior to actual admission.
2. All members of a Household shall be specifically listed on the lease.
3. FRHA will provide the applicant will be one executed copy of the lease, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, lead paint disclosures, and a request for reasonable accommodation form. These documents will be explained in detail.

4. The applicant will sign a certification that they have received these documents and that they have reviewed them with FRHA personnel.
5. The executed lease signed certifications and all other admission documents will be maintained in the tenant's file.
6. Only those persons listed on the most recent lease shall be permitted to occupy an apartment on a continuing basis.

## **B. LEASE CHANGES**

1. If at any time during the term of the lease, a change in the resident's status or circumstances results in the need for changing or amending any provision of the lease, either:
  - a) A new lease agreement will be executed, or
  - b) A Notice of Rent Change will be sent to the resident, or
  - c) An appropriate lease addendum shall be executed and become part of the existing lease. All copies of such addenda are to be dated and signed by the Head and Co-Head of Household and by the authorized representative of the FRHA.
2. If a resident transfers from one unit to another, a new lease shall be executed for that unit into which the Household moves.

## **C. LEASE TERM**

The assisted tenancy begins on the effective date stated in the lease. In accordance with the Quality Housing and Work Responsibility Act, leases for all FRHA developments will be for a duration of 12 months. At the end of each 12-month term, leases will be automatically renewed, unless there is noncompliance by an adult Household Member with the FRHA's Community Service and Self-Sufficiency Policy after its effective date.

# **9.2 ADDING A NEW HOUSEHOLD MEMBER TO LEASE**

## **A. SCREENING PROSPECTIVE MEMBERS**

In order to add a household member to the lease, the Head of Household must submit a request in writing for FRHA consideration and approval. Advance approval from FRHA is not needed in cases of the birth, adoption or court-awarded custody of a minor child. Families may not add foster children or foster adults to the lease if doing so will result in overcrowding of the unit.

The prospective household member must meet all eligibility criteria in accordance with this plan. The change will not be approved unless accompanied by all required documentation.

- Verification of identity
- Verification of social security number
- Verification of income and assets from all sources
- Signed consent forms

- Verification of citizenship/eligible citizenship status
- Verification of relationship to the Head of Household
- Criminal background checks
- Landlord references
- Review of assisted tenancy history through HUD EIV system.

## **B. RESTRICTIONS**

Unless changes are related to birth, adoption, marriage, permanent court-awarded custody or the addition of a live-in aide, approvals of additions to the household will be denied if

1. They result in overcrowding per the maximum occupancy standards of this policy, or
2. The family is not in “good standing” at the time of an application for additions of person(s) to lease. (“Good standing” means the household is current in its rental payments and not currently under a Fourteen (14) Day or a Thirty (30) Day Notice to Quit, Summary Process Action or action pursuant to Mass. Gen. Laws, Chapter 139, Section 19.)

## **C. DETERMINATION OF ELIGIBILITY**

If FRHA deems the new household member eligible, FRHA will conduct an Interim Recertification.

1. If the family’s rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 10.2 below.
2. If the family requires a transfer to a larger unit as a result of the additional member, the family may submit a Transfer Request in accordance with the procedures outlined in 12.2 of this policy.
3. If the additional household member is age 18 or over, he/she must sign a Lease Acknowledgment Form certifying their accountability to all provisions of the lease.

If the prospective household member is found to be ineligible or does not pass the screening criteria, FRHA will notify him/her in writing and provided an opportunity for an informal review.



# CHAPTER 10: ANNUAL AND INTERIM RE-EXAMINATIONS

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## 10.0 OVERVIEW

At least annually, the Fall River Housing Authority (FRHA) will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the amount of rent the family will pay and (2) whether the family is in the appropriate unit size.

## 10.1 ANNUAL RE-CERTIFICATIONS

### A. NOTICE

Each year, at least 90 days prior to the scheduled annual reexamination effective date, FRHA will send a Notice of Annual Re-examination to families. The notice of reexamination will include documents to be completed and returned by the family prior to their interview date and will include a checklist of required resident provided documents to be submitted at the time of interview.

Interviews will be held at a site located at development the resident resides in. At the appointment, FRHA will assist any family in identifying the rent method that would be most advantageous. Families who may need to make alternate arrangements due to a disability may request an accommodation of their needs.

### B. REQUIRED INFORMATION

The Head of Household is required to provide FRHA with accurate and current information on the following, as stipulated in the lease:

1. Family composition
2. Annual income, sources of income, assets, and expenses of all members (families paying flat rent need only provide income information every three years)
3. Community service and economic self-sufficiency activities and exempt status of all family members over age 18
4. Social security numbers, proof of age, and proof of identity for any new family members
5. Citizenship or eligible immigrant status of any new family members

### C. FLAT RENT FAMILIES

Families already paying flat rent will receive an appointment letter that will include the following information:

1. A certification for the family to sign selecting either (a) income-based or (b) flat rent. (Families selecting to continue paying flat rent, will not be required to attend the reexamination appointment.)

2. The amount of the flat rent for their unit size.
3. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.
4. The dates upon which FRHA 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.
5. The name and phone number FRHA representative for inquiries regarding flat rents.

#### **D. VERIFICATION**

1. FRHA will verify all required information listed in 10.1 (B) above in accordance with the corresponding verification document requirements outlined in Chapter 6 of this policy.
2. HUD Enterprise Income Verification (EIV) and third-party verifications will be requested as required based on the most recent information reported by the household.
3. FRHA will compare the information the family reports to the family's most recent EIV report and ask the family to explain any discrepancies.
4. During the appointment, the FRHA will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

#### **E. NOTIFICATION OF CHANGE**

FRHA will make appropriate adjustments in the rent after consultation with the family and upon verification of the information. The public housing lease requires FRHA to give the family at least 30 days' notice in writing stating any change in the amount of tenant rent and when the change is effective. Recertification effective dates will be the month in which the annual anniversary of the commencement of the resident's tenancy occurs. (i.e., if a family's date of admission is January 12, the recertification effective date will be January 1.)

#### **F. DELAYS**

1. If the rent determination is delayed due to a reason beyond the control of the family:
  - a) 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
  - b) any rent decrease will be effective as scheduled on the anniversary date
2. If the family causes the delay in rent determination:
  - a) any rent increase will be effective on the anniversary date
  - b) any rent decrease will be effective the first of the month after the rent amount is determined

#### **G. MISSED APPOINTMENTS**

If the resident fails to attend the scheduled interview and/or submit or sign required documents, a second notice will be sent via first class mail.

If the resident fails to comply with the second notice, the Property Manager will be responsible for determining whether there are mitigating circumstances that have caused the resident the inability to cooperate. If a hardship situation exists, the property management staff will assist the family in completing the annual reexamination process.

If the family fails to respond to the management staff's efforts or it is determined that there were no extenuating circumstances involved, a notice to terminate tenancy will be issued.

## 10.2 INTERIM REEXAMINATIONS

### A. INTERIM REPORTING REQUIREMENTS

1. Between regular reexaminations, families are required to report the following changes to FRHA within ten (10) days of their occurrence:
  - a) A member has been added to the family through birth or adoption or court-awarded custody.
  - b) A household member is leaving or has left the family unit.
  - c) Any increase of 10% or more in their monthly gross household income (families using income-based formula)
2. Although not required, families may, at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the FRHA will take timely action to process the interim reexamination and recalculate the tenant's rent.

### B. NOTIFICATION OF RENT CHANGE

1. FRHA will review and verify only information related to reported changes during an interim examination, no other information will be reviewed.
2. FRHA will notify the family of the new rent amount and notification will include the FRHA's procedures for advising the family of the opportunity for an Informal Review.
  - a) Increases in TTP are effective the first day of the second month following the effective date of the income change.
  - b) Decreases in TTP are effective the first of the month following the change.

### C. DELAYS

Generally, interim rent increases will be effective the first of the second month after the month in which the family receives notice of the new rent amount.

1. If the rent determination is delayed due to a reason beyond the control of the family:
  - a) Decreases in TTP will be effective the first of the month after the interim reexamination should have been completed
  - b) Increases in TTP will be effective the first of the month after the month in which the family receives a 30-day notice of the amount
2. If the family causes the delay in rent determination or did not report the change in a timely manner:

- a) Increases in TTP will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase)
- b) Decreases in TTP will be effective the first of the month after the rent amount is determined

### 10.3 TIMELY REPORTING OF ACCURATE INFORMATION

If FRHA finds that the resident misrepresented or failed to report accurate income information at either an annual or interim reexamination or did not report such information in a timely manner, so that the rent being paid is less than what should have been charged, then the PHA will apply any increase retroactively.

If a family overpaid rent due to a family error, the rent will be changed prospectively. In these cases, rent reductions will not be made retroactive.

### 10.4 SPECIAL REEXAMINATIONS

If the PHA cannot estimate anticipated income based on the available information with any degree of accuracy at the time of admission or regular reexamination – or the family reports zero income and has no income excluded for rent calculation - FRHA may schedule special reexaminations every sixty (60) days until the income until a reasonably accurate estimate of income can be made.

### 10.5 REPAYMENT AGREEMENTS

When a resident owes the FRHA back charges and is unable to pay the balance by the due date, the resident may request that the FRHA allow them to enter into a Repayment Agreement. The FRHA has the sole discretion of whether to accept such an agreement, and the length of time allowed for Repayment Agreement is at the sole discretion of the Authority.

All Repayment Agreements must assure that the full payment is made within a period not to exceed 12 months. If feasible, the total amount paid will not exceed 40% of monthly adjusted income. All Repayment Agreements must be in writing and signed by both parties. They must include the following elements:

- Reference to the paragraphs in the Public Housing lease or whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the PHA.
- The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- 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. The housing authority will allow repayment agreements for those tenants whose rental amount is the minimum rent and who have had their rent abated for a temporary period.

# CHAPTER 11: UNIT INSPECTIONS

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## 11.0 OVERVIEW

An authorized representative of the Fall River Housing Authority (FRHA) 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 FRHA file and a copy given to the family member. An authorized FRHA representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law.

## 11.1 TYPES OF INSPECTIONS

After the applicant has been through training or orientation and has accepted a unit, the PHA conducts a move-in inspection. The applicant or a representative of the applicant must attend this inspection.

Both parties will sign a written statement noting the conditions of the dwelling unit and the equipment or appliances provided. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file. The inspection form provides a written record to compare the unit's condition at the beginning of occupancy, during occupancy, and at the termination of tenancy.

### A. ANNUAL INSPECTIONS

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

### B. PREVENTATIVE MAINTENANCE INSPECTIONS

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

### C. SPECIAL INSPECTIONS

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

**D. HOUSEKEEPING INSPECTIONS**

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

**E. NOTICE OF INSPECTION**

For inspections defined as annual inspections, preventative maintenance inspections, and housekeeping inspections the FRHA will give the tenant at least seven (7) days written notice. Special inspections and access for modernization will require two (2) days written notice.

**F. EMERGENCY INSPECTIONS**

If any employee and/or agent of the FRHA 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.

**G. PRE-MOVE-OUT INSPECTIONS**

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

**H. MOVE-OUT INSPECTIONS**

The FRHA conducts the move-out inspection on the day that 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 tenant.

## CHAPTER 12: TRANSFERS

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### 12.0 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Fall River Housing Authority (FRHA) Transfer Policy include the following (in no particular order):

- To address emergency situations.
- To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriate size unit.
- To facilitate a relocation when required for modernization or other management purposes such as demolition of any subsidized housing.
- To facilitate relocation of families with inadequate housing accommodations.
- To provide an incentive for families to assist in meeting the FRHA's deconcentration goal.
- To eliminate vacancy loss and other expense due to unnecessary transfers.

### 12.1 UNIT TRANSFER CATEGORIES

#### A. CATEGORY #1: ADMINISTRATIVE TRANSFERS (MANDATORY)

The FRHA is occasionally required to initiate transfers that have not been requested by a resident. These transfers are required in order to free a unit(s) for an important operational or policy reason. Administrative Transfers will be assigned before any other transfer type and new admissions. Administrative transfers include the following categories:

1. **Uninhabitable Unit.** The current apartment has become uninhabitable and immediate relocation is required as a result of:
  - a) Destruction by fire or other disaster;
  - b) The existence of a major maintenance problem that presents a serious danger to health and safety that cannot be repaired in a reasonable period of time or while the apartment is occupied.
2. **Demolition, Disposition, Revitalization or Rehabilitation.** The unit is located in a building or section of building scheduled for capital improvement pursuant to a funded capital improvement program or other major rehabilitation effort. Transfers under this section may be temporary relocations (i.e., at a local hotel) to permit work required for a maintenance or repair problem that cannot be performed while the unit is occupied. Following completion of the maintenance or repairs, temporarily relocated families will be returned to the same unit so long as it is of the appropriate size.
3. **Accessible Unit.** The transfer is required to permit occupancy of an accessible unit or unit with adapted features by another resident or an applicant with a disability. A household occupying an accessible unit that does not require / no longer requires the

unit's accessibility features must enter into a lease addendum certifying their acknowledgement of a potential Administrative Transfer under this section.

4. **Refuge from Domestic Violence.** Relocation is necessary due to the household's current and on-going threat(s) because of domestic violence/sexual assault/dating violence/stalking which has been documented, investigated, and recommended by the Fall River Police Department or other sources deemed acceptable by the FRHA Director of Field Operations or designee.
5. **Minimum Occupancy Requirements.** When decreases in family size result in over-housing (See: Chapter 5.2A: *Occupancy Standards*) by two (2) or more bedrooms, FRHA may initiate a mandatory transfer to a smaller unit of appropriate size and type.
6. **Eligibility Requirements for Development Type.** In cases where the approved addition of a new household member(s) renders a family ineligible for their current development type, FRHA shall initiate a transfer to a unit of appropriate size and type in a development where current family composition satisfies the threshold eligibility requirements for occupancy.

#### **B. CATEGORY #2: EMERGENCY TRANSFERS (MEDICAL, HEALTH & SAFETY)**

Emergency transfers are transfers necessary to the health and/or safety of one or more Household members. Residents will be required to document any special needs such as floor location, bedroom size, or neighborhood during the transfer application process or before a housing offer is made. Every **tenth** (10<sup>th</sup>) available unit for each bedroom size shall be offered to the highest-ranking emergency transfer on the waiting list.

Approved emergency transfers will receive one housing offer. The following are criteria for Emergency Transfers:

1. **Severe Medical Emergency.** A household member has a serious, medically determinable, physical or mental condition that is aggravated by the present housing such that the condition is life-threatening and/or substantially improved only by relocation to another apartment.
2. **Witness Protection.** The household needs to be relocated because of a household member's participation in a witness protection program or in order to avoid reprisal as a result of providing information to a law enforcement agency or participation in a witness protection program.
3. **Reasonable Accommodation.** The transfer requested is for a person with a disability who requires reasonable accommodation to address dire circumstances posing serious and direct threat to health, life or safety which can only be alleviated by relocation to a unit with certain physical features and they cannot be provided at the current unit without undue financial and administrative burden to the FRHA. Verification of the need for a transfer under this section will be required in accordance with the FRHA Reasonable Accommodation Policy.
4. **Hate Crimes.** Relocation is necessary due one or more household members being a documented victim of a hate crime, physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion - as determined by the FRPD or other law enforcement entity - which places them in imminent danger and that cannot be expeditiously remedied in any other way.

5. **Under-Housed by Two (2) or More Bedrooms.** In cases where FRHA has approved the addition of new member(s) to an existing household and the resulting family size exceeds the Occupancy Standard for the current unit by two (2) or more bedrooms (See: 5.2A *Occupancy Standards*), relocation to a unit of appropriate size and type is necessary.

#### C. CATEGORY #3: REGULAR TRANSFERS (OCCUPANCY STANDARDS)

Regular Transfers are not mandatory for continued occupancy unless they exceed the two-person per bedroom/living room threshold. Every fifteenth (15<sup>th</sup>) available unit for each bedroom size shall be offered to the highest-ranking standard transfer on the waiting list. They include:

1. **Under-housed.** The household is under-housed by one (1) or two (2) bedrooms.
2. **Over-housed.** The household is over-housed by at least one (1) bedroom.
3. **Incentives.** Occasionally, FRHA will offer transfers to families in order to help meet deconcentration or occupancy goals.

## 12.2 PROCESSING TRANSFER REQUESTS

The Tenant Selection Coordinator and/or her designee shall process all mandatory and resident-initiated transfer requests; assign approved transfers to the appropriate category outlined in Section 12.1; determine unit assignments in accordance with the guidelines described in Sections 5.2, 5.3 and 5.4 of this policy; and offer available units per Section 12.3 below.

#### A. TENANT REQUESTED TRANSFERS

1. **Applying for a Transfer.** A tenant may initiate a transfer request at any time by completing a Transfer Request form. Transfer requests may be obtained at the Management Office where the Tenant resides.
2. **Preliminary Approval.** The Senior Property Manager of the development where the resident currently resides shall make a preliminary determination of eligibility for unit transfer. Preliminary approval shall be provided if:
  - a. The tenant requesting a transfer is in good standing. Good standing under this section means that the family is in compliance with their lease and any active in-house and/or court agreements; current in all payments to the FRHA and able to pass a housekeeping inspection.
  - b. The Tenant File is complete and accurately reflects the current household composition. Complete and accurate under this section means that all documents, forms and verifications required for continued occupancy are present in the Tenant file and confirmed to be current, accurate, and complete.
3. **Review.** FRHA Property Management shall forward all pre-approved Transfer Requests to the Tenant Selection Office for review and final approval.
  - a. The review process will be handled in a timely manner and will contact the tenant within twenty (20) business days of receipt to schedule a Transfer Review Meeting to discuss the need for transfer, explore possible alternatives and/or request additional documentation, if necessary.

4. **Verification.** Families requesting Emergency Transfers must provide reliable documentation of the reasons for transfer. Verifications for review by the Tenant Selection Coordinator may include the following items:
  - a. A letter(s) from Qualified Healthcare Provider describing a transfer applicant's physical or mental condition and specifying housing conditions required on account of the condition;
  - b. For reasonable accommodation requests, reliable documentation from a qualified healthcare provider or professional non-medical service agency whose function it is to provide services to the disabled should verify that the transfer applicant or a member of his/her Household is disabled under the applicable definitions in Federal and State law and describe the limitations attributable to the disability. Documentation must describe how the accommodation being requested will overcome or alleviate those limitations;
  - c. Police reports;
  - d. Civil Rights incident reports;
  - e. Copies of restraining orders;
  - f. Information on maintenance conditions;
  - g. Documentation to show "Good Cause" or "Reasonable Accommodation" to move to or from a certain part of the City of Fall River, or certain type of unit; or
  - h. Any other documentation that provides the FRHA with evidence that the request for a transfer is based on fact and meets the transfer criteria.
5. **Determination.** Final transfer approval will be determined by the Coordinator of Tenant Selection or his/her designee. FRHA will grant or deny the transfer request in writing no later than twenty (20) business days from the date the request was received or twenty (20) business days the date of a review meeting, whichever is later:
  - a. Approval
    - i. If approved, the family's name will be added to the waiting list and assigned one of the three transfer categories described in Section 12.1. Their placement shall first be ranked according to the preference points for their transfer category, and then by date and time of the approved request.
    - ii. Unlike the waiting list for New Admissions, Elderly and/or Disability status will not be given priority over other eligible statuses (i.e., near-elderly) for occupancy in Mixed Populations and Elderly-Only.
  - b. Denial
    - i. If the transfer is denied, the tenant shall be notified in writing with an explanation of reason(s) for denial.
    - ii. The denial notice will advise the family of their right to appeal the decision using the FRHA Grievance Procedure.

