

FALL RIVER HOUSING AUTHORITY ADMISSIONS AND CONTINUED OCCUPANCY POLICY

1.0	FAIR HOUSING	5
2.0	REASONABLE ACCOMODATION	5
3.0	SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS	7
4.0	FAMILY OUTREACH	7
5.0	RIGHT TO PRIVACY	7
6.0	REQUIRED POSTINGS	7
7.0	TAKING APPLICATIONS	8
8.0	ELIGIBILITY FOR ADMISSION	9
8.1	INTRODUCTION	9
8.2	ELIGIBILITY CRITERIA	9
8.3	SUITABILITY	12
8.4	GROUND FOR DENIAL	14
8.5	INFORMAL REVIEW	16
9.0	MANAGING THE WAITING LIST	17
9.1	OPENING AND CLOSING THE WAITING LIST	17
9.2	ORGANIZATION OF THE WAITING LIST	17
9.3	FAMILIES NEARING THE TOP OF THE WAITING LIST	17
9.4	PURGING THE WAITING LIST	18
9.5	REMOVAL OF APPLICANTS FROM THE WAITING LIST	18
9.6	MISSED APPOINTMENTS	18
9.7	NOTIFICATION OF NEGATIVE ACTIONS	18
10.0	TENANT SELECTION AND ASSIGNMENT PLAN	19
10.1	PREFERENCES	18
10.2	ASSIGNMENT OF BEDROOM SIZES	22
10.3	SELECTION FROM THE WAITING LIST	23
10.4	DECONCENTRATION POLICY.....	24
10.5	DECONCENTRATION INCENTIVES	24
10.6	OFFER OF A UNIT	24
10.7	REJECTION OF UNIT	25

10.8	ACCEPTANCE OF UNIT	25
11.0	INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME	26
11.1	INCOME	26
11.2	ANNUAL INCOME.....	28
11.3	DEDUCTIONS FROM ANNUAL INCOME.....	32
12.0	VERIFICATION.....	33
12.1	ACCEPTABLE METHODS OF VERIFICATION	33
12.2	TYPES OF VERIFICATION	35
12.3	VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS	38
12.4	VERIFICATION OF SOCIAL SECURITY NUMBERS	39
12.5	TIMING OF VERIFICATION.....	40
12.6	FREQUENCY OF OBTAINING VERIFICATION	40
13.0	DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT	41
13.1	FAMILY CHOICE	41
13.2	THE FORMULA METHOD.....	41
13.3	MINIMUM RENT.....	41
13.4	THE FLAT RENT	42
13.5	RENT FOR FAMILIES UNDER THE NONCITIZEN RULE	43
13.6	PAYING RENT.....	44
13.7	ABSENCE DUE TO MEDICAL REASONS	43
14.0	CONTINUED OCCUPANCY AND COMMUNITY SERVICE ELIMINATED	
14.1	GENERAL.....	44
14.2	EXEMPTIONS.....	44
14.3	NOTIFICATION OF THE REQUIREMENT.....	44
14.4	VOLUNTEER OPPORTUNITIES AND ECONOMIC SELF SUFFICIENCY.....	45
14.5	THE PROCESS.....	45
14.6	NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT.....	46
14.7	OPPORTUNITY FOR CURE.....	47
14.8	OPPORTUNITIES TO PERFORM THE SERVICE REQUIREMENTS.....	47
15.0	RECERTIFICATIONS	48
15.1	GENERAL.....	49
15.2	MISSED APPOINTMENTS	49
15.3	FLAT RENTS.....	49
15.4	THE FORMULA METHOD.....	49
15.5	EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS....	51

15.6	INTERIM REEXAMINATIONS.....	51
15.7	SPECIAL REEXAMINATIONS.....	52
15.8	EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS.....	52
16.0	UNIT TRANSFERS.....	53
16.1	OBJECTIVES OF THE TRANSFER POLICY.....	53
16.2	CATEGORIES OF TRANSFERS.....	53
16.3	DOCUMENTATION.....	53
16.4	PROCESSING TRANSFERS.....	54
16.5	COST OF THE FAMILY'S MOVE.....	54
16.6	TENANTS IN GOOD STANDING.....	55
16.7	TRANSFER REQUESTS.....	55
16.8	RIGHT OF THE FALL RIVER HOUSING AUTHORITY IN TRANSFER POLICY.....	56
16.9	PROCEDURE FOR OVER-HOUSED FEDERAL FAMILY TRANSFERS.....	56
17.0	INSPECTIONS.....	56
17.1	MOVE-IN INSPECTIONS.....	56
17.2	ANNUAL INSPECTIONS.....	57
17.3	PREVENTATIVE MAINTENANCE INSPECTIONS.....	57
17.4	SPECIAL INSPECTIONS.....	57
17.5	HOUSEKEEPING INSPECTIONS.....	57
17.6	NOTICE OF INSPECTION.....	57
17.7	EMERGENCY INSPECTIONS.....	57
17.8	PRE-MOVE-OUT INSPECTIONS.....	58
17.9	MOVE-OUT INSPECTIONS.....	58
18.0	PET POLICY.....	58
19.0	REPAYMENT AGREEMENTS.....	58
20.0	TERMINATION.....	58
20.1	TERMINATION BY TENANT.....	59
20.2	TERMINATION BY THE HOUSING AUTHORITY.....	59
20.3	ABANDONMENT.....	59
	GLOSSARY.....	60
	ACRONYMNS.....	69
	APPENDIX 1 DECONCENTRATION POLICY.....	70

APPENDIX 2 FLAT RENTS..... 71

**APPENDIX 3 FALL RIVER TENANT SELECTION POLICIES
 STATE AIDED DEVELOPMENTS.....72**

APPENDIX 4 SCREENING PROCEDURES and ONE STRIKE POLICY.....75

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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

1.0 FAIR HOUSING

It is the policy of the Fall River Housing Authority to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Fall River Housing Authority's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Fall River Housing Authority will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Fall River Housing Authority office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The Fall River Housing Authority will assist any family that believes they have suffered illegal discrimination by providing them with copies of the appropriate housing discrimination forms. The Fall River Housing Authority will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

The Fall River Housing Authority has adopted and is implementing the provisions of the Violence Against Women Act of 2005. The policies and procedures adopted by the Authority are contained in our Violence Against Women Policies and Procedures and attached by reference to this Plan.

2.0 REASONABLE ACCOMMODATION

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

Generally the individual knows best what it is they need; however, the Fall River Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Fall River Housing Authority's programs or services.

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

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

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

When the Fall River Housing Authority grants a reasonable accommodation request for an applicant, the applicant will be placed on the waiting list without regard to the need for the reasonable accommodation request. At the time of admission the Fall River Housing Authority will perform the actions/renovations to meet the request. i.e. an applicant granted a reasonable accommodation will not receive any special consideration on the waiting list.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS

The Fall River Housing Authority will endeavor to have bilingual staff or access to people who speak languages other than English in order to assist non-English speaking families. The following languages shall be covered:

Portuguese, Spanish and Khmer

4.0 FAMILY OUTREACH

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

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

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

5.0 RIGHT TO PRIVACY

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

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

6.0 REQUIRED POSTINGS

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

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours
- D. Income Limits for Admission
- E. Excess Utility Charges
- F. Utility Allowance Schedule
- G. Current Schedule of Routine Maintenance Charges
- H. Dwelling Lease
- I. Grievance Procedure
- J. Fair Housing Poster
- K. Equal Opportunity in Employment Poster

7.0 TAKING APPLICATIONS

Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Applications will be accepted during regular business hours at:

220 Johnson Street, Fall River, MA 02723

Applications are taken to compile a waiting list. Due to the demand for housing in the Fall River Housing Authority jurisdiction, the Fall River Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

Completed applications will be accepted for all applicants and the Fall River Housing Authority will verify the information. Incomplete applications will not be accepted but will be returned to the applicant with instructions needed to complete the application.