## **B. ADMINISTRATIVE TRANSFERS (MANDATORY)**

1. **Executive Director Approval.** Administrative Transfers are initiated by the FRHA, not by the resident. All Administrative Transfers must be authorized by the FRHA Executive Director or his/her designee prior to placement on the waiting list.
2. **Waiting List Placement.** At the direction of the FRHA Executive Director, the Coordinator of Tenant Selection shall:
  - a) Place the family on the appropriate waiting list, assign appropriate preference points, and enter the date/time of Executive Director approval as the original date/time of transfer application status.
  - b) Identify an alternative, appropriately sized unit based upon the resident's current household composition on a case-by-case basis.
  - c) Offer the alternative, appropriately sized unit to the resident Household.
  - d) Notify the resident Household of their requirement to move within thirty (30) days of this offer.
3. **Extensions.** The resident may request, and the FRHA may grant a reasonable extension. As part of the transfer process, the FRHA will consider any resident request for a Reasonable Accommodation and/or on-site transfer.
4. **Failure to Vacate.** If the resident Household fails to vacate the unit after being properly notified and offered an alternative appropriately sized unit, the FRHA shall initiate legal action in accordance with the Lease Agreement.

## **12.3 UNIT OFFERS (TRANSFERS)**

In keeping with the One-Unit Offer method described in Chapter 5.6 above, *Offering Ready Units to Eligible Applicants*, residents awaiting a unit transfer shall be offered one (1) unit of the appropriate size and type:

### **A. UNIT OFFER PROCESS**

Vacant units shall be offered out in the order of their date of release for occupancy. It is the policy of the FRHA that:

1. **Administrative Transfers.** Approved Administrative Transfers will be offered housing before all ranking families on the waiting list.
2. **Emergency Transfers.** With the exception of ADA-accessible units, every **tenth** (10<sup>th</sup>) available unit for each development type and unit size shall be offered to the next resident household on waiting list that is approved for an Emergency Transfer.
  - a) Wheelchair-accessible units shall be offered to the next household on the waiting list that has been approved for an Emergency Transfer to an ADA-compliant unit.
  - b) In the absence of any eligible families on the Emergency Transfer list, the tenth (10<sup>th</sup>) unit shall be offered to the next highest-ranking eligible Applicant family.
3. **Standard Transfers.** Every **fifteenth** (15<sup>th</sup>) available unit for each development type and unit size shall be offered to the next approved Standard Transfer Applicant at the top of

the waiting list provided the Asset Management Project (AMP) in which they currently reside is at a 97% occupancy rate.

- a) If the AMP is at 97% occupancy rate and there are *no* approved Standard Transfer Applicants, the fifteenth (15<sup>th</sup>) unit shall be offered to the next approved Emergency Transfer Applicant. If there are no approved Emergency Transfers, the fifteenth (15<sup>th</sup>) unit shall be offered to the next highest ranked approved Applicant.
- b) If the development is not at 97% occupancy rate, the fifteenth (15<sup>th</sup>) unit will be offered to the next highest ranked approved Applicant.

## 12.4 TRANSFER ACCEPTANCE AND REFUSAL

### A. ACCEPTANCE OF UNIT TRANSFER OFFER

1. Upon offer and acceptance of a unit, the family will be allowed seven (7) days to complete the transfer from one unit to another.
2. The family must execute all lease up documents and pay any rent and other charges due within two (2) days of being informed the unit is ready to rent.
3. Unpaid balances will not be transferred over to the new unit.
4. If the family has possession of both the original and the new unit beyond the seven (7) day period following initial acceptance, the family will be obligated to pay for the rent for both units, pro-rated until the family returns the keys from the former unit to FRHA.
5. Failure to move to the unit within the 30 calendar days or agreed date shall be considered as an unacceptable housing offer refusal.

### B. REFUSAL OF A UNIT TRANSFER OFFER *WITH* GOOD CAUSE

If the family refuses a unit offer for a transfer *with* good cause, regardless of the transfer category, the family will not lose its preference or rank on the transfer waiting list and will be offered the next available, suitable unit. Reasons that will be considered good cause for unit refusals are outlined in 5.7C.

### C. REFUSAL OF A UNIT TRANSFER OFFER *WITHOUT* GOOD CAUSE

1. **Emergency and Standard Transfers (Tenant-Initiated).** In all cases of Tenant-Initiated transfers, refusal of any unit offer *without* good cause shall result in the following:
  - a) Any and all transfer preference points shall be forfeited, **AND**
  - b) Date/time of application status shall be revised to reflect the date/time of unit refusal, **AND**
  - c) Tenant will not be eligible to apply for Standard or Emergency Transfer preference for a period of 12 months from the date of unit refusal.
2. **Administrative Transfers (Mandatory).** In cases of transfers initiated by FRHA, if a family refuses their first unit offer *without* good cause, they
  - a) shall not lose their ranking on the transfer waiting list, **AND**

- b) shall be offered the next available, suitable unit.
- c) If a family refuses their second unit offer *without* good cause<sup>5</sup>, they shall be removed from the transfer list; AND may be subject to termination for violation of Section VI of the Lease.

#### **D. REFUSAL OF A MANDATORY UNIT TRANSFER OFFER**

In cases of transfers mandated by FRHA, upon notification of a Tenant's second unit refusal *without* good cause, the Property Manager shall take lease enforcement steps pursuant to Sections VI (A) and X(C) of the FRHA Lease Agreement when the reason for Mandatory Transfer is one of the following:

- 1. FRHA deems the Tenant's unit uninhabitable;
- 2. The size or design of the dwelling unit is no longer appropriate to Tenant's needs;
- 3. Demolition, disposition, revitalization or rehabilitation work is to be undertaken involving the leased premises; or
- 4. Tenant without disabilities is housed in a unit with special features and a tenant with disabilities needs a unit with such features, FRHA may move Tenant into another unit of appropriate size and design.

### **12.3 UNDERHOUSED AND OVERHOUSED FAMILIES**

#### **A. UNDER-HOUSED FAMILIES**

- 1. If a family is under-housed and FRHA recommends a transfer to a larger unit, the family may request in writing to remain in the unit so long as in their occupancy does not exceed two people per living/sleeping room (see Section 5.5B above).
- 2. FRHA will consider a living room to count as a bedroom in cases of overcrowding.

#### **B. OVER-HOUSED FAMILIES**

- 1. FRHA will maintain a list of over-housed households, organized by site and ranked in the order of the effective date in which each household became over-housed.
- 2. FRHA will make every effort to transfer over-housed families within this site where they already reside.

### **12.4 COST OF THE FAMILY'S MOVE**

#### **A. FAMILY'S RESPONSIBILITY**

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

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<sup>5</sup> "In the case of Mandatory Transfers, Tenant may not refuse without good cause more than one unit offer." (FRHA Public Housing Lease Agreement)

1. When the transfer is made at the request of the family or by others on behalf of the family (i.e., by the police);
2. When the transfer is needed to address conditions of overcrowding or over-housing.
3. When the transfer is necessitated to make an accessible unit available to applicant family with disabilities and the accessible unit is currently occupied by a non-disabled family (who signed a certification prior to occupancy agreeing to transfer out of the unit in the event it is needed by a disabled family); or
4. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

#### **B. FRHA'S RESPONSIBILITY**

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

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

The responsibility for moving costs in circumstances other than those listed above will be determined on a case-by-case basis.

### **12.5 RIGHT OF THE FRHA IN TRANSFER POLICY**

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

# CHAPTER 13: LEASE TERMINATION

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## 13.0 TERMINATION BY THE TENANT

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

## 13.1 MANDATORY TERMINATION BY THE HOUSING AUTHORITY

Pursuant to HUD regulations, FRHA must terminate a federal public housing lease with a tenant under the following circumstances:

- A. Failure to sign and submit any consent form he or she is required to sign for any reexamination;
- B. Failure to document citizenship;
- C. Failure to submit required documentation within the required time frame concerning any family member's citizenship or immigration status;
  - 1. A family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible status of any family member, resulting in no eligible family members;
  - 2. A family member, as determined by the FRHA, has knowingly permitted another individual who is not eligible for assistance to reside in the unit on a permanent basis (this does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated)
- D. Failure to provide Social Security documentation (does not apply to non-contending members or residents who were at least 62 years old on January 31, 2010, and who state that they do not have an SSN);
- E. Methamphetamine conviction;
- F. Lifetime registered sex offenders (FRHA will afford a family the opportunity to remove the sex offender to avoid eviction); and
- G. Noncompliance with community service requirements as described in FRHA community and self-sufficiency policy.

## 13.2 SERIOUS OR REPEATED VIOLATIONS OF THE LEASE

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

- A. Nonpayment of rent or other charges;

- B.** A history of late rental payments;
- C.** Failure by the Tenant or a household member to supply complete and accurate information necessary for a rent determination or for a determination of eligibility for continued occupancy. Failure by Tenant or a household member to give requisite authorization for verification of eligibility, income, employment and household composition. Failure to provide a social security number as required or to participate in a wage, tax or bank match as required;
- D.** Permitting persons not on the lease to reside in the unit more than twenty-one (21) days each year without the prior written approval of the Housing Authority; and
- E.** Failure to allow inspection of the unit;
- F.** Failure to maintain the unit in a safe and sanitary manner;
- G.** Assignment or subletting of the premises;
- H.** Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- I.** Discovery of materially false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income;
- J.** Destruction of property;
- K.** Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- L.** Any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including FRHA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises or drug-related criminal activity on or off the premises;
- M.** Drug-related criminal activity engaged in on or off the premises by the tenant, member of the tenant's household or a guest, or any such activity engaged in on the premises by any other person under the tenant's control;
- N.** Use of an illegal drug or alcohol or a pattern of illegal drug or alcohol abuse that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- O.** 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; or violating a condition of probation or parole imposed under federal or state law.
- P.** Breach or violation by Tenant, a household member, or guest of any of the occupancy obligations and restrictions as provided in the Lease Agreement
- Q.** Failure by Tenant or by a household member to physically occupy the leased premises as his or her primary residence for at least nine (9) months in any twelve (12) month period
- R.** Repeated failure by Tenant to report the length of the stay of an overnight guest within a reasonable time following the stay.
- S.** Failure to vacate in the event of circumstances for a mandatory transfer,
- T.** Failure by the Tenant or a household member to supply complete and accurate information necessary for a rent determination or for a determination of eligibility for continued

occupancy. Failure by Tenant or a household member to give requisite authorization for verification of eligibility, income, employment and household composition. Failure to provide a social security number as required or to participate in a wage, tax or bank match as required.

- U.** Failure to sign a lease, lease amendment or lease addendum containing lease provisions required by applicable regulations or by applicable law; failure to sign lease provisions required by changes in size or income of Tenant's household
- V.** The FRHA has reasonable cause to believe that the resident engages in drug-related activity (42USC 1437d (1)) on or off the premises not just near or on the premises.
- W.** Conviction for manufacturing or producing methamphetamine on premises of federally assisted housing
- X.** Lifetime sex offender registrant admitted after June 25, 2001.
- Y.** Resident or an adult member of the household has failed to comply with the Community Service or Self Sufficiency requirements of HUD and as delineated in the FRHA's Admissions and Continued Occupancy Policy.
- Z.** Failure to submit required documentation within the required time frame concerning any family member's citizenship or immigration.
- AA.** Other good cause.

### 13.3 ABANDONMENT OF THE UNIT

The FRHA will consider a unit to be abandoned when a resident has both fallen behind in rent and has clearly indicated by words or actions an intention not to continue living in the unit. The FRHA will seek possession of such abandoned unit through the appropriate court proceedings.



# GLOSSARY

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

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

**Accessible Unit.** A unit that can be approached, entered and used by individuals with physical disabilities. (CFR 8.33 and 8.40)

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

**Admission.** Admission to the program is the effective date of the lease.

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

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

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

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

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

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

**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. (See also: *net family assets*)

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

**Ceiling Rent:** The highest rent amount the PHA will require a family to pay, for a particular unit size, when the family is paying an income-based rent.

**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 Care Expenses:** Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

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

**Consent Form:** Any consent form approved by HUD 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 (including wages, net earnings from self-employment, and retirement income), 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)

**Co-head:** An individual in the household that is equally responsible for the lease with the head of household, but who is not a spouse. An emancipated minor who has been declared to be emancipated by a court of competent jurisdiction may be a co-head. A co-head never qualifies as a dependent.

**Covered person:** A tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length, type and frequency of interaction between the persons involved in the relationship.

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

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

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

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

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

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

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

**Disabled Person:** See Person with a Disability

**Displaced Family:** A family in which each member, or whose sole member, is a person displaced as defined below.

**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:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim (as defined in 18 U.S.C. 2266), by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Drug-Related Criminal Activity:** Drug trafficking, or the illegal use or possession for personal use of a controlled substance as defined Section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Drug Trafficking:** The illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use of a controlled substance as defined above.

**Effective Date.** The "Effective Date" of an examination or reexamination refers to: (i) in the case of an examination for admission, the date of initial occupancy and (ii) in the case of reexamination of an existing tenant, the date the re-determined rent becomes effective.

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

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

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

**Extremely Low-Income Family:** Very low-income families whose income does not exceed the higher of 30 percent of the area median income or the federal poverty level.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

**Fair Market Rent.** The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities.

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

- A family with or without children;
- An elderly family;
- A near-elderly family;
- A disabled family;
- A displaced family;
- The remaining member of a tenant family; and

- A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (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 Program (FSS Program):** The program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

**Fixed income:** Annual income from the following sources:

- Social Security payments, to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
- Federal, state, local, and private pension plans; and
- Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.

**Flat Rent:** A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. Established by the PHA for each public housing unit; a rent based on the market rent charged for comparable units in the unassisted rental market, designed so that the rent does not create a disincentive for continued residency by families who are attempting to become economically self-sufficient. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

**Formula Method:** A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

**Foster Adult:** Usually a person with a disability unrelated to the tenant family, who is unable to live alone.

**Foster Child:** A member of the household who is under 18 years of age (or a member who is a full-time student, 18 years or older) that is in the legal guardianship of a State, county, or private adoption or foster care agency, yet are cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

**Fraud:** Intentional misrepresentation of a material fact with the intention that the object of the misrepresentation rely on the representation, resulting in detriment to the party misled.

**Full-Time Student:** A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). (CFR 5.603)

**Grievance:** A dispute or complaint which a resident may have with respect to an action or inaction on the part of management. (24 CFR 966.53(a))

**Good Cause -** A set of standards used by FRHA to determine the need for and special offer of housing in order to avoid a verifiable hardship. The basis for the special offer must be reliably documented and cannot result in discrimination on the basis of race, color, sex, sexual orientation, gender identity, ethnicity, religion or national origin or handicap or disability.

**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. (24 CFR 5.100)

**Head of Household:** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

**Household:** Separate from the definition of family, household includes the family, and potentially other people as well. Live-in aides, foster children and foster adults all qualify as household members. They are not considered family members.

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

**Immediate family:** Spouse, parent, brother, sister or child of that person, or an individual to whom that person stands in loco parentis or any other person living in the household related to that person by blood or marriage

**Imputed Asset.** Asset disposed of for less than fair market value during two years preceding examination or reexamination

**Imputed Income.** PHA-established passbook rate multiplied by total cash value of assets. Calculated when assets exceed \$5,000. (HUD-50058)

**Imputed Welfare Income:** An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction but is included in the family's annual income and therefore reflected in the family's rental contribution.

**Income-Based Rent.** A tenant rent that is based on the family's income and the PHA's rent policies for determination of such rents.

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

**Interim (Examination):** A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination. Only documents related to the change need to be verified.

**Landlord.** Either the owner of the property or his or her representative or the managing agent or his representative.

**Lease.** A written agreement between an owner and an eligible family for the leasing of a housing unit

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

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

**Low-Income Families:** Those families whose incomes do not exceed 80% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income limits higher or lower than 80% of the median for the area on the basis of its findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937 Housing Act)

**Medical Expenses:** Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, including any unreimbursed out-of-pocket expenses prescription drugs, including those incurred by participants in the Medicaid Part D prescription drug plan, that are anticipated during the period for which annual income is computed and that are not

covered by insurance. (24 CFR 5.603(b); PIH 2005-37). FRHA uses the Internal Revenue Service (IRS) Publication 502, *Medical and Dental Expenses*, as the standard for defining what else qualifies as a medical expense.

**Minimum Rent.** An amount established by the housing authority between zero and \$50.

**Mixed Family:** A family whose members include those with citizenship or Eligible Non-Citizen status and those without citizenship or Eligible Non-Citizen status. (24 CFR 5.504(b))

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

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

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

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

**Net Family Assets:**

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

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

In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. 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 Adult:** A family member, other than the head, spouse or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

**Other person under tenant's control:** A person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises 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."

**Overcrowded:** a condition of occupancy where too more people reside in an apartment given its bedroom size and applicable standards.

**Person with Disabilities:** A person with one or more of the following:

1. a disability as defined in Section 223 of the Social Security Act,
2. a physical, mental, or emotional impairment which is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of such a nature that such ability could be improved by more suitable housing conditions, or
3. a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act. Note: Include persons who have the acquired immune deficiency syndrome (AIDS) or any condition that arises from the etiologic agent for AIDS.

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

**Proration of Assistance:** The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

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

**Recertification:** Sometimes called reexamination. The process of securing documentation to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

**Remaining Member of a Tenant Family:** A family member who has been an authorized occupant of the unit for at least 12 consecutive months prior to becoming the only family member still residing in the unit.

**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 assault:** Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

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

**Single Person:** Someone living alone or intending to live alone who does not qualify as an elderly 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)

**Spouse:** The legal husband or wife of the head as a result of marriage or civil union.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for his or her safety or the safety of others; or (2) Suffer substantial emotional distress.