Applicants seeking information regarding their application are required to provide their Control Number, Name, Current Address and Social Security Number.

The Tenant Selection Department will not provide specific information regarding the length of time before a unit offer may be made.

Applications may be made in person at **220 Johnson Street** on Monday through Friday, between 9:00 a.m. and 4:00 p.m. Applications will be mailed to interested families upon request and may be returned by mail. FRHA staff will assist applicants from the hours of

9:00 a.m. to 4:00 p.m. each business day. On Thursdays the department will accept applications but will not assist in the preparation unless the applicant is deemed an emergency, in which case the staff will assist in the application taking.

The completed application will be dated and time stamped upon its return to the Fall River Housing Authority.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Fall River Housing Authority to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is (508) 675-3539.

Upon receipt of the family's application, the Fall River Housing Authority will make a preliminary determination of eligibility. The Fall River Housing Authority will notify the family in writing of the date and time of placement on the waiting list, and the approximate wait before housing may be offered. If the Fall River Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant must report changes, in writing, in their applicant status including changes in family composition, income, or preference factors. The Fall River Housing Authority will annotate the applicant's file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

8.0 ELIGIBILITY FOR ADMISSION

8.1 INTRODUCTION

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

8.2 ELIGIBILITY CRITERIA

A. Family status.

1. A **family with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together

in a stable family relationship. Anyone designated as head(s) of household have to be 18 years of age or older.

- a. Children temporarily absent from the home due to placement in foster care are considered family members.
- b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

2. An **elderly family**, which is:

- a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
- b. Two or more persons who are at least 62 years of age living together; or
- c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A **near-elderly family**, which is:

- a. A family whose head, spouse, or sole member is a person who is at least 55 years of age but below the age of 62;
- b. Two or more persons, who are at least 55 years of age but below the age of 62, living together; or
- c. One or more persons, who are at least 55 years of age but below the age of 62, living with one or more live-in aides.

4. A **disabled family**, which is:

- a. A family whose head, spouse, or sole member is a person with disabilities;
- b. Two or more persons with disabilities living together; or
- c. One or more persons with disabilities living with one or more live-in aides.

5. A remaining member of a tenant family.

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

7. An emancipated minor, a minor who has been declared to be emancipated by a court of competent jurisdiction.

Applicant(s) must submit reasonable documentation to verify family status and relationship.

B. Income eligibility

1. To be eligible for admission to developments or scattered-site units that were available for occupancy before 10/1/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
2. To be eligible for admission to developments or scattered-site units that became available on or after 10/1/81, the family's annual income must be within the very low-income limit set by HUD, unless HUD grants an exception. This means that without a HUD exception, the family income cannot exceed 50 percent of the median income for the area.
3. Income limits apply only at admission and are not applicable for continued occupancy.
4. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the Fall River Housing Authority.
5. If the Fall River Housing Authority acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing tenants.
6. Income limit restrictions do not apply to families transferring within our Federal Public Housing Program.

C. Citizenship/Eligibility Status

- To be eligible each member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).
- Family eligibility for assistance.
 - a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
 - b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.5 for calculating rents under the noncitizen rule)
 - c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members must provide a Social Security number or certify that they do not have one.

E. Signing Consent Forms

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD or the Fall River Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
 - b. A provision authorizing HUD or the Fall River Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
 - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
 - d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

8.3 SUITABILITY

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

of the family's background, including the following:

1. History of meeting financial obligations, especially rent;
2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition;
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;
3. History of disturbing neighbors or destruction of property;
4. 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
5. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

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

1. A credit check of the head, spouse and co-head;
2. A rental history and background check of all adult family members. These checks may be made through a private company;
3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the Fall River Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and
5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.
6. Landlord References

7. An Ability to Comply With Lease form when the FRHA does not receive sufficient references.
8. Triple I inquiry
9. An Intelius type inquiry to verify applicants information and background where information is missing or where gaps occur in the rental history.
10. A check with the Dru Sjodin National Sex Offender Public Website (NSOPW), coordinated by the U.S. Department of Justice.