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

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

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

**Tenant Rent.** The amount payable monthly by the family as rent to the unit owner. (CFR 5.603)

**Total Tenant Payment (TTP).** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities. (CFR 5.613)

**Third-Party Verification:** Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

**Unit.** Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from 0 bedrooms (studio/efficiency) to 6 bedrooms.

**Enterprise Income Verification (EIV).** EIV is the verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.

**Utilities.** Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included.

**Utility Allowance:** The PHA's estimate of the average monthly utility bills (except telephone) for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. Utility allowances vary by unit type and size and are listed on the PHA's Utility Allowance Schedule. (CFR 5.603)

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

**Very Low-Income Families:** Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median for the areas on the basis of its findings that such variations are necessary because of unusually high or low family incomes. (1937 Housing Act)

**Veteran:**

1. Any person
  - a. whose last discharge or release from his wartime service<sup>6</sup> as defined herein, was under honorable conditions, and
  - b. who served in the army, navy, marine corps, coast guard, or air force of the United States, or on full time national guard duty under Titles 10 or 32 of the United States Code or under sections 38, 40 and 41 of chapter 33 for not less than 90 days active service, at least 1 day of which was for wartime service; provided, however, than any person who so served in wartime and was awarded a service-connected disability or a Purple Heart, or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete 90 days of active service;

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<sup>6</sup> Wartime Service: If his or her last discharge or release from wartime service was under honorable conditions, then a person who served on active duty in the Armed Forces of the United States under Title 10 of the United States Code during 1 day of wartime service or a person on full time Massachusetts National Guard duty under Title 32 of the United States Code during at least 1 day of wartime service or a person on full time Massachusetts National Guard duty under [sections 38, 40 and 41 of chapter 33](#) of the general laws during at least 1 day of wartime service, who sustained a service-connected disability during such wartime service or was awarded the Purple Heart during such wartime service or who died during such wartime service under conditions other than dishonorable, is excused from completing the 90-day active service requirement during such wartime service.

2. A member of the American Merchant Marine who served in armed conflict between December 7, 1941, and December 31, 1946, and who has received honorable discharges from the United States Coast Guard, Army, or Navy;
3. Any person
  - a. whose last discharge from active service was under honorable conditions, and
  - b. who served in the army, navy, marine corps, coast guard, or air force of the United States for not less than 180 days active service; provided, however, that any person who so served and was awarded a service-connected disability or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete 180 days of active service.

For GUARD MEMBERS to qualify they must have 180 days and have been activated under Title 10 of the U.S. Code -OR- Members who were activated under Title 10 or Title 32 of the U.S. Code or Massachusetts General Laws, chapter 33, sections 38, 40, and 41 must have 90 days, at least one of which was during wartime, per the chart below.

For RESERVISTS to qualify, they must have been called to regular active duty, at which point their eligibility can be determined by the chart below.

DEFINITION OF MASSACHUSETTS VETERAN		
Era of Service	Dates	Requirement for Veteran Status
<b>WWI</b>	6-Apr-1917 11-Nov-1918	<b>90 days</b> of active-duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
<b>PEACETIME</b>	12-Nov-1918 15-Sep-1940	<b>180 days</b> of regular active-duty service and a last discharge or release under honorable conditions.
<b>WWII</b> (Merchant Marine 7-Dec-1941 31-Dec-1946)	16-Sep-1940 25-Jul-1947	<b>90 days</b> of active-duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
<b>PEACETIME</b>	26-Jul-1947 24-Jun-1950	<b>180 days</b> of regular active-duty service and a last discharge or release under honorable conditions.
<b>KOREA</b>	25-Jun-1950 31-Jan-1955	<b>90 days</b> of active-duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
Korean Defense Service Medal	28-Jul-1954 (TBD)	<b>90 days</b> of active-duty service, last discharge under honorable conditions and the Korean Defense Service Medal.
<b>VIETNAM I</b>	1-Feb-1955 4-Aug-1964	<b>180 days</b> of regular active-duty service and a last discharge or release under honorable conditions.
<b>VIETNAM II</b>	5-Aug-1964 7-May-1975	<b>90 days</b> of active-duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.

*Continued on next page.*

DEFINITION OF MASSACHUSETTS VETERAN (continued)		
Era of Service	Dates	Requirement for Veteran Status
<b>PEACETIME<sup>7</sup></b>	8-May-1975 1-Aug-1990	<b>180 days</b> of regular active-duty service and a last discharge or release under honorable conditions.
Lebanon Campaign*	25-Aug-1982 (to be determined)	<b>90 days</b> of active-duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
Grenada Campaign*	25-Oct-1983 15-Dec-1983	<b>90 days</b> of active-duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
Panama Campaign*	20-Dec-1989 31-Jan-1990	<b>90 days</b> of active-duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
* Naval and Marine DD214 must indicate Expeditionary Medal. All DD214's must specify campaign: Lebanon, Granada, or Panama.		
<b>PERSIAN GULF</b>	2-Aug-1990 (to be determined)	<b>90 days</b> of active-duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.

**Violence Against Women Reauthorization Act (VAWA) of 2005.** Prohibits denying admission to the project to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking.

**Violent Criminal Activity.** Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

**Waiting List.** A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

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

<sup>7</sup> If his or her last discharge or release from active service was under honorable conditions, then a person who served on active duty in the Armed Forces of the United States under Title 10 of the United States Code during peacetime, who sustained a service-connected disability while on active duty during peacetime or who died on active duty during peacetime under conditions other than dishonorable, is excused from completing the 180-day active service requirement during peacetime.

# ACRONYMS

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AMI	Area Median Income
ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
EIV	Enterprise Income Verification
FMR	Fair Market Rent
FSS	Family Self Sufficiency (program)
HUD	Department of Housing and Urban Development
HOTMA	Housing Opportunity Through Modernization Act
INS	(U.S.) Immigration and Naturalization Service
IRA	Individual Retirement Account
IRS	Internal Revenue Service
PHA	Public Housing Agency
PIC	PIH Information Center
PIH	(HUD Office of) Public and Indian Housing
REAC	(HUD) Real Estate Assessment Center
SSA	Social Security Administration
SSI	Supplemental security income
TANF	Temporary assistance for needy families
TTP	Total Tenant Payment
UPCS	Uniform Physical Condition Standards
VAWA	Violence Against Women Reauthorization Act (VAWA) of 2013





# APPENDIX A: COMMUNITY SERVICE & SELF-SUFFICIENCY

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## 1. GENERAL

Under Section 12 of the United States Housing Act of 1937, every adult resident of public housing is required to perform community service or participate in an economic self-sufficiency program or a combination of the two totaling eight (8) hours each month (42 USC 1437j). This requirement does not apply to various exempt groups, such as elderly persons, certifying disabled individuals, and persons engaged in work activities (24 CFR 960-609). The Community Service and Self-Sufficiency Requirement (CSSR) mandates that each non-exempt household member (18 years or older) complete and provide verification of this service as a condition of receipt of Federal housing assistance.

FRHA's interpretation of the CSSR is aligned with guidelines set forth in the Advocate's Guide to the Public Housing Community Service and Self-Sufficiency Requirement in Massachusetts published by the Massachusetts Law Reform Institute.

## 2. DEFINITIONS

**Community Service:** The performance of voluntary work or duties for the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency and the self-responsibility of the resident in the community. Community service is not limited to a single type of service or location. By statute, political activity is not an eligible community service activity. Political activity is defined as activity on behalf of candidates for elected office or on behalf of a political party. A list of eligible community service activities is outlined in Part IX of this policy.

**Economic Self-Sufficiency Program:** Any program designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. Programs deemed necessary to prepare a resident for work, such as substance abuse treatment or counseling will also be considered. Examples of self-eligible sufficiency activities are outlined in Part IX of this policy.

## 3. EXEMPTION CATEGORIES

In the FRHA's interpretation of the CSSR, many existing FRHA residents are exempt from the requirements as follows. This determination has been reviewed with the FRHA Resident Advisory Board, and reflects the statutory requirements and input from HUD staff and resident advocates:

**A.** Exemptions for *families* include any family containing an individual who:

1. Is receiving benefits under TAFDC, SSI or ESEDC programs
2. Is a beneficiary of the Massachusetts State Earned Income Credit
3. Is receiving Veterans' Services Benefits
4. Is a participant in certain subsidized childcare programs

**B.** Exemptions for *adult* residents include persons who are:

1. 62 or older;
2. Blind or disabled as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. Section 416(i)(1); Section 1382c), and who certify that, because of this disability, she or

he is unable to comply with the service provisions of this policy; (ii) is a primary caretaker of such individual;

3. Engaged in a minimum of 8 hours a week of work activities, including:
  - a) Paid work including self-employment;
  - b) On-the-job-training;
  - c) Job-search and job readiness
  - d) Vocational educational training or job-skills training;
  - e) Job-related education (such as GED);
  - f) paid or unpaid childcare for someone who is doing public housing or TAFDC Community Service;
4. A pregnant woman in the last 120 days of her pregnancy
5. Able to meet requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State including Welfare-to-Work program; or,
6. A member of a family receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act, or under any other welfare program of the State in which the PHA is located, including Welfare-to-Work, and who are in compliance with that program (see above: Section III.A. Exemption for Families)

If a resident does not meet the above definition of blindness or disability and believes that he or she is unable to perform community service or economic self-sufficiency activity, he or she may apply for an exemption from the requirement as a reasonable accommodation under the FRHA Reasonable Accommodation Policy.

#### **4. PROCEDURE FOR DETERMINATION OF EXEMPTION STATUS**

- A. Notification to New and Existing Tenants:** At lease execution and annual reexamination, the Fall River Housing Authority shall issue a notice to all adult family members regarding the Community Service and Self-Sufficiency requirement. This notice (Attachment A) will include:
  1. An explanation of the qualifying criteria for exemption (Attachment A).
  2. A list of documents required to verify exemption under each category (Attachment B)
  3. A list of appropriate community service and economic self-sufficiency activities and information about accessing these resources (Attachment C).
  4. A statement advising 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
- B. Determination of Exemption Eligibility:** To determine exemption eligibility, FRHA Management will use the Community Service/Self-Sufficiency Exemption Checklist (Attachment D) as a tool.

**C. Responsibilities of Exempt Residents.** Exempt individuals must:

1. Provide documentation to Management to verifying their exemption status in accordance with the list of approved documents in the notice, and
2. Sign a certification (Attachments E & F) that they have received and read the policy and understand the consequences of non-compliance, and
3. Report to Management as soon as possible if their status changes from exempt to non-exempt.

**D. Responsibilities of Non-Exempt Residents.** Non-exempt individuals must:

1. Sign a certification (Attachments E & F) that they have received and read the policy and understand the consequences of non-compliance, and
2. Provide verification of participation in a community service activity or economic self-sufficiency program beginning with the first month following status determination. He/she may complete the entire 96 hours prior to the end of the 12-month period and submit verification of completion.
3. Report to Management as soon as possible if their status changes from non-exempt to exempt

**E. FRHA Management Responsibilities**

1. At lease execution and annual reexamination, the Fall River Housing Authority shall notify all adult family members of the Community Service and Self-Sufficiency requirement and of the categories of individuals who are exempt.
2. Upon determination that family member is non-exempt, the FRHA will:
  - a) Provide a list of volunteer opportunities to the family members.
  - b) Provide information about obtaining suitable volunteer positions.
  - c) Notify tenants of their rights to grieve a determination of non-exempt status under the FRHA grievance procedure.
3. FRHA Management must obtain third-party verification of CSSR completion administered through outside organizations.
4. FRHA Management will review and consider all verifications submitted to make a final determination of exemption status.
5. FRHA Management will retain copies of the certification forms and supporting documentation in tenant files.
6. Thirty (30) days before the family's next lease anniversary date, the FRHA Management will review the exempt or nonexempt status and compliance of non-exempt family members pursuant to 24 CFR 960.605(c)(3). Additional supporting documentation may be requested of the resident to verify CSSR participation or exempt status.
7. FRHA Management will review CSSR status of a household member whenever there is a reported change in employment or benefit status.

## 5. VERIFICATIONS FOR CSSR EXEMPTION

- A. Family Exemption (under Massachusetts Law Reform guidelines)** - Benefit statement from any of the following programs: Transitional Aid to Families with Dependent Children (TAFDC); Supplemental Security Income (SSI); Emergency Aid to Elderly, Dependents and Children (EAEDC); Massachusetts State Earned Income Credit; Veterans' Services Benefits; or Subsidized childcare programs
- B. Age 62 or older** – A birth certificate or government-issued ID showing date of birth
- C. Blind or Disabled** – A signed statement certifying that, because of this disability, she or he is unable to comply with the service provisions of the CSSR, and (i) a benefit statement from any of the following programs: SSDI, SSI, EAEDC, TAFDC, SNAP, or (ii) a statement signed by resident certifying that his/her application status for SSDI, SSI or EAEDC disability benefits is pending (FRHA will deem such tenants disabled until a determination is made), or (iii) a statement from the treating physician of a resident who believes they meet the definition of a disability under this policy.
- D. Primary caregiver of a blind or disabled person** - A statement from the person being cared for or his/her guardian affirming that the resident seeking exemption acts as the primary caregiver for that person and stating the time period during which (s)he is expected to continue in that capacity.
- E. A pregnant woman in the last 120 days of her pregnancy** – Signed statement from resident certifying that they are unable to comply due to pregnancy.
- F. Engaged in work activity** - Pay stub; enrollment letter from education or training programs, a signed letter from a supervisor or other such document enumerates the type of activity and number of hours performed
- G. Exempt from work activity under state welfare program** - Verification of this exemption shall be provided by the MA Department of Transitional Assistance if the resident is a TAFDC or EAEDC recipient. Recipients of other assistance shall provide appropriate third-party documentation from that program or its administrator

## 6. VERIFICATIONS FOR CSSR PARTICIPATION

Non-exempt residents must submit monthly verification of 8 hours of applicable community service to the Management Office. This verification may include, but is not limited to, a pay stub, a signed time sheet, a signed letter from a volunteer supervisor, or other such document as indicates the type of activity and number of hours performed. This verification will be added to the resident file to document compliance requirement.

The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification.

## 7. NOTIFICATION OF NON-COMPLIANCE

A non-exempt household member will be determined to be non-compliant if they fail to provide appropriate verification of exemption, or documentation of participation in an approved community service/self-sufficiency placement. The FRHA will notify any individual or family found to be in noncompliance of the following:

- A. A brief description of the finding that the family member(s) has been determined to be in non-compliance;
- B. The right to grieve the determination of noncompliance according to the FRHA grievance procedure;
- C. A statement that the FRHA will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with the PHA, or the family provides written assurance that is satisfactory to the PHA explaining that the tenant or other noncompliant resident no longer resides in the unit. Such written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement.

FRHA shall not impose any sanction on a family with non-exempt members unless it first provides the family with a list of appropriate and available placements with regard to their linguistic capabilities and transportation needs. If a non-exempt household member elects to perform community service at an organization or participation in an economic self-sufficiency program not covered in Part IX below, the member must seek approval from FRHA.

## 8. OPPORTUNITY FOR CURE

- A. **Agreement:** The Fall River Housing Authority 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.
- B. **Term:** 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 goes toward the current commitment until the current year's commitment is made.
- C. **Termination of Lease:** 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 by more than three (3) hours after three (3) months, the Fall River Housing Authority shall take action to terminate the lease.

## 9. ELIGIBLE SELF-SUFFICIENCY & COMMUNITY SERVICE ACTIVITIES

The Fall River Housing Authority will coordinate with social service agencies, local schools, and the Human Resource Office in identifying a list of volunteer community service positions and economic self-sufficiency programs.

The Fall River Housing Authority in conjunction with the Resident Advisory Board has determined that the FRHA and our residents will best be served if we liberally define what constitutes Community Service and Economic Self Sufficiency activities. Any activity which benefits the residents' economic self-sufficiency will be accepted and any activity that reasonable provides the FRHA developments or the general public with a needed service will also be accepted. All opportunities to perform community service will be provided and performed with pride and dignity.

- A. Eligible **Community Service Activities** include, but are not limited to, serving at:

1. Local public or nonprofit institutions, such as schools, Head Start Programs, Red Cross, before-or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, food kitchens, food banks, or clothes closets;
2. Nonprofit organizations serving PHA residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;
3. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, foster grandparent programs, Meals on Wheels;
4. Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;
5. FRHA housing to improve grounds or provide gardens (so long as such work does not alter the FRHA's insurance coverage); and
6. Work through Fall River Joint Tenants to educate residents on their rights and organization, as well as passing out flyers, attending monthly resident meetings, and otherwise assisting the FRJTC in its mission;

**B. Eligible **Economic Self-Sufficiency** activities include, but are not limited to:**

1. Adult Basic Education or GED/High School Equivalency Classes
2. Job readiness or job training while not employed;
3. Training programs through local One-Stop Career Centers, Workforce Investment Boards (local entities administered through the U.S. Department of Labor), or other training providers;
4. Higher education (junior college or college);
5. Apprenticeships (formal or informal);
6. Substance abuse or mental health counseling;
7. Reading, financial and/or computer literacy classes;
8. English as a second language and/or English proficiency classes;
9. Budgeting and credit counseling

## **10. MONITORING**

Periodically, HUD will audit resident files for compliance with all regulations of the public housing program. Included in this audit is an assessment of the level of compliance with the Community Service requirement. In order to assure that the FRHA is fully compliant with the regulation, the Director of Field Operations or his/her designee will inspect a random sampling of files. This inspection will be performed independent of standard FRHA file audit procedures. As part of the inspection, the reviewer will check the following:

- For the current calendar year, each household/resident's status under the CSSR
- If exempt, the reviewer will note the specific reason for exemption, and ensure the appropriate verification documentation is included in the file.

- If any residents are not exempt from the requirement, the reviewer will ensure that these residents are participating in an appropriate community service program and that there is documentation of that service.
- If non-exempt residents have not provided appropriate documentation of participation in a community service program, these residents will be identified to the manager for lease enforcement.
- The reviewer will ensure the files pertaining to the Community Service requirement are well maintained and suitable for audit by HUD.

**FALL RIVER HOUSING AUTHORITY**  
**Community Service & Self-Sufficiency Requirement**  
***Tenant Notice & Exemption Categories***

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Dear Resident:

The HUD Community Service and Self-Sufficiency Requirement (CSSR) requires that each adult resident of public housing performs community service or participates in an economic self-sufficiency program, or a combination of the two, totaling eight (8) hours each month.

Upon admission and annual recertification, the Fall River Housing Authority must verify which members of your household are exempt from the CSSR and which members are non-exempt.

Regardless of exemption status, every household member between the ages of 18 and 62 must sign an acknowledgment that they have received the FRHA Community Service and Self-Sufficiency policy and understand the consequences of non-compliance. Below are the members of your household who must sign a CSSR certification:

NAME	AGE	SSN#

If you believe any of these household members should be exempt from this requirement you must furnish appropriate verification of exemption to the Management Office within ten (10) days of receipt of this notification. The following individuals are exempt:

- Age 62 or older;
- Blind or disabled and who certify that they are unable to comply with the service provisions of this policy because of their disability; and those who are the primary caretakers of such individuals;
- Engaged in a minimum of 8 hours a week of work activities;
- Pregnant women in the last 120 days of pregnancy;
- Able to meet requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act or under any other welfare program; or,
- A member of a family that is receiving benefits under TAFDC, SSI or ESEDC programs; is a beneficiary of the Massachusetts State Earned Income Credit; is receiving Veterans' Services Benefits; or is a participant in certain subsidized childcare programs.

**FALL RIVER HOUSING AUTHORITY**  
**Community Service & Self-Sufficiency Requirement**  
***Exemption Verification Documents***

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To qualify for a **full-family exemption**, you must submit documentation from the administering agency indicating current receipt of benefit from any of the following programs: Transitional Aid to Families with Dependent Children (TAFDC); Supplemental Security Income (SSI); Emergency Aid to Elderly, Dependents and Children (EAEDC); Massachusetts State Earned Income Credit; Veterans' Services Benefits; or Subsidized childcare programs.

To qualify for **individual exemption**, submit verification pertaining to the corresponding exemption category below:

- A. Age 62 or older:** A birth certificate; or government-issued ID showing date of birth;
- B. Blind or Disabled:** A signed statement certifying that, because of this disability, the household member is unable to comply with the service provisions of the CSSR, and any of the following:
- a benefit statement from any of the following programs: SSDI, SSI, EAEDC, TAFDC, SNAP, or
  - a statement signed by resident certifying that his/her application status for SSDI, SSI or EAEDC disability benefits is pending (FRHA will deem such tenants disabled until a determination is made), or
  - a statement from the treating physician of a resident who believes they meet the definition of a disability under this policy.
- C. Primary caregiver of a blind or disabled person:** A statement from the person being cared for or his/her guardian affirming that the resident seeking exemption acts as the primary caregiver for that person and stating the time period during which (s)he is expected to continue in that capacity.
- D. A pregnant woman in the last 120 days of her pregnancy:** Signed statement from resident certifying that they are unable to comply due to pregnancy.
- E. Engaged in work activity:** Pay stub; enrollment letter from education or training programs, a signed letter from a supervisor or other such document indicating the work activity and number of hours per month.
- F. Exempt from work activity under state welfare program - MA Department of Transitional Assistance** if the resident is a TAFDC or EAEDC recipient. Recipients of other assistance shall provide appropriate third-party documentation from that program or its administrator

**FALL RIVER HOUSING AUTHORITY**  
**Community Service & Self-Sufficiency Requirement**  
***Eligible CSSR Activities***

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Any activity which benefits the residents' economic self-sufficiency will be accepted and any activity that reasonably provides the FRHA developments or the general public with a needed service will also be accepted.

- A. All opportunities to perform community service will be provided and performed with pride and dignity. Eligible **Community Service** activities include, but are not limited to, serving at:
- Local public or nonprofit institutions, such as schools, Head Start Programs, Red Cross, before-or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, food kitchens, food banks, or clothes closets;
  - Nonprofit organizations serving PHA residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;
  - Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, foster grandparent programs, Meals on Wheels;
  - Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;
  - FRHA housing to improve grounds or provide gardens (so long as such work does not alter the FRHA's insurance coverage); and
  - Work through Fall River Joint Tenants to educate residents on their rights and organization, as well as passing out flyers, attending monthly resident meetings, and otherwise assisting the FRJTC in its mission;
- B. Eligible **Economic Self-Sufficiency** activities include, but are not limited to:
- Adult Basic Education or GED/High School Equivalency Classes
  - Job readiness or job training while not employed;
  - Training programs through local One-Stop Career Centers, Workforce Investment Boards or other training providers;
  - Higher education (junior college or college);
  - Apprenticeships (formal or informal);
  - Substance abuse or mental health counseling;
  - Reading, financial and/or computer literacy classes; and
  - English as a second language and/or English proficiency classes.

**FALL RIVER HOUSING AUTHORITY**  
**Community Service & Self-Sufficiency Requirement**  
***Exemption Checklist***

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**INSTRUCTIONS:** Complete this form for each adult household member 18 years of age or older.

Name of household member: \_\_\_\_\_

Address of household member: \_\_\_\_\_

Date of review: \_\_\_\_\_

Name of staff reviewer: \_\_\_\_\_

**PART I: FAMILY EXEMPTION CHECKLIST:** You do not need to answer every question. If you mark "Yes" to any question below, the entire family is exempt.

**A.** Does the **Tenant** or **any member** of the Tenant's household **receive...**

1. **Transitional Aid to Families with Dependent Children (TAFDC)** ***and*** is ☐ Yes  
**not being sanctioned** for failure to comply with work requirements? ☐ No

2. **Supplemental Security Income (SSI)** benefits? ☐ Yes  
☐ No

3. **Emergency Aid to the Elderly, Disabled and Children (EAEDC)** benefits? ☐ Yes  
☐ No

4. **Supplemental Nutrition Assistance Program (SNAP)** benefits? ☐ Yes  
☐ No

5. **Childcare subsidized** by the Office of Child Care Services (OCCS) or the  
Department of Education's Community Partnerships for Children? ☐ Yes  
☐ No

6. **State Earned Income Tax Credit (EITC)**? ☐ Yes  
☐ No

7. **State Veteran's Services** benefits? ☐ Yes  
☐ No

**B.** Does household **qualify** for family exemption?

☐ **YES.** Please list all exempt members:

☐ **NO.** Please **continue to**  
**Part II** of this form.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### ***CSSR Exemption Checklist (Continued)***

**PART II: INDIVIDUAL:** You do not need to answer every question. If you mark “Yes” to any question below, then *the individual is exempt*.

- |  |   |
|--|---|
| 1. Will the resident be <b>sixty-two (62) years of age</b> or older before the next annual recertification?  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <hr/>  |   |
| 2. Is the resident <b>disabled</b> ? (Check one)   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <input type="checkbox"/> Does the resident receive SSDI disability benefits?   |   |
| <input type="checkbox"/> Does the resident receive MassHealth due to disability?   |   |
| <input type="checkbox"/> Does the resident have a disability that meets the TAFDC standard for disability exemption?   |   |
| <hr/>  |   |
| 3. Does the resident need to <b>care for a disabled family member</b> ?  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <hr/>  |   |
| 4. Is the resident a parent or caretaker of a <b>child under the age of two (2)</b> who lives in his/her home?   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <hr/>  |   |
| 5. Is the resident within the last 120 days of pregnancy?  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <hr/>  |   |
| 6. Is the resident a teen parent <b>age 18 or 19</b> and <b>attending full-time high school</b> or a <b>full-time GED training or work program</b> (at least 20 hours per week)? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <hr/>  |   |
| 7. Is the resident <b>on TAFDC and exempt</b> from its work program?   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <hr/>  |   |
| 8. Is the resident a foster parent taking care of a <b>foster child with serious care needs</b> as determined by the Department of Social Services                               | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <hr/>  |   |
| 9. Is the resident engaged in the following types of work activities <b>at least 8 hours per month</b> ? (check one)   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <input type="checkbox"/> Paid work including self-employment   |   |
| <input type="checkbox"/> On the job training   |   |
| <input type="checkbox"/> Job search and job readiness  |   |
| <input type="checkbox"/> Vocational and job skills training Job related education (such as GED)  |   |
| <input type="checkbox"/> Paid or unpaid childcare for someone who is doing public housing community service or TAFDC community service?  |   |
| <hr/>  |   |
| 10. Does individual qualify for exemption?   |   |
| <input type="checkbox"/> <b>YES.</b> <input type="checkbox"/> <b>NO.</b> If “No”,  |   |
| ➤ Tenant must sign a <i>Certification for Non-Exempt Individuals</i>   |   |
| ➤ Provide Tenant with list of <i>Eligible Community Service and Self-Sufficiency Activities</i>  |   |

**FALL RIVER HOUSING AUTHORITY**  
**Community Service & Self-Sufficiency Requirement**  
***Entrance Acknowledgement (Exempt & Non-Exempt Individuals)***

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Entrance Acknowledgement  
(To be signed at Admission)

Date: \_\_\_\_\_

Participant Name: \_\_\_\_\_

I have received and read the Community Services and Self Sufficiency Requirement. I understand that as a resident of public housing, I am required by law to contribute 8 hours per month (96 hours over the course of a year) of community service or participate in an economic self-sufficiency program.

I further understand that if I am not exempt, failure to comply with CSSR is grounds for lease nonrenewal. My signature below certifies I received notice of this requirement at the time of initial program participation and/or at recertification following the update of this policy.

- ☐ Not Exempt
- ☐ Exempt (verification documents provided)

Signature: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

**FALL RIVER HOUSING AUTHORITY**  
**Community Service & Self-Sufficiency Requirement**  
***Annual Renewal (Exempt & Non-Exempt Individuals)***

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Annual Renewal

(To be signed at Annual Recertification)

Date: \_\_\_\_\_

Participant Name: \_\_\_\_\_

I understand that as a resident of public housing, if I am **not exempt** from the Community Service and Self-Sufficiency Requirement, I am required by law to contribute 8 hours per month (96 hours over the course of a year) of community service or participate in an economic self-sufficiency program.

I further understand that if I am not exempt, failure to comply with CSSR is grounds for lease nonrenewal. My signature below certifies I received notice of this requirement.

☐ Not Exempt

☐ Exempt (verification documents provided)

Signature: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

# APPENDIX B: REASONABLE ACCOMMODATION POLICY

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## 1. CIVIL RIGHTS & NON-DISCRIMINATION

The Fall River Housing Authority (FRHA) does not discriminate on the basis of race, color, religion, sex, national origin, ancestry, sexual orientation, age, familial status, marital status, veteran status, public assistance, disability, genetic information, gender identity (or any other class protected by state or local law, in the access or admission to its programs or employment or in its programs, activities, functions or services.

The Fall River Housing Authority is covered by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, Titles II and III, the Fair Housing Act and Massachusetts Chapter 151B as well as other state and local fair housing acts which require reasonable accommodation to persons with disabilities as defined in those laws. Herein the term reasonable accommodation is inclusive of changes in rules, policies, procedures, services, and physical modifications.

## 2. PURPOSE

- A. The Fall River Housing Authority will make a reasonable accommodation for people with disabilities when an accommodation is necessary to ensure equal access to FRHA, its amenities, services and programs.
- B. Reasonable accommodations include changes to the building, grounds or an individual unit and changes to rules, policies, practices, procedures and services.

## 3. DETERMINING “REASONABLENESS”

- A. Accommodations shall be considered “reasonable” up to the point of
  - 1. Structural infeasibility,
  - 2. Undue financial and/or administrative burden, or
  - 3. Requiring changes fundamental to the housing program.
- B. When a requested accommodation falls outside the scope of “reasonableness”, per 3.A of this policy, FRHA shall engage in an interactive dialogue with the applicant/resident to explore and discuss reasonable alternatives.

## 4. DEFINITION OF “PERSON WITH A DISABILITY”

The definition of a person with a disability for purposes of a reasonable accommodation follows the definition in Section 504, the ADA, the federal Fair Housing Act, Massachusetts Chapter 151b and any other applicable statutes: a person with a physical or mental impairment that substantially limits one or more activities of daily living, has a history of such an impairment or is regarded as having such an impairment.

## 5. NOTICE of RIGHTS TO REASONABLE ACCCOMODATION

FRHA *Notice of Applicant/Tenant Right to Reasonable Accommodation* shall be posted in public housing management office(s) and included with all applications for public housing, lease

violation notices, and eviction notices. It shall also be a component of the *Tenant Policy Handbook*, a copy of which is issued to all new tenant households upon admission.

Notices can be made available in large print and posted or included in a manner that is readily seen by persons with all disabilities. Such notices will also be available in other formats for persons who cannot read them. Also, we will translate this important document into other languages for applicants and residents who have “limited English proficiency” because their primary language is not English and/or will attach a notice in multiple languages informing applicants and residents that this is an important document and that we will provide free language assistance.

## 6. REQUESTING A REASONABLE ACCOMMODATION

- A. Applicants, tenants and third parties acting on such persons’ behalf are requested to fill out a *Reasonable Accommodation Request Form* which may be obtained at 220 Johnson Street, Fall River or at any Property Management Office.
- B. FRHA staff will assist applicants or residents who need such assistance and, if necessary, shall accept requests in alternate formats to accommodate a requestors disability. Verbal requests are also accepted, though may sometimes be insufficient in gathering necessary details, so written requests are preferred.
- C. All medical documentation related to Reasonable Accommodation requests shall be handled with the utmost sensitivity and confidentiality. To protect the individual’s right to privacy, public housing applicants and tenants are advised to place medically sensitive documents in a sealed envelope and send them to the direct and exclusive attention of the Reasonable Accommodation Coordinator.

## 7. DOCUMENTATION REQUIREMENTS

- A. The following types of requests ***will not require documentation*** for approval, except in unusual circumstances:
  - 1. Simple, routine requests, such as assistance in reading or completing forms
  - 2. Requests where the disability and need are ***obvious or known*** to the housing provider, such as
    - sign language interpreters
    - alternate format requests
    - need for an accessible unit for a family member whose need for the accessible features of the unit is obvious and will be continuous.
    - service animals specially trained to perform a function or job for an owner that has a disability (excludes companion or therapy animals).
    - grab bars
- B. When the disability, accommodation, or the nexus between them ***is not obvious or known***, FRHA will request third-party verification from the attending medical or service provider prior to making a determination. Information requested shall be limited only to what is needed to make a Reasonable Accommodation determination.

## **8. VERIFICATION OF DISABILITY-RELATED NEED**

- A.** It is the applicant/tenant's responsibility to secure any supporting documentation required to process their request.
- B.** Documentation must come from a reliable source with sufficient professional and personal knowledge of the applicant to answer the applicable questions.
- C.** To minimize delays in the verification process, FRHA encourages applicants/tenants to sign and submit a *Consent to Release Information* form with their RA Request. This waiver authorizes the RA Coordinator to communicate directly with the attending medical practitioner.
- D.** Upon receiving consent, the RA Coordinator will request that the provider complete a *Providers Verification of Need* form which asks questions aimed at verifying the existence of a disability-related need and helping determine the best approach to providing a reasonable accommodation. The RA Coordinator shall not ask questions about an applicant/tenant's diagnosis, medical history or treatment.

## **9. PROCESSING REQUESTS**

- A.** The Reasonable Accommodation (RA) Coordinator shall review and process *Requests for Reasonable Accommodation* in the order in which they are received.
- B.** Upon receipt of all completed forms, verifications and information necessary and relevant to make a determination, the RA Coordinator will review and consider all available facts prior to rendering a decision that conforms with purpose and scope of this policy and all applicable federal and state regulations and statutes.

## **10. ENGAGING IN INTERACTIVE DIALOGUE**

- A.** Ordinarily, FRHA will furnish the accommodation as requested. However, when a request extends beyond the agency's scope of that which is considered "reasonable" (see Section 3 of this policy), the RA Coordinator shall engage in an interactive dialogue with the applicant/tenant to discuss alternative options that would adequately accommodate their disability-related need:
  - 1. A face-to-face meeting with the individual is sometimes needed to identify viable alternatives.
  - 2. The RA Coordinator shall make every effort to arrange such meetings as soon as possible and at a mutually agreed-upon time for all parties.
  - 3. The applicant/tenant may bring an advocate, service provider, or anyone they think would be beneficial to have at such a meeting.
  - 4. Additionally, applicants/tenants with limited English proficiency may request a language interpreter in advance of this meeting and FRHA will provide one free of charge.
- B.** If there is reason to believe that fulfilling a particular request might pose an "undue financial and administrative burden" on the agency, the RA Coordinator shall escalate the matter to the attention of the Executive Director (or his/her designee) for review and consideration.
- C.** Prior to denying a request on the basis of "undue burden", FRHA shall make every effort to identify alternative approaches to financing the accommodation, such as:

1. Identifying and paying for a comparable, less expensive modification;
  2. Leveraging publicly sourced funds available to the applicant/tenant to alleviate the cost burden; or
  3. Postponing fulfillment of the request until anticipated funds become available. Agreed-upon delays of this nature shall be acknowledged in writing by both applicant/tenant and FRHA.
- D. An applicant/tenant whose Reasonable Accommodation request cannot be fulfilled for reasons of “undue financial and administrative burden” may request to view the supporting documentation evidencing FRHA’s basis for denial.

## 11. NOTIFICATION

- A. In cases where the disability and need are ***obvious and known***, the RA Coordinator shall notify the applicant/tenant in writing of the outcome of his/her request *within 15 business days of receiving the request*.
- B. In cases where the disability and need are ***not*** obvious or known, the RA Coordinator shall notify the applicant/tenant in writing of the outcome of his/her request *within 15 business days of receiving all verifications needed* to render a decision.
- C. For ***tenants*** requesting a reasonable accommodation, a copy of the *Notice of Approval/Denial* shall be sent to the Property Manager. For ***applicants*** requesting a reasonable accommodation, a copy of the *Notice of Approval/Denial* shall be sent to the Coordinator of Tenant Selection.
- D. *Notices of Denial* for any Reasonable Accommodation request shall include:
1. The reasons for denying the request;
  2. Notification of a tenant’s right to appeal the decision should they disagree with it; and
  3. Information about Grievance Hearing procedures
- E. Any unit modifications resulting from an approved RA request shall be carried out within a reasonable timeframe following notice of approval. For modifications requiring more than 15 business days to fulfill (i.e., delays due to procurement requirements, availability of special equipment, construction schedules, etc.), the Property Manager shall notify the Tenant with an estimated completion time.

## 12. DIRECT THREAT EXCEPTION

- A. FRHA may deny a request for reasonable accommodation if the applicant/resident’s tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others and if this threat could not be eliminated or reduced by a reasonable accommodation.
- B. Prior to denying a request under the “direct threat exception”, FRHA shall perform an individualized assessment and use reliable, objective evidence to determine whether any reasonable accommodation could eliminate or acceptably reduce the risk of future harm to other tenants.
- C. The exception for direct threat should only apply only if an applicant or tenant with a disability would still pose a threat to health or safety after FRHA makes necessary reasonable accommodations.

# APPENDIX C: VIOLENCE AGAINST WOMEN ACT POLICY

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## 1. PURPOSE AND APPLICABILITY

The purpose of this policy is to implement the applicable provisions of the “*Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, Final Rule*” (VAWA Final Rule) published in the Federal Register on November 16, 2016. This Policy shall be applicable to the administration by FRHA of all its federally subsidized public housing and Housing Choice Voucher (HCV) programs under the United States Housing Act of 1937 (42 U.S.C. §1437 et seq.).

Consistent with the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a), victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

Notwithstanding its title, protections are for all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of actual or perceived gender identity, sexual orientation, or marital status, in accordance with HUD’s Equal Access Rule at § 5.105(a)(2).

The VAWA Final Rule protects qualified tenants, participants, and applicants, and affiliated individuals, who are victims of domestic violence, dating violence, sexual assault, or stalking from being denied housing assistance, evicted, or terminated from housing assistance based on acts of such violence against them.

## 2. DEFINITIONS

**Actual and imminent threat** refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

**Affiliated individual.** (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent to a child (for example, the affiliated individual is a child in the care, custody, or control of that individual); or (2) any individual, tenant, or lawful occupant living in the household of that individual.

**Bifurcate.** To divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed, and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

**Dating violence:** Violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the (i) length of the relationship; (ii) type of relationship; and (iii) frequency of interaction between the persons involved in the relationship.

**Domestic violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim (as defined in 18 U.S.C. 2266), by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited

with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

**Sexual assault:** means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for his or her safety or the safety of others; or (2) Suffer substantial emotional distress.