INTERSTATE IDENTIFICATION INDEX PROCEDURE

A Triple I request will be conducted through the Fall River Police Department (FRPD) on an applicant who has been or is about to be offered a housing unit and who has a favorable Ma. CORI. This request will come from the Tenant Selection Department.

The FRPD will inform the FRHA, Tenant Selection Department whether or not the applicant has an FBI record.

If so the applicant will be sent a letter by the Tenant Selection Department informing them of the dates they must appear at the FRPD to get fingerprinted. If the applicant does not appear at the FRPD for fingerprinting on the assigned dates they will be removed from all the active waiting lists.

If the applicant was offered a unit, the offer will be rescinded and their application will remain on hold until such time the FBI record is received by the Tenant Selection Department for review. Once the FBI record is received if favorable the Tenant Selection Department will offer the applicant another unit as soon as one is available. The offer will either be a federal or state unit, this would depend on which development from which program the applicant was previously offered.

If the FBI record is not favorable the applicant will be sent a rejection letter(s) and they will have the right to an appeal whether or not they have had any prior appeals with the FRHA.

If the applicant appeals and the rejection(s) is overturned the applicant's application will be reinstated to an active status and they will be offered a housing unit when their rank reaches the top of the waiting list.

The above also applies to additional adult family members requesting to be added to an FRHA tenant's lease.

8.4 GROUND FOR DENIAL

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

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

- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. 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 or benefits there from;
- J. Were evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
- K. Were evicted from assisted housing within five 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;
- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Fall River Housing Authority will waive this requirement if:
 - 1. The person demonstrates to the Fall River Housing Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
 - 3. Has otherwise been rehabilitated successfully; or is participating in a supervised drug or alcohol rehabilitation program.
- M. Have engaged in or threatened violence or engaged in a pattern of abusive behavior towards any Fall River Housing Authority staff or residents;

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

In the event the Housing Authority receives unfavorable information with respect to a applicant, other than information with respect to subsections J,K,N and O, it shall give consideration to 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.

Sections 8.3 and 8.4 of this ACOP encompass the intent of the Fall River Housing Authority in screening applicants for admission to our federally subsidized housing programs. Where this policy is not clear or omits items included or contained in 24CFR Parts 5, 960 and 966 said One-Strike policy and the CFR shall apply.

8.5 *INFORMAL REVIEW*

- A. If the Fall River Housing Authority determines that an applicant does not meet the criteria for receiving public housing assistance, the Fall River Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within **20** business days of the denial. The Fall River Housing Authority will describe how to obtain the informal review. Failure to request an appeal within 20 business will result in the applicants removal from the waiting list.

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

- B. The participant family may request that the Fall River Housing Authority provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

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

9.0 MANAGING THE WAITING LIST

9.1 *OPENING AND CLOSING THE WAITING LIST*

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

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

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

9.2 *ORGANIZATION OF THE WAITING LIST*

The waiting list 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 Fall River Housing Authority 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.

9.3 *FAMILIES NEARING THE TOP OF THE WAITING LIST*

When a family appears to be nearing the top of the waiting list, the family will be invited to an orientation meeting and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. The Fall River Housing Authority must notify the family in writing of this determination and give the family the opportunity for an informal review.

9.4 PURGING THE WAITING LIST

The Fall River Housing Authority will update and purge its waiting list **every three years** to ensure that the pool of applicants reasonably represents the interested families for whom the Fall River Housing Authority has current information, i.e. applicant's address, family composition, income category, and preferences.

9.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

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

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

9.6 MISSED APPOINTMENTS

The Fall River Housing Authority will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than three opportunities will be given for good cause. When good cause exists for missing an appointment, the Fall River Housing Authority will work closely with the family to find a more suitable time. Applicants will be dropped from the waiting list after missing 4 appointments. Applicants will be offered the right to an informal review of the Authority's decision to drop them from the list.

9.7 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Fall River Housing Authority, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The Fall River Housing Authority system of removing applicant names from the waiting list will not violate the

rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the Fall River Housing Authority will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application. This paragraph will not apply to applicants that do not respond to correspondence from the FRHA. Failure to respond will result in removal from the list without any further correspondence.

10.0 TENANT SELECTION AND ASSIGNMENT PLAN

10.1 PREFERENCES

The HA uses these Local Preferences, which are weighted highest to lowest in the following order, reflect priorities by need as well as local concerns, and require verification at the time of offer:

1. Emergency Cases - applicants displaced by Fire, Natural Disaster, or Government action, including applicants in units determined to be uninhabitable by competent local authority shall be housed as an emergency case. Applicants granted emergency status will be housed in the next available unit appropriate for the family size. This will include families being displaced to the presence of Lead Paint that has been determined to be hazardous to a young child. Fall River Residents will be chosen before non-Fall River Residents within this category. This preference also includes tenants displaced from developments being modernized or demolished by the FRHA.

2. Residency preference for families who are residing in the City of Fall River, or have at least one adult member who works or has been hired to work, or is attending an educational or training program full-time in the City of Fall River, provided that no household member is currently living in subsidized or low income housing, or has lived in such assisted housing during the previous six months.

3. Working/Educational/Training preference for (a) families with at least one adult who is employed a minimum of 32 hours weekly and has been employed for at least three months, (b) families 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. Pursuant to 24CFR960.206(b)(2) this preference shall also be available to families in which the head and spouse or sole member, are age 62 or older or is a person with disabilities.

4. A family who is suffering from Domestic Violence (including sexual abuse) by a spouse or other family member.

5. All other applicants

Administrative Transfers will be made after emergency cases

The current (effective 3/19/2009) definition of extremely low income limits (30%) are as follows;

Number of People	Income
1 person	\$15,350
2 people	\$17,550
3 people	\$19,750
4 people	\$21,950
5 people	\$23,700
6 people	\$25,450
7 people	\$27,250
8 people	\$29,000

Families selected from the waiting list will be selected in such a manner as to assure that not less than 40% of all admissions are from families meeting the definition of extremely low income. The FRHA will analyze the selections on a quarterly basis and select applicants according to the preference categories shown above but skip applicants over these income limits until we have reached the 40% goal.

The preference system incorporated in this section is intended to be simple in nature in that each preference is separate from any other. Each preference stands on its own and no benefit occurs from qualifying for multiple preferences.

The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences.

Notwithstanding the above, families who are elderly, disabled, near elderly, or displaced will be offered housing before other single persons. Single persons will not be selected until they are the only ones on the list, with the exception of a single working PERSON who is an FRHA overhoused tenant and is left as head of household.

For every **10** selected applicants receiving local preference, one applicant not receiving any subsidy of any kind nor residing in the city of Fall River will be selected.

Buildings Designed for the Elderly and Disabled (Cardinal Medeiros Towers): Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. All such families will be selected from the waiting list using the preferences as outlined above. Disabled applicants who apply for the Cardinal Medeiros Towers and are 40 years of age or older will automatically be allowed to file for the one bedroom apartments.

They will only be on the studio list if they so choose. Due to a lack of demand for the units and the soaring vacancy rate at Cardinal Medeiros Towers we will offer units to single people not meeting the criteria outlined above. Single people will be placed on the Cardinal Medeiros Towers waiting list and selected based on date and time of application. In order to assure that the needs of elderly and disabled families are met we will offer at least 50% of the vacancies to elderly and disabled families on the Cardinal Medeiros Towers, provided that sufficient elderly and disabled are on the list.