### 3. NOTIFICATION OF OCCUPANCY RIGHTS UNDER VAWA

In accordance with the VAWA Final Rule, Fall River Housing Authority will provide written notice to public housing and Housing Choice Voucher applicants and tenants of their rights under VAWA (See below: Notification of Occupancy Rights under VAWA and Certification) at the time:

1. An applicant is denied assistance or admission;
2. The individual is provided assistance or admission under the covered housing program; and
3. With any notification of eviction or notification of termination of rental assistance is issued. The notification will also include the VAWA Certification Form described in Section 4(A)(i) below to be used as verification to the FRHA for any resident or applicant claiming protection under the Act.
4. During the 12-month period following November 16, 2016, either during the annual recertification or lease renewal process, whichever is applicable.

### 4. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

**A. Requirement for Verification.** For those seeking protection under this Policy, the law allows, but does not require, FRHA 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. FRHA shall require verification in all cases where an individual claims protection against an action.

1. **HUD-approved form.** The FRHA may request that an individual certify via a HUD-approved certification form (See Attachment B) that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incident in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the statute. Such certification shall include the name of the perpetrator. If there is reason to believe that verification is incomplete or inaccurate, the FRHA may require additional documentation of the incident(s). Such documentation requirement shall not place the victim in danger.

2. **Other Documentation.** An individual may also satisfy the certification requirement by providing FRHA staff with documentation signed by an employee, agent or volunteer of a victim service provider, an attorney, or a medical or mental health professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question meet the definition of the applicable abusive action(s) set forth in this policy. The victim of the described incident(s) of domestic violence, dating violence, or stalking must also sign and attest to the documentation;
3. **Police or Court Record.** An individual may provide FRHA with a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question

**B. Time Allowed to Provide Verification.** An individual that claims protection under this Act has **fourteen (14) business days** after receipt of the 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. Time for response will be extended upon a showing of good cause as determined by the Director of Field Operations.

## 5. CONFIDENTIALITY

All information (including the fact that an individual is a victim of domestic violence, dating violence or stalking) provided by the victim to the FRHA pursuant to the verification required under Section 4.A of this policy, shall be retained in confidence and not entered into any shared database nor provided to any related entity except when the disclosure is: (1) consented to by the individual in writing, (2) required for use in eviction proceedings, or (3) otherwise required by law.

## 6. TRAINING

Housing Choice Voucher, Public Housing Management and Tenant Selection staff employed by the FRHA will be encouraged to participate in training sessions dealing with issues of Violence Against Women, in order to recognize residents who are victims.

## 7. ADMISSIONS AND SCREENING

- A. Denial of Assistance.** FRHA will not deny admission to Public Housing or Housing Choice Voucher (HCV) assistance to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.
- B. Admissions Preference.** Applicants for Public Housing and HCV assistance from FRHA will receive a priority in admission by virtue of their status as victims of domestic violence. This priority is described for Public Housing in the FRHA's ACOP and for HCV participants in its Administrative Plan.
- C. Mitigation of Disqualifying Information.** When requested by an applicant for Public Housing and HCV assistance whose history includes incidents in which the applicant was a victim of domestic violence, dating violence and/or stalking, FRHA may take such information into account in mitigation of potentially disqualifying information, such previous damage to

a dwelling or criminal records. FRHA shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history and its probable relevance to the potentially disqualifying information. FRHA may disregard such mitigating circumstances if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence, dating violence and/or stalking.

## **8. TERMINATION OF TENANCY OR ASSISTANCE**

**A. VAWA Protections.** Under VAWA, public housing residents, and persons assisted under the Housing Choice Voucher program, have the following specific protections, which will be observed by FRHA in administration of its programs:

1. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a “serious or repeated” violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating tenancy or assistance to the victim of that violence.
2. Further, tenancy or assistance will not be terminated by FRHA as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of the assisted household, a guest, or another person under the tenant’s control, and the tenant or a member of the household is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
  - a) FRHA may evict or terminate assistance to a tenant for good cause when it is not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant’s household so long as the same standards apply equally to victims and non-victims.
  - b) FRHA may evict or terminate from assistance any tenant or lawful applicant if the FRHA can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.

**B. Lease Bifurcation (Removal of the Perpetrator).** Notwithstanding anything in paragraph 8.B (ii) above, or Federal, State or local law to the contrary, FRHA may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who perpetrates acts of physical violence against family members or others. Such action against said perpetrator (1) may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant, and (2) shall be affected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by FRHA.

Where FRHA exercises the option to bifurcate a lease and the evicted or terminated tenant was the recipient of assistance at the time of bifurcation, FRHA shall provide a reasonable time period during which a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking may remain in the unit while establishing eligibility under the current housing program or under another covered housing program, or seeking alternate housing. (See 24 CFR 5.2009.b)

## **9. TRANSFER TO NEW RESIDENCE**

The opportunity to transfer in Public Housing or relocate in the Housing Choice Voucher program due to incidents of domestic violence, dating violence and/or stalking is described in the FRHA Admissions and Continued Occupancy Policy (ACOP) and FRHA Administrative Plan, respectively. FRHA will incorporate reasonable confidentiality measures to ensure that it does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

## **10. COURT ORDERS**

When notified of a court order, FRHA will comply with a court order with respect to: (a) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or (b) The distribution or possession of property among members of a household in a case.

## **11. GRIEVANCE PROCEDURE**

All residents have the right to have a Grievance Hearing after a Private Conference is made. Upon filing a written request, as provided by the Fall River Housing Authority grievance procedure, any resident who disagrees with any FRHA action will be afforded this opportunity.

## **FALL RIVER HOUSING AUTHORITY**

### ***Notice of Occupancy Rights under VAWA***

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#### **TO ALL TENANTS AND APPLICANTS**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Fall River Housing Authority (FRHA)** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA."

#### **PROTECTIONS FOR APPLICANTS**

If you otherwise qualify for assistance under FRHA, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

#### **PROTECTIONS FOR TENANTS**

If you are receiving assistance under FRHA, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under FRHA solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

#### **REMOVING THE PERPETRATOR FROM THE HOUSEHOLD**

FRHA may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If FRHA chooses to remove the abuser or perpetrator, FRHA may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, FRHA must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA or find alternative housing.

In removing the abuser or perpetrator from the household, FRHA must follow Federal, State, and local eviction procedures. In order to divide a lease, FRHA may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

## MOVING TO ANOTHER UNIT

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

Upon your request, FRHA may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, FRHA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for administrative transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an administrative transfer under VAWA. The criteria are:

1. **You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
2. **You expressly request the administrative transfer.** Your housing provider may choose to require that you submit a form or may accept another written or oral request.
3. **You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer, you would suffer violence in the very near future.

OR

4. **You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an administrative transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an administrative transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

FRHA will keep confidential requests for administrative transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

FRHA's administrative transfer plan provides further information on administrative transfers, and FRHA must make a copy of its administrative transfer plan available to you if you ask to see it.

## DOCUMENTING YOU ARE OR HAVE BEEN A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

FRHA can, but is not required to, ask you to prove or "certify" that you are a victim of domestic violence, dating violence, sexual assault, or stalking. It must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. FRHA may, but does not have to, extend the deadline for the submission of documentation upon your request. You can provide one of the following to FRHA as documentation. If FRHA asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, it is your choice which of the following forms of documentation to submit.

1. Complete the HUD-approved certification form given to you by FRHA with this notice. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification

form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.

2. A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
3. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
4. Any other statement or evidence that FRHA has agreed to accept.

If you fail to provide one of these documents **within the 14 business days**, FRHA does not have to provide you with the protections contained in this notice.

If FRHA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms 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 abuser or perpetrator), FRHA has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, FRHA does not have to provide you with the protections contained in this notice.

### **CONFIDENTIALITY**

FRHA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

FRHA must not allow any individual administering assistance or other services on behalf of FRHA (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

FRHA must not enter your information into any shared database or disclose your information to any other entity or individual. FRHA, however, may disclose the information provided if:

- You give written permission to FRHA to release the information on a time limited basis.
- FRHA needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires FRHA or your landlord to release the information.

VAWA does not limit FRHA’s duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

**REASONS A TENANT ELIGIBLE FOR OCCUPANCY RIGHTS UNDER VAWA MAY BE EVICTED OR ASSISTANCE MAY BE TERMINATED**

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

The protections described in this notice might not apply, and you could be evicted, and your assistance terminated, if FRHA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

1. Would occur within an immediate time frame, and
2. Could result in death or serious bodily harm to other tenants or those who work on the property.

If FRHA can demonstrate the above, FRHA should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

**OTHER LAWS**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

You may view a copy of HUD's final VAWA rule at:

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>.

FRHA must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact:

**Fall River Housing Authority, 85 Morgan Street, Fall River, MA 02721 or call (508) 675-3500**

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or, for persons with hearing impairments, 1-800-787-3224 (TTY)

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at

<https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

## FALL RIVER HOUSING AUTHORITY

### *VAWA Certification*

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U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

OMB Approval No. 2577-0249  
Exp. (07/31/2017)

**Purpose of Form.** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of Optional Form.** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking. In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

1. Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
2. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
3. At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation.** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period.

If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality.** All information provided to a PHA, owner or manager concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and such details shall not be entered into any shared database. Employees of the PHA, owner, or manager are not to have access to these details unless to grant or deny VAWA protections to you; and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

***To be completed by or on behalf of the person seeking protections under VAWA:***

1. Date Written Request Received by Victim: \_\_\_\_\_
2. Name of Victim: \_\_\_\_\_
3. Your name (if different from victim's): \_\_\_\_\_
4. Names of Other Family Members Listed on the Lease: \_\_\_\_\_
5. Residence of the Victim: \_\_\_\_\_
6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_  
\_\_\_\_\_
7. Perpetrator's Relationship to Victim: Relationship of the accused perpetrator to the victim:  
\_\_\_\_\_
8. Date(s) and times(s) of incident(s) (if known) \_\_\_\_\_
9. In your own words, briefly describe the incident(s):  
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\_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_

Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

# **FALL RIVER HOUSING AUTHORITY**

## ***Administrative Transfer Plan under VAWA***

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### **ADMINISTRATIVE TRANSFERS**

Fall River Housing Authority (FRHA) is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>8</sup> FRHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an administrative transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>9</sup> The ability of FRHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether FRHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an administrative transfer, the documentation needed to request an administrative transfer, confidentiality protections, how an administrative transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that Fall River Housing Authority is in compliance with VAWA.

### **ELIGIBILITY FOR ADMINISTRATIVE TRANSFERS**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency (administrative) transfer, if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit.

If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an administrative transfer.

A tenant requesting an administrative transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an administrative transfer if they meet the eligibility requirements in this section.

### **ADMINISTRATIVE TRANSFER REQUEST DOCUMENTATION**

To request an administrative transfer, public housing tenants shall notify FRHA's management office and submit a written request for a transfer. FRHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an administrative transfer should include either:

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<sup>8</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>9</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under FRHA's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an administrative transfer.

### **CONFIDENTIALITY**

FRHA will keep confidential any information that the tenant submits in requesting an administrative transfer, and information about the administrative transfer, unless the tenant gives FRHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act. For All Tenants for more information about FRHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **ADMINISTRATIVE TRANSFER TIMING AND AVAILABILITY**

FRHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. FRHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. FRHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If FRHA has no safe and available units for which a tenant who needs an emergency is eligible, FRHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, FRHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **SAFETY AND SECURITY OF TENANTS**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online>

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

## **FALL RIVER HOUSING AUTHORITY**

### ***VAWA Policy Transfer Request***

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**PURPOSE OF FORM:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an administrative transfer, you may use this form to request an administrative transfer and certify that you meet the requirements of eligibility for an administrative transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an administrative transfer. See your housing provider's administrative transfer plan for more information about the availability of emergency transfers.

#### **THE REQUIREMENTS YOU MUST MEET ARE:**

- 1. You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.
- 2. You expressly request the administrative transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form or may accept another written or oral request. Please see your housing provider's administrative transfer plan for more details.
- 3. You reasonably believe you are threatened with imminent harm from further violence** if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer, you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an administrative transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an administrative transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

**SUBMISSION OF DOCUMENTATION:** If you have third-party documentation that demonstrates why you are eligible for an administrative transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

**CONFIDENTIALITY:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an administrative transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an administrative transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

***To be completed by or on behalf of the person requesting a transfer under VAWA***

1. Name of victim requesting an administrative transfer: \_\_\_\_\_
2. Your name (if different from victim's): \_\_\_\_\_
3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_  
\_\_\_\_\_
4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_  
\_\_\_\_\_
5. Address of location from which the victim seeks to transfer: \_\_\_\_\_
6. Address or phone number for contacting the victim: \_\_\_\_\_
7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_
8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_
9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? ☐ YES ☐ NO  
If "YES", skip question If no, fill out question #11.
11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit: \_\_\_\_\_
12. If voluntarily provided, list any third-party documentation you are providing along with this notice: \_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an administrative transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_

Date: \_\_\_\_\_



# APPENDIX D: FLAT RENT TABLES

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## 1. PURPOSE

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families that are attempting to become economically self-sufficient 24 CFR 960.253(b).

## 2. FORMULA

Per HUD Notice PIH 2014-12, FRHA has set a flat rent for each Public Housing unit to “no less than 80 percent of the applicable Fair Market Rent (FMR)”.

Prior to the start of each Federal Fiscal Year (FFY) on October 1, HUD publishes the Fair Market Rents for the area. At this time, FRHA calculates the new flat rent amounts and compares them to its existing flat rent amounts.

- If the existing flat rent amount is at least 80 percent of the FMR, no further steps are necessary.
- If the existing flat rent amount is less than 80 percent of FMR, FRHA will revise its flat rents to no less than 80 percent of FMR.

## 3. APPLICABILITY & IMPLEMENTATION

Public housing authorities are required to update their flat rents within 90 days of the effective date (October 1) of HUD’s published Fair Market Rents. Accordingly, FRHA revises the *Family Choice of Rent Option* to reflect any revisions to flat rents for current FFY and applies them to:

- All New Admissions with an effective date of action on/after November 1st
- All Annual Recertifications with an effective date of action on/after January 1st

## 4. NOTICE

Adjustments are applied on the effective date of the family’s Annual Recertification and affected families will be given a 30-day notice of any rent change. The FRHA will post the flat rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

# BEDROOMS	HUD FAIR MARKET RENT	FRHA FLAT RENT
0	\$794	\$635
1	\$898	\$718
2	\$1,075	\$860
3	\$1,340	\$1,072
4	\$1,591	\$1,273
5	\$1,830	\$1,464



# APPENDIX E: LIMITED ENGLISH PROFICIENCY POLICY

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## 1. POLICY

It is the policy of the Fall River Housing Authority (FRHA) to take reasonable steps to ensure that Limited English Proficiency (LEP) persons have meaningful access to FRHA's direct services. This policy is in accordance with the HUD's Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, dated January 22, 2007.

FRHA hereby designates the Director of Field Operations and/or his/her designee, as its Language Access Coordinator ("LAC"), to annually assess the language assistance needs of FRHA and monitor FRHA's delivery of language assistance services in conjunction with FRHA departments that provide direct services to public housing residents, participants in FRHA's rental assistance programs, and public housing and rental assistance applicants. The LAC shall recommend modifications to the Executive Director and Deputy Director, as required, regarding FRHA's delivery of language assistance services to LEP Persons.

## 2. APPLICABILITY

This policy applies to departments that provide direct services to FRHA residents, participants in its rental assistance programs, and to public housing and rental assistance applicants.

## 3. ASSESSMENT OF LANGUAGE SERVICES NEEDS-FOUR FACTOR ANALYSIS

All FRHA departments providing direct services to FRHA residents, participants in its rental assistance programs, and to public housing and rental assistance applicants must conduct periodic evaluations of the service tools being provided to LEP residents, participants, and applicants to determine if there are new needs. Annually FRHA will review data collected pursuant to the provisions of this Policy and the Four Factor Analysis to assess whether or not Vital Documents should be translated into additional languages. The following assessment services tools may be used in the determination of the FRHA's language assistance needs:

- A. Determine the number or percentage of LEP persons eligible to be served or likely to be served by direct services, by using one or more of the following:
  1. Provide questions on an initial application, or enrollment form, to determine if the applicant needs language services.
  2. Identify language and record language of resident, applicant or participant at points of contact and service.
- B. Each Department shall track and record requests for language assistance, service provided (interview, conference, hearing, briefing etc.) and who provided language services e.g., bilingual employee, contract vendor.
- C. Determine the nature and importance of the program, activity, provided through the program, by recognizing which FRHA activities may require an interpreter to assist an LEP person. For example, assisting a LEP person with interpretative services during an eligibility interview, housing offer and lease signing, or during a termination of tenancy hearing.
- D. Determine available and future resources and costs associated with providing direct services to LEP residents, participants and applicants. Departments should determine if it is more cost effective to re-assign staff, hire qualified bilingual staff or contract with vendors to perform

routine duties that require interpretative services. Departments providing direct services to residents, participants and applicants shall make every effort to provide interpretative services through the use of qualified bilingual staff members or through contracted services. For example:

1. Seeking the use of qualified FRHA bilingual employees to provide language assistance services at locations where the services are needed, in consultation with the Human Resources Department and consistent with applicable collective bargaining agreements.
2. Comparing the cost for hiring qualified bilingual employees to provide language assistance services in locations where these services are needed and cost estimates for utilizing contract vendors, when such services are required
3. Determining if vacancies in direct service positions require the services of qualified bilingual employees and providing for such a requirement in the applicable job description.

#### **4. PROVIDING LANGUAGE ASSISTANCE SERVICES**

##### **A. Interpretative Services (Oral Language)**

Each FRHA department office or location, that provides direct services must provide oral interpretation upon request and at no charge to LEP persons at points of contact and service to ensure meaningful access to FRHA's direct services. FRHA shall notify all applicants, residents and participants of their ability to request an interpreter in notices from FRHA for hearings, interviews, scheduled appointments, and adverse action. If necessary, appointments/ interviews/ hearings/ conferences may need to be rescheduled to a later date in order to provide language assistance services.

Types of activities for which interpretative services must be offered to LEP persons include, but are not limited to the following:

- Eligibility Interview
- Voucher Briefing
- Housing Offer and Lease Signing
- Resident/Applicant/Participant Private Conferences and Hearings
- Interviews regarding Annual and Interim Rent Recertifications
- Transfer and Residual Tenancy Application
- Reasonable Accommodation Request
- Notice of Public Hearings

FRHA staff is prohibited from requiring or asking LEP persons to bring their own interpreter. If a LEP person *requests* that an adult family member or friend (18 years of age or older) provide interpretation, this practice is acceptable only if it is his/her choice. The employee must advise the LEP person about the availability of free language services and document in writing if the LEP person still chooses to have his/her own interpreter.

There are some situations where the use of family members or friends is not appropriate e.g., in situations involving domestic abuse, sexual assault, or in hearings related to adverse actions. In these instances, qualified FRHA interpreters or others must provide language assistance. In situations where the FRHA proposes to take adverse action against a LEP person, a qualified interpreter must provide language services.