Buildings Designated as Elderly Only Housing: Cottell Heights, Mitchell Heights, Holmes Apartments, O'Brien Apartments, Oak Village and Oliveira Apartments have been approved by HUD as being designated for elderly only. In filling vacancies in these developments, first priority will be given to elderly families.(62 years and older) If there are no elderly families on the list, next priority will be given to the near-elderly.(55 to 61 years old) Using these priorities, families will be selected from the waiting list using the preferences as outlined above. All residents of the household must be at least 55 years of age to be placed in a development designated as Elderly Only.

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

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

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

10.2 ASSIGNMENT OF BEDROOM SIZES

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

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

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero bedroom units will only be assigned to one-person families. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the Fall River Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care. The FRHA will assign the required bedroom size to the parent who has custody of the minor children 183 days per year.

In addition, the following considerations may be taken in determining bedroom size:

- A. Children of the same sex will share a bedroom unless there is a significant difference in age as determined by the FRHA.
- B. Children of the opposite sex, both under the age of four (4) will share a bedroom.
- C. Adults and children will not be required to share a bedroom.

- D. Foster – adults and/or foster - children will not be required to share a bedroom with family members.
- E. Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. The Fall River Housing Authority will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for one (1) year or until the family size changes, whichever may occur first.
- B. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. The Fall River Housing Authority will allow the larger size unit if the family provides a verified medical need that the family be housed in a larger unit.
- C. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.
- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

10.3 SELECTION FROM THE WAITING LIST

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

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

10.4 DECONCENTRATION POLICY

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

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

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our developments, the income levels of census tracts in which our developments are located, and the income levels of the families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement. The worksheet for the analysis can be found in Appendix 1.

10.5 DECONCENTRATION INCENTIVES

The Fall River Housing Authority may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development.

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

10.6 OFFER OF A UNIT

When the Fall River Housing Authority discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development and whose income category would help to meet the deconcentration goal and/or the income targeting goal. Reference to deconcentration will only occur when our analysis shows that actions are necessary to overcome concentration of families based on income

The Fall River Housing Authority will contact the family by telephone or first class mail to make an offer. The family will be given five (5) business days from the date the letter was mailed to contact the Fall River Housing Authority regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the Fall River Housing Authority will send the family a letter documenting the offer and the rejection.

10.7 REJECTION OF UNIT

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

If the Fall River Housing Authority did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their original control number and their preferences, (with the exception of emergency preference, if the unit is refused by a local or non local applicant they will forfeit the emergency preference. The local applicant if so qualified will be relisted to local preference). The date and time of application will be changed to the date and time the unit was rejected. Elderly applicants will not be relisted until their third refusal of an elderly unit.

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

10.8 ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

Prior to signing the lease the head or co-head will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the cancellation of the occupancy process. The family is required to submit a receipt from a licensed pest control firm confirming that their goods have been exterminated prior to the execution of the lease.

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

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

11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

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

11.1 INCOME

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

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

Annual income includes, but is not limited to:

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

- cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. For Real Estate the Interest imputed will be based on the Real Estate's Appraised Value for Real Estate Tax and using the current HUD promulgated passbook savings rate.
 - D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
 - E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
 - F. Welfare assistance.
 - 1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
 - 2. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or

work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

3. If the amount of welfare assistance is reduced as a result of a generally applicable time limit, the reduced amount is the amount that shall be counted as income.
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
 - H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

11.2 ANNUAL INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:
 1. Amounts received under training programs funded by HUD;

2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law

during the exclusion period. For purposes of this exclusion the following definitions apply:

- a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
 - i. Is authorized by a Federal, State or local law;
 - ii. Is funded by the Federal, State or local government;
 - iii. Is operated or administered by a public agency; and
 - iv. Has as its objective to assist participants in acquiring employment skills.
 - b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
 - c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
 - b. Families whose income increases during the participation of a family member in any family self-sufficiency program.
 - c. Families who are or were, within 6 months, assisted under a State TANF program.
- 11 Incremental earnings for the subsequent 12-month period will be included at 50% of the income.