**Note:** For sign language interpreters, applicants, residents, or participants shall submit the FRHA form, *Request for Reasonable Accommodation*. For further information related to persons who need sign language interpreters please refer to the FRHA's policies on Reasonable Accommodation which are available at FRHA Offices and are posted on the FRHA's web site.

## **B. Translation Services (Written Language)**

Documents which contain vital information or information that is critical for ensuring meaningful access to FRHA's direct services are considered Vital Documents. Each Department Director, in consultation with the LAC, shall conduct an initial review of its written documents for the purpose of assessing whether any document contains vital information and requires translation. A similar review at time of creation will be conducted to determine if new documents contain vital information and require translation.

The FRHA shall translate vital information into Covered Languages before distribution. This commitment is subject to the availability of appropriated funds. It may not occur in full if the translations required would create an undue administrative and financial burden on the FRHA such as in the circumstances described below. In addition, the FRHA will rely on both HUD and DHCD to translate their own required documents. Examples of Vital Documents may include, but are not limited to: Public Housing Lease, Application for FRHA Housing Programs, and Public Notices.

Although many documents will be completely translated under this policy, the FRHA recognizes that some Vital Documents are not entirely comprised of vital information. Where appropriate, FRHA shall use translated summaries to provide the vital information contained in a Vital Document to an LEP person. Further, some notices contain individualized facts which would be impractical to translate in every instance because of their volume and the associated cost and time involved. Examples include Notices of Private Conference, Summaries of Private Conference, Hearing Decisions, Notices of Proposed Termination, Notices of Denial of Application. In these circumstances FRHA will advise the notice recipient how to obtain interpretive services and/or provide a translated summary of the document in Covered Languages.

Annually, FRHA will re-assess the data collected pursuant to Section 3 above and determine pursuant to applicable federal guidelines and the Four Factor Analysis whether Vital Documents should be translated into other languages, or whether certain languages may be dropped from the requirement. This re-assessment will be incorporated annually into FRHA's Language Assistance Services Implementation Plan and posted on FRHA's web site.

## **5. OUTREACH**

FRHA will post notices of the availability of free language assistance services in offices where LEP persons interact with FRHA, including but not limited to: Property Management offices, Leased Housing offices, Resident Services and Tenant Selection. Notices regarding the availability of free language assistance services will also be posted on FRHA's website and will be included in notifications such as referenced in Section 4A above.

## **6. TRAINING**

FRHA's LAC as well as Language Assistance Liaisons (See Section 7B) will provide ongoing training for appropriate staff about the Limited English Proficiency Policy and FRHA's current vendor for Interpretation (oral) and Translation (written) Services. Training will include:

- An overview of FRHA's Limited English Proficiency Policy and FRHA's Interpretation (oral) and Translation (written) Services contract.
- How and when to access language services through bilingual staff or FRHA's Interpretation and Translation Services contract vendor.
- How to work with an interpreter.
- Prohibition against requiring or asking any LEP person to bring his or her own interpreter.
- Cultural sensitivity

## **7. MONITORING AND RECORDKEEPING**

### **A. FRHA-Wide Monitoring**

The LAC will monitor FRHA's provision of language assistance services to LEP persons on an ongoing basis and facilitate the delivery of and address issues related to language services. The Language Access Coordinator's (LAC) responsibilities include:

1. Monitoring the implementation of FRHA'S Limited English Proficiency Policy and Interpretation and Translation Services contract and coordinating its annual update.
2. Meeting with the Language Assistance Liaisons (LALs) to ensure departments are complying with the requirements for providing language assistance services.
3. Assessing annually the language assistance needs of the agency by reviewing data on the provision of language services and the prior year's provision of language assistance services, and recommending modifications of the plan to FRHA Administration
4. Monitoring the translation of vital documents.
5. Overseeing quality control assessment of language services.
6. Monitor the agency's utilization of contracted Interpretation and Translation Services.
7. Participate in the procurement process for Interpretation and Translation Services.
8. Making available a glossary of FRHA terminology to authorized bilingual employees, volunteers, and contract vendors for use when translating FRHA documents.

### **B. Departmental Monitoring**

FRHA departments providing direct services to residents, applicants, and rental assistance voucher holders will regularly monitor and assess the language assistance services they provide to ensure meaningful access by LEP persons.

Each FRHA department will designate a language assistance liaison (LAL) to:

1. Ensure tracking of language assistance services provided by the department as follows:
  - a) LEP person served
  - b) the language
  - c) type of service and how language service was provided
2. Work with Department Director and the LAC to address issues related to language services
3. Provide information to LAC to help identify emerging languages and changes in the proportion of existing language groups
4. Provide Department Director and LAC with reports on language assistance provided

5. Identify staff requiring training on the delivery of language services, e.g., new hires, employees new to the department.
6. Provide Department Director and LAC with updated language assistance services needs of the department

## 8. COMPLAINTS

FRHA employees who receive a report or become aware that a LEP person believes that he/she has not been provided with language assistance services, in accordance with the provisions of FRHA's Limited English Proficiency Policy, should report that information to the Property Management Office at (508) 675-3505. Notices will advise LEP persons of this opportunity.

## 9. FEEDBACK

FRHA will meet with LEP advocates and community organizations semi-annually to discuss FRHA's implementation of its LEP Policy and Interpretation and Translation Services contract and to receive information on emerging LEP populations.

## 10. DEFINITIONS

**Limited English Proficient Person.** A Limited English Proficient Individual is a person who does not speak English as his/her primary language and who has a limited ability to speak, read, write or understand English at a level that permits him/her to communicate effectively, in the course of applying for, or receiving, agency services or benefits.

**Vital Document.** A Vital Document is a document that contains vital information or information that is critical for ensuring meaningful access to FRHA's direct services. FRHA considers the following types of documents to be Vital Documents:

- Pre-Applications (State and federal public housing)
- Standard Applications (State and federal public housing)
- Consent authorization forms (applicant intake and annual re-examination)
- Tenant Selection notices – Interview Appointment, Waiting List Update, and Notice of Denial
- Reasonable Accommodation Request Forms
- Informal Review and Grievance Hearing Request Forms
- Public Housing Lease
- Tenant or Participant Rules
- Notices of Eviction
- Notices advising LEP persons of free language assistance
- Notices of public hearings

The FRHA shall translate Vital Documents in accordance with Section 4B above.

**Translation Services** (Written Language Services). Translation services are the written communications of a text from one language (source language) into an equivalent written text in another language (target language).

**Interpretation Services (Oral Language Services).** Interpretation services are the processes of orally communicating information from one language (source language) into another language (target language).

**Language Bank Volunteers.** Language Bank Volunteers are FRHA employees who have been deemed proficient to provide oral interpretation and/or written translation in particular languages and who volunteer, with supervisory approval, to provide such service outside the scope of their usual work.

**Bilingual/Bilingualism.** The ability to speak two languages fluently and communicate directly and accurately in both English and another language.

**Bilingual Employee.** A bilingual employee has the ability to speak two languages fluently and can communicate directly and accurately in both English and another language.

**Covered Languages.** Covered Languages, for translation (written language) only, are those languages are represented by 5% of the total service population are subject to change based on an annual review of applicant and tenant statistics.

## APPENDIX F: DECONCENTRATION POLICY

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Fall River Housing Authority has adopted the federally required policies to provide for deconcentration of poverty and to encourage income mixing in all federal family (general occupancy) developments. The goals of the plan are to provide extremely low-income, very-low, and low-income households at all FRHA developments, and to avoid circumstances wherein higher-income or lower-income developments are created with respect to the Authority-wide average income.

### 1. LOWER-INCOME HOUSEHOLDS

For the purposes of the Admissions and Continued Occupancy Policy (ACOP), Lower-Income households are defined as households whose annual income *does not exceed eighty (80) percent of Area Median Income (AMI)*, with adjustments for smaller and larger households, as determined by the Secretary of Housing and Urban Development.

- A. Low-Income Household:** A household whose annual income exceeds fifty (50) percent but *does not exceed eighty (80) percent of the Fall River AMI*, with adjustments for smaller and larger households, as determined by the Secretary of Housing and Urban Development.
- B. Very Low-Income Household:** A household whose annual income exceeds thirty (30) percent but *does not exceed fifty (50) percent of the Fall River AMI*, with adjustments for smaller and larger households, as determined by the Secretary of Housing and Urban Development.
- C. Extremely Low-Income Household:** A household whose annual income *does not exceed thirty (30) percent of the Fall River AMI*, with adjustments for smaller and larger households, as determined by the Secretary of Housing and Urban Development.

### 2. BROAD RANGE OF INCOMES (INCOME-MIXING)

It is the goal of FRHA to attain, within a reasonable period of time, a resident population in each development composed of Lower-Income households with a broad range of incomes. FRHA will make an effort to assure that each of its developments will include households with a broad range of incomes generally representative of the range of Lower-Income households in the City of Fall River.

To achieve and maintain this objective, FRHA will review its waiting list once annually to determine whether there is a representative income mix of Low, Very Low, and Extremely Low-Income households. If there is not a representative income mix, FRHA will consider strategies to encourage a greater income mix including, but not limited to, conducting targeted outreach efforts.

Regardless of any discretionary strategies the FRHA may adopt to achieve the goal of income mixing, the FRHA will ensure that that it meets the targeting requirements as set forth by federal regulation whereby at least 40% of new admissions to the FRHA's public housing family developments will be Extremely Low-Income households during each fiscal year.

### 3. DECONCENTRATION OF POVERTY

To prevent a concentration of poverty at a particular development or geographic area, FRHA has established policies and procedures to encourage the admission of higher-income households into lower-income developments and vice-versa.

The HUD Final Rule to *Deconcentrate Poverty and Promote Integration in Public Housing* defines “public housing development” as one which includes units or buildings with the same project number. Developments covered under this regulation are those designed for general occupancy (family developments) and having a minimum of 100 units. Fall River Housing Authority has five (5) such family developments in its federal public housing program:

FRHA FAMILY DEVELOPMENTS		
PROJECT NUMBER	DEVELOPMENT NAME	# DWELLING UNITS
MA0006-000001	Sunset Hill	355
MA0006-000002	Heritage Heights	127
MA0006-000003	Diaferio Village	224
MA0006-000004	Bennie Costa Plaza	60
	Fordney Apartments	36
	North Roccliffe Apartments	35
	Riley Plaza	25
MA0006-000010	Pleasant View	119
TOTAL		981

The FRHA will accomplish the deconcentration goal in a uniform and non-discriminatory manner. While targeting certain levels of income for admission to FRHA public housing, FRHA will not intentionally concentrate lower-income households, as defined above, in one public housing development.

#### A. Identification Procedures

In accordance with PIH Notice 2001-4, the FRHA will calculate the average household income at all federal family developments (“the Authority-wide Average Income”) and the average income of all households at each family development (“the Development Average Income”) adjusted for bedroom size.

Developments in which the Development Average Income is above 115% of the Authority-wide Average Income will be considered “higher-income” developments. Likewise, developments in which the Development Average Income is below 85% of the Authority-wide Average Income will be considered “lower-income” Developments.

1. **The Authority-wide Average Income:** The average income of all households residing in FRHA federal family developments. Such an average is used as a base measure from which developments are either determined to be “higher-income” or “lower-income” for purposes of the FRHA’s Deconcentration Policy.
2. **The Development Average Income:** The average income of all households residing in a single FRHA family development.
3. **Higher-income Development:** A development in which the development average income is above 115% of the Authority-wide average income.
4. **Lower-income Development:** A development in which the development average income is below 85% of the Authority-wide average income.

**B. Remedial Action**

Based upon the above-mentioned analysis, the FRHA will review the need to offer incentives to eligible families that would help accomplish the deconcentration objectives at individual developments. Should the average income at a development(s) vary more than 15% from the Authority-wide average, the FRHA may utilize some or all of the strategies listed below:

1. Selecting income-targeted applicant families over other eligible applicants on the waiting list to help the FRHA meet deconcentration goals
2. Offering units at developments designated as higher or lower income concentration to targeted applicants over ready units at other developments which may have been vacant and/or ready for occupancy longer.
3. Initiate affirmative marketing strategies to all income-eligible groups.

**C. Monitoring**

In accordance with the guidance set forth in HUD Public and Indian Housing (PIH) Notice 2001-4, FRHA will annually monitor the income levels of households residing in FRHA housing and on the waiting list to assess its progress in attaining the deconcentration and income mixing goals.

FRHA will calculate and compare the average household incomes at each development with the Authority-wide average, as described above. For those developments whose average incomes, adjusted for bedroom size, do not fall within the 85% - 115% range of the authority-wide average, FRHA will compare these averages with the current Income Limits to ensure that at least 40% of households meet are at or below 30% of the area median income.

In addition, the income status of Applicants on the FRHA's waiting list will be analyzed to determine the percentage of Applicants with "Low," "Very Low" and "Extremely Low" incomes.

FRHA will also ascertain its progress in meeting the income-targeting goal that requires in federal developments that 40% of new admissions must be Extremely Low-Income Households. If the monitored data indicates any problems, FRHA will alter its marketing and deconcentration strategies in accordance with this policy and federal and state requirements.

**4. DECONCENTRATION AND INCOME MIXING MONITORING REPORT FY2019****A. Deconcentration Analysis**

The calculations for annual monitoring of deconcentration and income mixing yield an Authority-wide Average Income of \$17,930. To meet Deconcentration of Poverty and Income-Mixing targets, Development Average Income (adjusted for bedroom size) must fall between 85% and 115% of this Authority-wide Average.

<b>TARGET RANGE FOR DECONCENTRATION POLICY GOALS</b>		
<b>Low (85%)</b>	<b>Authority-wide Average</b>	<b>High (115%)</b>
\$15,241 ≤	\$17,930	≥ \$20,620

An analysis of Development Average Income, adjusted for bedroom size, reveals that average household income at each of the eight (8) family developments falls within the target range for Deconcentration of Poverty and Income Mixing.

AVERAGE INCOME BY DEVELOPMENT			
Development	Development Average <i>Adjusted for Bedroom Size</i>	% of Authority Average	Within Range?
Sunset Hill	\$15,517	87%	Yes
Heritage Heights	\$16,328	91%	Yes
Diaferio Village	\$17,108	95%	Yes
Bennie Costa Plaza	\$16,648	93%	Yes
Fordney Apartments	\$20,248	113%	Yes
North Roccliffe Apartments	\$17,371	97%	Yes
Riley Plaza	\$18,564	104%	Yes
Pleasant View	\$15,311	85%	Yes

## B. Income Mixing Analysis

An analysis of all new admissions to federal family developments in FY2019 reveals that FRHA met and surpassed the federally mandated minimum requiring Extremely Low-Income households comprise at least 40 percent of all new admissions. Over three-quarters (79%) of all new admissions fell below 30% of area median income.

APPLICANT INCOME AT ADMISSION FY2019				
Development	30% AMI <i>Extremely Low</i>	50% AMI <i>Very Low</i>	80% AMI <i>Low</i>	>80% AMI <i>Not Low</i>
Sunset Hill	78%	20%	3%	0%
Heritage Heights	90%	10%	0%	0%
Diaferio Village	76%	21%	3%	0%
Bennie Costa Plaza	83%	17%	0%	0%
Fordney Apartments	75%	0%	25%	0%
North Roccliffe Apartments	67%	0%	33%	0%
Riley Plaza	100%	0%	0%	0%
Pleasant View	80%	20%	0%	0%
<b>PERCENT</b>	<b>79%</b>	<b>17%</b>	<b>4%</b>	<b>0%</b>

The income statuses among new admissions (above) in FY2019 are relative to the income demographics of all active households in each corresponding development on April 1, 2020:

INCOME STATUS OF RESIDENTS FY2019				
Development	30% AMI <i>Extremely Low</i>	50% AMI <i>Very Low</i>	80% AMI <i>Low</i>	>80% AMI <i>Not Low</i>
Sunset Hill	79%	15%	5%	1%
Heritage Heights	74%	20%	5%	1%
Diaferio Village	70%	22%	5%	3%
Bennie Costa Plaza	59%	29%	8%	3%
Fordney Apartments	69%	14%	6%	11%
North Roccliffe Apartments	62%	32%	6%	0%
Riley Plaza	63%	29%	4%	4%
Pleasant View	79%	15%	4%	3%
<b>PERCENT</b>	<b>73%</b>	<b>19%</b>	<b>5%</b>	<b>2%</b>

**C. Income Targeting Strategy**

In an effort to minimize the concentration of poverty, FRHA shall make every effort to increase the ratio of higher-income families at any development that falls below the target range for deconcentration. Conversely, to that same end, FRHA shall make every effort to increase the ratio of lower-income families at any development that exceeds target range for deconcentration.

To achieve this objective, FRHA shall target families on the waiting list in accordance with the methods outlined in Section 5.8 (A) of the FRHA Admissions and Continued Occupancy Policy.

1. For developments that *fall below* the target income range for deconcentration of poverty, FRHA shall identify active applicant families on the waiting list whose incomes fall between 50% and 80% of AMI (Low Income).
2. For developments that *exceed* the target income range for deconcentration of poverty, FRHA shall identify active applicant families on the waiting list whose incomes fall below 30% AMI (Extremely Low Income).

**D. Waiting List Management & Unit Offers**

To meet deconcentration of poverty and income mixing goals, FRHA shall:

1. Offer vacant units of appropriate size and type at developments outside the acceptable income range to targeted applicants.
2. Offer such units ahead of otherwise-ready units other family developments, even if they have been vacant and/or ready for occupancy for a longer period of time.
3. Select targeted applicant families (in their ranking order on the waiting list), over other eligible applicants who may rank higher on the list but who do not fall in the targeted income category
4. Waive all penalties for unit offer refusals resulting from this deconcentration strategy. Refusals by applicants selected for income-targeting purposes are covered under the FRHA definition of “good cause” for unit refusal.
5. Calculate the Development Average Income on a quarterly basis to determine whether deconcentration targets have been met.
6. Discontinue income-targeting efforts at any development whose Development Average Income has been determined to be within the deconcentration range.



# APPENDIX G: UNIFORM HOUSEKEEPING STANDARDS

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In an effort to improve the livability and conditions of the apartments owned and managed by the Fall River Housing Authority (FRHA), uniform standards for housekeeping have been developed for all FRHA public housing tenants. These standards serve as guidelines for tenants' compliance with their lease obligation "to keep the leased premise in a clean and sanitary condition and promptly to remedy any lack of cleanliness or lack of sanitary condition. As part of this obligation:

- Tenant shall not create any condition, which is likely to attract rodents or insects, to cause offensive odors, or to endanger the health of any person.
- Tenant and household members shall comply with all applicable obligations imposed upon them by the State Sanitary Code."

*Source: FRHA Public Housing Lease - Section IX (I)*

## 1. FRHA RESPONSIBILITY

The standards that follow will be applied fairly and uniformly to all Residents. The Authority will inspect each unit at least annually, to determine compliance with the standards. Upon completion of an inspection the Authority will notify the Resident in writing if he/she fails to comply with the standards. The Authority will advise the Resident of the correction(s) required to establish compliance. Within a reasonable period of time, the Authority will schedule a second inspection. Failure of a second inspection will constitute a violation of the Lease terms.

## 2. RESIDENT RESPONSIBILITY

Tenants are required to abide by the Housekeeping Standards set forth below. Failure to do so is a violation of the Lease terms [Section IX (I)] and can result in eviction.

## 3. HOUSEKEEPING STANDARDS

### A. General

- **Walls:** should be clean, free of dirt, grease, holes, cobwebs, and fingerprints.
- **Floors:** should be clean, clear, dry and free of hazards.
- **Ceilings:** should be clean and free of cobwebs.
- **Light Fixtures:** should be free of any dust build-up; light covers in place and not broken
- **Windows:** should be clean and not nailed shut. Shades or blinds should be intact.
- **Woodwork:** should be clean, free of dust, gouges, or scratches.
- **Doors:** should be clean, free of grease and fingerprints. Doorstops should be pre-sent. Locks should work.
- **Heating units:** should be dusted and access uncluttered.
- **Trash:** shall be disposed of properly and not left in the unit.
- **Infestation:** No evidence of rodents or insect infestation; bait stations and traps clean.
- **Evidence of Pet:** litter box, cage, and/or fish tank clean and odor free; no evidence of urine or damage caused by pet.
- **Electric Hazards:** No electrical cords running loosely across floors; no overloads, no hazards.

**B. Kitchen**

- **Stove:** should be clean and free of food and grease.
- **Refrigerator:** should be clean. Freezer door should close properly, and freezer have no more than one inch of ice. No stickers (decals) on refrigerators.
- **Cabinets:** should be clean and neat. Cabinet surfaces and countertop should be free of grease and spilled food. Cabinets should not be overloaded. Storage under the sink should be limited to small or lightweight items to permit access for repairs. Heavy pots and pans should not be stored under the sink.
- **Exhaust Fan:** should be free of grease and dust.
- **Sink:** should be clean, free of grease and garbage. Dirty dishes should be washed and put away in a timely manner.
- **Food storage areas:** should be neat and clean without spilled food.
- **Trash/garbage:** should be stored in a covered container until removed to the disposal area.

**C. Bathroom**

- **Toilet and tank:** should be clean and odor free.
- **Tub and shower:** should be clean and free of excessive mildew and mold. Where applicable, shower curtains should be in place, and of adequate length.
- **Lavatory:** should be clean
- **Exhaust fans:** should be free of dust.
- **Floor:** should be clean and dry.

**D. Storage Areas**

- **Linen closet:** should be neat and clean.
- **Other closets:** should be neat and clean. No highly volatile or flammable materials should be stored in the unit.
- **Other storage areas:** should be clean, neat and free of hazards.

**4. TENANT CERTIFICATION**

I acknowledge that I have received and read the FRHA Uniform Housekeeping Standards Policy. I understand that failure to abide by these standards is a violation of the Lease terms and can result in eviction.

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Head of Household Name (Print)

Head Signature

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FRHA Manager (Print)

FRHA Representative Signature

# APPENDIX H: TENANT FILE REVIEW POLICY

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## 1. INTRODUCTION

Effective January 1, 2019, the Fall River Housing Authority (FRHA) shall establish internal controls to ensure active public housing tenant records are periodically assessed for completeness and accuracy.

Hard copy records of active tenants residing in federal public housing developments, and the clerical employees responsible for preparing and maintaining these records in accordance with federal regulations and FRHA policy, shall be the subjects of this periodic review process.

The records of each tenant household are organized and maintained in their own separate folders (hereinafter "Tenant Files") and are stored in locked filing cabinets at the Management Offices of the housing development where they reside.

The Tenant File Review Policy and corresponding standard procedure outlined below will be carried out mainly by the Senior Property Manager (or designee) and under the supervision of the Director of Field Operations (or designee). Any follow-up actions required to address noted deficiencies in a Tenant File shall be performed by the clerical employee responsible for preparing the Tenant File and under the supervision of the SPM (or designee).

## 2. SELECTION OF TENANT FILES FOR REVIEW

At the beginning of each quarter, the Director of Field Operations (DFO) shall issue a list of active public housing tenants (not to exceed 10) to each Senior Property Manager (SPM).

The DFO shall prepare a *Tenant File Review Checklist* for each household selected in the audit sample. Each checklist issued will be populated with the following Tenant-specific information:

- Head of Household Name
- Move-In Date
- Number in Household
- Development Name
- Unit Address
- Bedroom Size
- Elements from most recently submitted Annual Recertification:
  - Effective Date
  - Annual Income
  - Tenant Rent
- Name of FRHA clerical employee who prepared Annual Recertification for submission
- Name of Senior Property Manager

## 3. FAIRNESS AND EQUITY

The ratio of Tenant Files assigned in each sampling will proportionally reflect the sizes of each Asset Management Project (AMP) the SPM.

Prior to issuing audit assignments, the DFO shall examine the family composition and income sources of each sampling to ensure the tenant lists are distributed fairly and equitably among the SPMs.

In the spirit of equity and fairness to clerical staff whose work may be subject to review, discussion and evaluation for as part of this quality control initiative, the DFO shall make sure that each audit sample provides a balanced representation of clerical staff.

#### **4. REVIEW CHECKLIST ITEMS**

The Senior Property Manager shall have 60 days to complete the *Tenant File Review Checklist* for each Tenant File assigned. The *Tenant File Review Checklist* shall be comprised of three (3) parts: **Required Tenant File Contents; Income Verifications; and Income and Rent Calculation:**

##### **A. Required Tenant File Contents**

1. Public Housing Lease Agreement
2. Annual Unit Inspection Report
3. Form HUD 50058
4. Application for Continued Occupancy
5. Family Choice of Rent Form
6. Rent Change Notice
7. HUD Form 9886
8. CSSR - Entrance Acknowledgment
9. CSSR - Annual Renewal
10. Acknowledgement of FRHA Policy

##### **B. Income Verifications**

1. Household EIV Report
2. Household Income
3. Asset Income
4. Childcare Expenses
5. Disability Assistance Expenses
6. Medical Deductions

##### **C. Income & Rent Calculation**

1. Elderly/Disabled Family Deduction
2. Dependent Deduction
3. Medical Expense Allowance
4. Disability Expense Allowance
5. Childcare Expense Allowance
6. EID Calculation
7. Gross Income Amount
8. Tenant Rent Amount

## 5. COMPLETING THE REVIEW CHECKLIST

The SPM (or designee) shall Review each of the Tenant File elements listed in Part III above for completeness and accuracy in the following manner:

### A. PART I: Required Tenant File Contents

1. Check "Pass" when required item is
  - a. in the file,
  - b. up to date,
  - c. completed, and
  - d. signed/dated by all parties
2. Check "Flag" when required item is
  - a. missing,
  - b. outdated,
  - c. incomplete, and/or
  - d. missing required signatures or dates
3. Provide an explanation of the noted deficiency in the corresponding Manager's Comment column for any item checked "Flag"

### B. PART II: Income Verifications

1. Check "Pass" when required verification
  - a. is present in the file and
  - b. satisfies income calculation requirements
2. Check "Flag" when required item is
  - a. NOT present in the file and/or
  - b. does NOT satisfy income calculation requirements
3. Check "N/A" for any verification documents that do not apply to the Tenant family
4. Provide an explanation of the noted deficiency in the corresponding Manager's Comment column for any item checked "Flag"

### C. PART III: Income & Rent Calculation

1. Check "Pass" when the figure is
  - a. is applied in accordance with HUD regulations, and
  - b. Is calculated correctly
2. Check "Flag" when the figure is
  - a. Is NOT applied in accordance with HUD regulations, and/or
  - b. Is NOT calculated correctly
3. Check "N/A" for any Review item that does not apply to the household.
4. Provide an explanation of the noted deficiency in the corresponding Manager's Comment column for any item checked "Flag"

## 6. FILE REVIEW MEETING

Upon completion of the Tenant File Review Checklist, SPM (or designee) shall schedule a File Review Meeting with the clerical employee who was responsible for preparing the 50058(s) in the audited Tenant File(s).

The purpose of the File Review Meeting is to discuss each completed checklist with the corresponding clerical employee and address any items flagged during the review process. The SPM (or designee) shall use this meeting as an opportunity to check employee understanding of file documentation requirements, verification procedures, and income calculation methods and determine whether additional training is necessary.

#### **7. FOLLOW-UP ON FILE DEFICIENCIES**

Within thirty (30) days of the File Review Meeting, under the supervision and at the direction of SPM (or designee), the clerical employee responsible for preparing the Tenant File shall correct all noted deficiencies.

The SPM (or designee) shall report any pervasive file deficiencies noted at the site level to the Director of Field Operations. This information shall be used to inform professional development plans for the department as a whole.

#### **8. RECORD KEEPING**

Upon completion of all follow-up actions resulting from the Review process, the SPM (or designee) shall verify that corrections have been made. Once corrections have been verified as complete, both the SPM (or designee) and the clerical employee shall sign Part IV of the completed *Tenant File Review Checklist*. A copy of the signed review form shall be forwarded to the Associate Director of Property Management and another copy shall be placed in the audited tenant's file.

# APPENDIX I: DESIGNATED HOUSING PLAN

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## 1. PROJECT DESCRIPTION

### **Development Names:**

Oak Village (MA006000005), O'Brien Apartments (MA006000005), Raymond Holmes Apartments (MA006000005), Cottell Heights (MA006000006), Mitchell Heights (MA006000006), Oliveira Apartments (MA006000006)

**Designation Type:** Elderly Only

**Count of Designated Bedrooms by Size:** 459 One-Bedroom Units, 29 Two-Bedroom Units.

**Total Units Proposed for Designation:** 488

**Total Units, Including Non-Designated Units, in the Projects:** 488

Since its inception, it has been the mission of the Fall River Housing Authority ("FRHA") to make rental subsidies accessible so interested and eligible seniors can afford decent, safe, and quality housing for persons in need and to cultivate healthy, vibrant neighborhoods for the City of Fall River, Massachusetts. These efforts are to serve as the catalyst for the transformation from dependence to economic self-sufficiency for its residents.

FRHA is seeking renewed designation for 488 ACC units across 6 properties for occupancy by persons 62 years or older, all of which had originally been HUD approved for Elderly Only designation in December 1995:

1. Oak Village
2. O'Brien Apartments
3. Raymond Homes Apartments
4. Cottell Heights
5. Mitchell Apartments
6. Holmes Apartments

However, due to a combination of Executive turnover at FRHA and internal issues at HUD the most recent request for a designation extension in 2013 was not acted upon. This application is a request for a renewal of the former designations for all six.

All 488 units will operate under the U.S. Department of Housing and Urban Development's ("HUD") Annual Contributions Contract ("ACC") program in which tenants will pay rental rates based on 30% of their adjusted monthly income with the balance between the tenant contribution and the rental rate paid through government subsidies (rental assistance). In addition, the subject properties will have a demographic designation for elderly-only tenants, age 62 and older. In the unlikely event that FRHA is unable to maintain sufficient occupancy rates and demand, the elderly-only designation will be extended to individuals age 50 and older.

The Designated Housing Plan (the "Plan") is necessary to meet the housing needs of the low-income elderly population of FRHA's jurisdiction consisting of the City of Fall River. The Plan has been created to preserve housing opportunities for the elderly, one of the fastest growing and most vulnerable age groups in America today and an objective of both the most recent Fall River Consolidated Plan and the Fall River Housing Authority's Annual Plan.

The goal of this development is to provide a dedicated resource to the high population of low-income elderly residents of Fall River. The elderly population of the United States is expected to rapidly increase in the coming years due to the aging of the “baby boomers”, as a result the demand for units dedicated for seniors will dramatically increase as well. In order to meet this need, the FRHA will establish as a goal in its Annual Plan to designate the 8 projects for occupancy by elderly families only and has dedicated resources for senior residents in its master redevelopment plan.

The designation of the units in the 6 properties will not affect the availability of affordable housing for non-elderly, disabled applicants or residents as the FRHA has alternative locations and Housing Choice Vouchers for those residents.

The proposed Plan will show that such designation is necessary in order to:

1. Facilitate the provision of a continuum of housing and related services to low-income elderly families
2. Provide much needed, dedicated affordable rental housing for low-income elderly families
3. Meet the housing goals of both the Fall River Consolidated Plan in serving low-income elderly families and the Fall River Housing Authority

Through this Plan, the FRHA will continue to address the specific and growing needs of the elderly in housing. The elderly-only units will help to consolidate a population with increasing social service needs, and therefore allow for greater ease in service delivery. I

With the increasing elderly population in Fall River, it is essential to provide elderly-only rental housing that is organized and managed according to the special needs of this population. The FRHA wishes to remain consistent with the growing changes in its jurisdiction and develop a consolidated and comprehensive plan to prepare for housing its elderly now and into the future.

According to US Census data, the Fall River elderly population has been increasing over the past decade, while the total population has been decreasing, indicating that the elderly has been forming a larger percentage of the population. This is consistent with demographic projections from the Metropolitan Area Planning Council (MAPC) which states that the aging of the Baby Boomers through 2030 is expected to increase by 4000 or 31%, with the total Fall River population decreasing by 5,000 over the same time. This will put a significant strain on the elderly housing availability and create need to adapt existing housing for elderly purposes.

This Plan is in accordance with Section 10 (a) of the “Housing Opportunity Program Extension Act of 1996” and with HUD Notice PIH 97-12, issued March 12, 1997 and HUD Notice PIH 2005-2, issued January 5, 2005.

The designation of these properties as Elderly Only is necessary in that the finances, design, and development of the properties have been specifically tailored to meet the needs of the FRHA's elderly population for individuals age 62 and older through accessible design features and supportive services provided to help elderly residents to age in place. In addition, these six (6) developments have been operating under former Designated Housing approvals for over 20 years and the populations and operations are targeted for that resident composition.

This Plan shall remain in place for five (5) years from the date of HUD's notification of approval of the Plan and may thereafter be renewed for two-year increments as approved by HUD.

## 2. OVERALL PROJECT

Six (6) Fall River Housing Authority projects are being re-designated Elderly Only housing. Many of the elderly residents may require special assistance and amenities to help them cope with their physical limitations or disabilities. The FRHA has devoted significant resources to ensure that the design of accommodates the special environmental needs of the elderly residents who will reside there. The FRHA will continue to provide outreach to all residents, and referrals to appropriate service providers. In addition, there will be the following services and amenities:

- Mobility Accessible Supports
- Hearing Accessibility
- Mobility Accessibility (ADA compliance)
- Intercom system
- Handicapped Access
- Personal Care Programs
- Meals on Wheels
- Home Care/Senior Care
- On site health care and nutrition programming
- Integrated Pest Management services
- Cable TV hook-up in each unit
- Window coverings for each window and glass door inside each unit
- All refrigerators are Energy Star qualified.
- Energy Saver Aerators and Shower heads in all bathrooms
- Wall ovens and cooktops in all 42 ADA Handicap Accessible units
- Closed circuit security cameras with 24/7 recording capabilities at O'Brien Apartments, Holmes Apartments, Cottell Heights, and Oliveira Apartments
- Full-size ranges and ovens at Oak Village, Oliveira Apartments, Cottell Heights, and Mitchell Heights
- Emergency pull cord systems in all units
- 2-way Intercom Systems in all units (except Oak Village)

## 3. UFAS-COMPLIANT ACCESSIBLE UNITS

The 6 properties will be designated Elderly Only development, and of the 488 units across these sites, 37 fully UFAS-compliant units. Located in Oliveira Apartments, Cottell Heights, and Mitchell Heights, there will be 37 accessible 1 BR units. To meet fair housing standards, the bathroom sizes will be increased where structurally feasible.

### UFAS COMPLIANT UNITS FALL RIVER PROPERTIES

PROGRAM TYPE	UFAS COMPLIANT UNITS
<b>All</b>	<b>110</b>
Elderly/Disabled Projects	76
Family Projects	44
Elderly/Disabled projects to-be-designated Elderly-Only	37
To Remain Elderly/Disabled projects	29
1-BR Units no longer available	37

## **CONFORMANCE WITH PLAN**

As evidenced in the Justification for Designation section of this application, the designation of the 488 units at the 6 FRHA properties as Elderly Only is consistent with the housing goals of the Fall River Consolidated Plan, as well as Fall River Housing Authority's latest Annual Plan. All the plans noted above have placed a high priority on the new development and preservation of affordable rental housing for low-income elderly households.

## **4. JUSTIFICATION FOR DESIGNATION**

FRHA has developed this Plan in accordance with the requirements of HUD Notice PIH 97-12 (HA), dated March 12, 1997. This Notice requires public housing authorities ("PHA") to do the following:

- Establish that the designation of the project is necessary to achieve the housing goals for the jurisdiction under the Fall River Consolidated Plan.
- To meet the needs of the low-income population of the jurisdiction.

The following resources were utilized in the development of this Plan:

- City of Fall River Consolidated Plan: 2015-2019
- 2016-2017 Fall River Community Development Agency Annual Action Plan
- Analysis of Impediments to Fair Housing Choice FY 2015-2020: July 2015
- 2017 and 2018 Fall River Housing Authority Agency Plans
- 2010-2014 HUD Comprehensive Housing Affordability Strategy (CHAS)
- 2017-2018 MassAccess Housing data
- 2010-2016 U.S. Census
- 2018 Bristol Elder Services Area Plan

## **5. CITY OF FALL RIVER CONSOLIDATED PLAN (2016-2017)**

**Summary of Housing Needs:** A high priority goal of the latest Fall River Consolidated Plan is the development of affordable rental housing for the elderly population of Fall River, Massachusetts in tandem with the provision of community and supportive services for low and moderate income for this population. Designation of the 8 senior developments is an important step in meeting that need.

**Summary of Objectives & Outcomes Identified in Plan Needs Assessment Overview.** The following objectives as provided by the U.S. Department of Housing and Urban Development will serve as the objectives for this 5-Year Consolidated Plan:

Housing: The FY 2015-2019 Consolidated Plan projected that 45 affordable ownership opportunities will be provided, as well as 35 rental units and 5 new handicapped units, in tandem with 680 persons shall be assisted by senior services. After two years, a significant number of affordable units were provided for homeless and standard non-homeless.

**Estimate the Number of Extremely Low-Income, Low-Income, and Moderate-Income Families to whom the Jurisdiction Will Provide Affordable Housing as Defined by HOME 91.215(B).** It is estimated that 22 eligible extremely low-income, low-income, and moderate-income families, including homeless individuals/families were served by either first time

homebuyer assistance or rehabilitation assistance. A further discussion of this estimate is discussed under AP-55 – Affordable Housing.

**Actions Planned to Foster and Maintain Affordable Housing.** For FY 2016 - 2017, the City of Fall River planned to preserve and enhance the supply of decent and affordable housing for very-low, low-, moderate-, and middle-income (0 – 120% AMI) residents of the County by:

- Promoting the Buy Fall River Program and home of the Brave Program
- Continue offering Low-Interest Rehabilitation loans, Lead Paint Abatement Zero Percent Deferred Loans, Accessibility 0-percent deferred loans, down payment assistance for first-time homebuyers
- Continue making available Affordable Housing Preservation monies for affordable activities
- Continue offering low-cost financing of Get the Lead Out Program, Homeowner Septic Loan Program, and Home Improvement Loan Program in partner with MassHousing
- Continue partnering with CHDO's to acquire and rehabilitate foreclosed and abandoned properties for either rental or homeownership opportunities
- Work with developers to obtain Low-Income Housing Tax Credits (LIHTC)
- Continue to partner with the Massachusetts Attorney General Office to rehabilitate foreclosed properties through the HOME Corps Grant funding
- Continue to partner with the Massachusetts Attorney General Affordable Housing Initiative to work with Receivers to rehabilitate nuisance properties
- Continue to make available affordable housing opportunities through the Neighborhood Stabilization Program
- Continue to assist individuals and families at risk of homelessness by providing rental assistance through the Emergency Solutions Grant Program
- City to continue working with the Fall River Housing Authority to develop affordable housing opportunities
- City to continue promoting first time homebuyer education courses held by Catholic Social Services and Fall River Affordable Housing Corporation
- City to collaborate with the Fall River Homeless Coalition of Service Providers to seek out more permanent housing solutions for the homeless

**Goals Summary Information:**

GOAL NAME	START YEAR	END YEAR	CATEGORY	GEOGRAPHIC AREA	NEEDS ADDRESSED	FUNDING	GOAL OUTCOME INDICATOR
Increase supply of affordable housing- CHDO	2015	2019	Affordable Housing	Community Wide- Entire City Geographic Area	Affordable Rental Housing- production of new affordable housing units	HOME: \$112,135	Rental units rehabilitated: 3 Household Housing Unit
Goal Description	This program makes funding available to non-profit developers with the cost of developing new affordable housing and homeownership housing units through new construction or substantial rehabilitation of existing units. The City of Fall River will set aside not less than 15% of its Program year funds allocation for qualified local Community Housing Development Organizations (CHDOs). This year's annual goal is to rehabilitate 3 units						

## 6. SUMMARY OF HOUSING NEEDS

**Availability of Accessible and Affordable Housing.** There is a need of units affordable to lower income households within the jurisdiction, particularly for households with incomes at or below 50% AMI. CHAS data indicates that 5,140 renters face a rent burden between 30 and 50% of income, 4,320 (54%) are below 50% AMI. Of these, 24% or 1,255 are elderly. [From: 2010-2014 Comprehensive Housing Affordability Strategy (CHAS) and Fall River Analysis of Impediments to Fair Housing Choice FY 2015]

Additionally, according to the Impediments to Fair Housing, “The special needs required for housing physically disabled individuals include not only affordability, but also special construction features to provide for access and use according to the particular disability of the occupant,” and Elderly residents are often less able to make improvements to their homes or to find affordable housing because of a limited income,” conditions which combine to make elderly accessible affordable housing difficult to find.

### **Recommendations Related to Availability of Accessible and Affordable Housing.**

- City should increase awareness of homebuyer loan programs available for those who are veterans, low- to moderate-income, minorities, first-time homebuyers and/or disabled. Additionally, the city shall work through newspapers and other media outlets available to increase awareness of home rehabilitation programs.
- City shall examine periodically home mortgage data reports from financial institutions serving Fall River and expand outreach and education to lenders regarding available resources for low and moderate-income first-time homebuyers.
- City shall work with the local CHDOs to provide affordable housing opportunities to acquire vacant land and rehabilitate single and multi-family homes, to create housing for the elderly, disabled, and low-to-moderate income, as well as pursue strategies to address abandoned properties through demolition and/or redevelopment.

### **Existing Inventory of FRHA Public Housing Units for Low-Income Persons (Indicating the Extreme Shortage of Available Units)**

DEVELOPMENT	PROPERTY ADDRESS	# DWELLING UNITS
Bates & Tower Apartments	54 Bates St., Fall River, MA 02721	61
Bennie Costa Plaza	300 Amity St., Fall River, MA, 02721	60
Cardinal Medeiros Tower	1197 Robeson St., Fall River, MA 02720	207
Chor Bishop Eid Apartments (MA)	33 Quequechan St., Fall River, MA 02723	54
705/Scattered Site (MA)	Scattered locations in Fall River, MA	24
Edward F. Doolan Apartments	34 Mitchell St., Fall River, MA 02721	150
Father Vincent F. Diaferio Village	220 Johnson St., Fall River, MA 02723	224
Fordney Street Apartments	Fordney St., Fall River, MA 02720	36
Francis J. Barresi Heights	1683 Pleasant St., Fall River, MA 02721	147
Frank B. Oliveira Apartments	170 William St., Fall River, MA 02721	84
George Cottell Heights	1685 Pleasant St., Fall River, MA 02721	71
George Riley Plaza	227 Stevens St., Fall River, MA 02720	25
Heritage Heights	100 Green St., Fall River, MA 02720	127
James A. O'Brien Apartments	34 Whipple St., Fall River, MA 02721	100
Maple Gardens (MA)	Aetna St. Fall River, MA 02721	193

Nicholas Mitchell Heights	2100 So. Main St, Fall River, MA 02724	103
North Roccliffe Apartments	54 No. Roccliffe St., Fall River, MA 02723	35
Oak Village	1177 Locust St., Fall River, MA 02720	30
Pleasant View	Herman St., Fall River, MA 02720	119
Raymond D. Holmes Apartments	140 Essex St., Fall River, MA 02720	100
Sunset Hill	351 Charles St. Fall River, MA 02724	354
<b>TOTAL DWELLING UNITS</b>		<b>2,304</b>

## 7. WHAT ARE THE MOST COMMON HOUSING PROBLEMS?

The most common problems have to do with lack of affordable housing units and affordable land for development, the age of the housing stock, concentration of affordable housing, lack of awareness among landlords regarding fair housing, and poor credit histories of borrowers. Further, a focus group study conducted for the Bristol Elder Services Area Plan affirmed this need for affordable housing and identified the need for affordable housing with “Adult Family Care Beds and alternative senior housing options [including] rest homes, sober homes, and mental health housing.” According to the plan, a lack of these options results in instability in maintaining residence in a rental unit or homeownership.

## 8. SECTION 504 NEEDS ASSESSMENT

FRHA updates its Section 504 needs assessment annually. The Assessment reflects the increasing need for units that meet the requests for reasonable accommodations. In addition, residents identified during lease up who require reasonable accommodations will be provided appropriate units as available. Determination of need is made during the lease up process.

## 9. DOES THE AVAILABILITY OF HOUSING UNITS MEET THE NEEDS OF THE POPULATION?

The available low-income housing does not meet the needs of the population but the designation of the 6 properties will provide 488 preserved housing opportunities for low and very low-income residents.

## 10. HOUSING SUMMARY NEEDS – SELECTED TABLES

### Identified Housing Needs

<b>FALL RIVER HOUSING NEEDS</b>
Lack of affordable housing units and Affordable Land for Development
Age of the Housing Stock
Concentration of Affordable Housing
Lack of awareness among landlords regarding Fair Housing
Poor Credit History of borrowers
Financial difficulty maintaining homeownership
Difficult modifications to unit for handicapped needs discouraging homeownership
Safer and more appropriate elderly living options

*Sources: Fall River Analysis of Impediments to Fair Housing Choice FY 2015; Bristol Elder Services Area Plan*

INCOME DISTRIBUTION OVERVIEW: FALL RIVER, MA			
(% HAMFI)	OWNER	RENTER	TOTAL
<= 30%	1145	8725	9870
>30% to <=50%	1695	4935	6630
>50% to <=80%	2630	4785	7415

Source: Comprehensive Housing Affordability Strategy (CHAS) 2010-2014

### Housing Problems (Households with one of the listed needs)

NUMBER OF HOUSEHOLDS WITH COST BURDEN <30% BY TYPE AND INCOME								
	Owner				RENTER			
	0-30% AMI	30-50% AMI	50-80% AMI	Total	0-30% AMI	30-50% AMI	50-80% AMI	Total
Small Family	25	80	315	420	250	305	1495	2050
Large Family	0	0	30	30	4	75	175	254
Elderly Family	40	155	640	835	80	175	270	525
Elderly non-family	15	370	295	680	690	495	390	1575
Other	10	35	40	85	420	300	1115	1835
<b>TOTAL</b>	<b>90</b>	<b>640</b>	<b>1320</b>	<b>2050</b>	<b>1444</b>	<b>1350</b>	<b>3445</b>	<b>6239</b>

Source: Comprehensive Housing Affordability Strategy (CHAS) 2010-2014

NUMBER OF HOUSEHOLDS WITH COST BURDEN 30-50% BY TYPE AND INCOME								
	OWNER				RENTER			
	0-30% AMI	30-50% AMI	50-80% AMI	Total	0-30% AMI	30-50% AMI	50-80% AMI	Total
Small Family	25	25	530	580	315	1430	460	2205
Large Family	0	30	25	55	15	80	0	95
Elderly Family	20	70	135	225	55	230	135	420
Elderly non-family	110	215	125	450	375	310	120	805
Other	0	75	75	150	435	640	540	1615
<b>TOTAL</b>	<b>155</b>	<b>415</b>	<b>890</b>	<b>1460</b>	<b>1195</b>	<b>2690</b>	<b>1255</b>	<b>5140</b>

Source: Comprehensive Housing Affordability Strategy (CHAS) 2010-2014

NUMBER OF HOUSEHOLDS WITH COST BURDEN >50% BY TYPE AND INCOME								
	OWNER				RENTER			
	0-30% AMI	30-50% AMI	50-80% AMI	Total	0-30% AMI	30-50% AMI	50-80% AMI	Total
Small Family	255	215	265	735	2055	345	35	2435
Large Family	50	10	0	60	205	4	0	209
Elderly Family	95	130	55	280	230	75	0	305
Elderly non-family	220	150	30	400	1030	245	35	1310
Other	170	145	70	385	2030	230	10	2270
<b>TOTAL</b>	<b>790</b>	<b>650</b>	<b>420</b>	<b>1860</b>	<b>5550</b>	<b>899</b>	<b>80</b>	<b>6529</b>

Source: Comprehensive Housing Affordability Strategy (CHAS) 2010-2014

According to the table above, Elderly Fall River residents, particularly those living separate from the family, comprise a significant portion of the population with high-cost burden. In particular, elderly non-family residents form 20% of the renter population with a cost burden of 50%, most of this population (89%) being at the 0-30% AMI range. With limited availability of adequate housing, elderly populations may be forced to pay too much for housing that is not suited to their needs, providing ample justification for the designated housing plan.

## 11. OCCUPANCY DATA

Please see the attached tables summarizing FRHA occupancy data. Of the 1065 residents at FRHA family sites, 65% are elderly/near elderly, 31% are Disabled/Non-elderly, and 4% are non-disabled/non-elderly. Of the 2568 Family Site residents, only 5% are Elderly, 17% are Disabled/Non-Elderly, and 78% are Non-Disabled/Non-Elderly.

## 12. FRHA WAITING LIST

Please see attached tables summarizing the FRHA waiting list. Of the 1011 applicants for FRHA family sites, 29% are elderly/near elderly, 56% are Disabled/Non-elderly, and 15% are non-disabled/non-elderly. Of the 905 Family Site applicants, only 4% are Elderly, 28% are Disabled/Non-Elderly, and 67% are Non-Disabled/Non-Elderly.

## 13. PREFERENCES FOR FRHA HOUSING PROGRAMS

FRHA's Admissions and Continued Occupancy Policy and Administration Plan establishes four (4) Applicant Preference categories and three (3) Unit Transfer categories that affect an individual's ranking on the waiting list for the developments in the federal public housing program, which includes the six (6) developments to be designated as Elderly Only.

CATEGORY/POINTS	PREFERENCE ELIGIBILITY REQUIREMENTS
Administrative Transfer / 70	Transfer required to free a unit for an important operational or policy reason
Emergency Applicant / 65	Applicants displaced by: Fire; Federally declared natural disaster; Condemnation; Urban renewal; Presence of Lead Paint (homes with child age 6 and under); or Witness relocation.
Emergency Transfer / 56	Transfer necessary for health/safety of one or more members due to: Severe Medical Emergency; Witness Protection; Reasonable Accommodation; Hate Crimes; Severely Under-housed.
Local Resident / 50	Applicant is currently residing in the Fall River; OR has at least one adult who works or has been hired to work in Fall River; OR has at least one adult who attends an educational or training program full-time in Fall River.
Employment / 40	Applicant who has at least one adult who is: Employed a minimum of 32 hours weekly and has been for at least three (3) months; OR A full-time participant in an educational or training program designed to prepare the individual for the job market; OR Both Head and Spouse/Co-head (or sole member) are age 62 or older; OR receive benefit payments based on an individual's inability to work
Domestic Violence / 30	Victims of Domestic violence; Dating violence; Sexual assault; or Stalking
Standard Transfer / 25	Residents that are under-housed by 1 -2 bedrooms; OR over-housed by at least one (1) bedroom; OR receive an incentive to help meet deconcentration goals
Standard Applicant / 0	Applicants ineligible for any waiting list preference category

*NOTE: Veterans receive 3 additional priority points at admission*

Each category is associated with a specific point value that places it on a scale of 0 to 70. The point system hierarchy reflects the values, needs and priorities of both the Authority and the local Fall River community. Eligibility for waiting list points must be verified at the time of screening prior to admission or unit transfer.

#### **14. ALTERNATIVE RESOURCES**

FRHA will commit to monitor the overall wait times for each group of applicants and will assess the need for modifying preferences for the elderly and/or near elderly. In addition, any identified needs will be taken into consideration in the design of any additional new developments to ensure the proper unit mix (by bedroom size) based on demand at that time.

The property will maintain a referral service for non-elderly disabled so that they can be provided housing alternatives if there are no appropriate vacant units at any FRHA property.

#### **15. RELOCATION OPTIONS**

There is no planned relocation at this time however in the event of a need for relocation FRHA has identified three types of housing resources for use by the households during relocation and re-occupancy. These resources are as follows:

- A. Section 8 Housing Choice Vouchers:** The Fall River Housing Authority will offer Section 8 Vouchers (as approved by the Department) to assist qualified individuals and families with paying rent and utilities. This program will enable residents to find decent and safe housing of their choice. FRHA offers a Family Self-Sufficiency (FSS) program as part of its Housing Choice Section 8 Program to empower participants to gain economic independence. FRHA will offer referrals to comparable replacement units to willing participants.
- B. Option to move into other FRHA Public Housing Units:** Residents who are leaseholders or were in occupancy during the time of the disposition activity process will be offered another public housing unit at a different location, if available. The new unit will be assigned based on adequate household size. FRHA offers a Family Self-Sufficiency (FSS) program as part of its Public Housing program to empower residents to gain economic independence.
- C. Other assisted housing opportunities:** FRHA has identified other housing communities that receive some type of rental subsidies. FRHA will coordinate moves to these communities upon unit availability.

#### **16. NO EVICTION OR LEASE TERMINATION DUE TO DESIGNATION**

The Plan will not result in eviction or termination or forced relocation for any existing resident who remains a resident in good standing and remains program eligible.

#### **17. VOLUNTARY RELOCATION BECAUSE OF DESIGNATION**

The Plan may cause single non-elderly residents to be voluntarily relocated to another unit or development or receive a Housing Choice Voucher.

#### **18. INAPPLICABILITY OF UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICY ACT OF 1970**

Not Applicable

**19. ELIGIBILITY OF NEAR-ELDERLY FAMILIES**

At the current time, FRHA does not anticipate the need to extend the eligibility criteria to any near-elderly, persons 50 years of age or older. However, if FRHA experiences problems in locating sufficient elderly families to occupy the designated units, FRHA has included a condition in the Admissions and Continued Occupancy Policy to extend the eligibility requirements to the near-elderly, age 50 and older, for its designated Elderly Only developments.

**20. COURT ORDERS, LAWSUITS, INVESTIGATIONS, VCAs, AND SECTION 504 ACTIONS**

FRHA has no outstanding court orders, lawsuits, investigations, or Section 504 Actions that would conflict with the Plan.



## APPENDIX J: OVER-INCOME POLICY

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### 1. INTRODUCTION

As part of the Housing Opportunity Through Modernization Act of 2016 (HOTMA), the FRHA is required to impose an income limit for households residing in federal developments.

“Over-Income” households whose income exceeds the over-income limit for more than 24 consecutive months will be charged the current Fair Market Rent (FMR) for the unit.

### 2. FAIR MARKET RENT

Below are the published Fair Market Rents for the City of Fall River effective October 1, 2019 through September 30, 2020:

# BEDROOMS	FAIR MARKET RENT City of Fall River 2019-2020
0	\$794
1	\$898
2	\$1,075
3	\$1,340
4	\$1,591
5	\$1,830

### 3. OVER-INCOME LIMITS FY2020

In accordance with HUD requirements, any household whose income exceeds 120% of the Area Median Income (AMI) shall be considered “Over-Income” for the purposes of this policy.

The formula that FRHA shall use to determine over-income limits each year will be to multiply the Very Low-Income (50% AMI) limits by 2.4, the product of which is also equal to 120% of AMI.

Each year, HUD publishes the maximum income guidelines for determining income-eligibility for admission into public housing. FRHA shall update its over-income limits no later than 60 days after HUD publishes new income limits each year. Over-Income limits as of April 24, 2019 are:

# PERSONS IN HOUSEHOLD	VERY LOW INCOME (50% AMI)	OVER-INCOME LIMIT (120% AMI)
1	\$28,700	\$68,880
2	\$32,800	\$78,720
3	\$36,900	\$88,560
4	\$40,950	\$98,280
5	\$44,250	\$106,200
6	\$47,550	\$114,120
7	\$50,800	\$121,920
8	\$54,100	\$129,840

#### **4. MONITORING**

If the FRHA, while conducting an Annual Recertification or Interim Re-examination due to an increase in income, determines that the family's income exceeds the over-income limit, the family's over-income status will be documented in the Tenant File and a two-year over-income grace period will begin effective as of the beginning date of the next rent period.

#### **5. NOTICES TO OVER-INCOME TENANTS**

If, after one year from the initial determination that the household income exceeds the over-income limit, FRHA determines that the household income continues to exceed the over-income limit, FRHA will send a notice to the Tenant. This notice will inform the Tenant that:

- a) the family income has exceeded the over-income limit for one year, and
- b) if the family's income continues to exceed the over-income limit for the next 12 consecutive months, the family will be subject to paying a rent which is equal to the Fair Market Rent.

If FRHA subsequently determines that the household income has exceeded the over-income limit for 24 consecutive months, the rent will be set to the Fair Market Rent.

#### **6. GRACE PERIOD**

If at any time during the two-year over-income grace period, the FRHA conducts an annual or interim redetermination and verifies that the family is now below the over-income limit, the over-income grace period will end and, if applicable, any over-income notices issued to the family during the over-income grace period will be cancelled. The household will be entitled to a new two-year grace period if the household income exceeds the over-income limit at another time.