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

12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
13. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - a. The value of the allotment of food stamps
 - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
 - c. Payments received under the Alaska Native Claims Settlement Act
 - d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes
 - e. Payments made under HHS's Low-Income Energy Assistance Program
 - f. Payments received under the Job Training Partnership Act
 - g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
 - h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims

- i. Amount of scholarships awarded under Title IV including Work Study
- j. Payments received under the Older Americans Act of 1965
- k. Payments from Agent Orange Settlement
- l. Payments received under the Maine Indian Claims Act
- m. The value of child care under the Child Care and Development Block Grant Act of 1990
- n. Earned income tax credit refund payments
- o. Payments for living expenses under the Americorps Program

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

11.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.
- D. For any elderly or disabled family:
 - 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
 - 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
 - 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.

E. Child care expenses.

12.0 VERIFICATION

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

12.1 ACCEPTABLE METHODS OF VERIFICATION

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

Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Fall River Housing Authority or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

When third party verification cannot be obtained, the Fall River Housing Authority may accept documentation received from the applicant/tenant. Hand-carried documentation may be accepted if the Fall River Housing Authority has been unable to obtain third party verification in a 2-week period of time. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, the Fall River Housing Authority may accept a notarized statement signed under the pains

and penalties of perjury by the head, spouse or co-head. Such documents will be maintained in the file.

The FRHA may also require that an applicant or resident execute IRS Form 4506 - Request for Copy of A Tax Return where it has reason to believe that this is the most advantageous way to obtain the required income verification.

If an applicant or tenant claims to have “no-income” the FRHA will require that a sworn affidavit be submitted to the FRHA. This requirement may be extended to include other agencies where appropriate.

If an applicant claims status under the Violence Against Womens Act, they are required to provide appropriate verifications. To verify abuse status, VAWA adds a new section 6(u) of the act that provides for a certification by the individual of his or her status as a victim of domestic violence, sexual abuse, dating abuse or stalking in order to qualify for the protections implemented in the statute and provide for the confidentiality of that certification. We may request that the applicant certify via a HUD approved certification form that the applicant is a victim of domestic violence, sexual abuse, dating violence or stalking, and the incident(s) 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. (This form will be requested once it has been issued by HUD).

Alternatively, an applicant claiming abuse may satisfy the certification requirements by-

1. Providing the requesting PHA with documentation signed by an employee, Agent volunteer of a victim’s service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, sexual assault, dating violence or stalking or the effects of the abuse in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional’s belief that the incident(s) in question are bona-fide incidents of abuse, and the victim of abuse or stalking has signed or attested to the documentation.
2. Producing a Federal, State, tribal, territorial or local police or court record.

12.2 TYPES OF VERIFICATION

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

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
General Eligibility Items		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements. For checking/savings accounts under \$2,000 the value and interest may be estimated using the hand carried statements. (2)
CDS, bonds, etc	Letter from institution	Tax return, 1099's, information brochure from institution, the CD, the bond. For CD's, bonds etc. under \$2,000 the value as well as the interest/dividends may be estimated using the hand carried verifications. (2)
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper, 1099's or through Internet. Dividends under \$200 may be estimated using the 1099's. Under \$2,000 the value and interest/dividends may be estimated using the hand carried verifications. (2)
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement. For cash values under \$2,000 the hand carried documentation is sufficient. (2)

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

NOTE (1)

Third party verification of SS/SSI benefits of applicants and household members is not available. PHAs should request a current (dated within the last **90** days) SSA benefit verification letter for each household member that receives social security benefits. If the applicant and/or household member are unable to provide the requested document, ask the applicant/household member to call SSA at 1-800-772-1213 to request a benefit verification letter. The request for a benefit verification letter can also be made at the SSA Internet Website at www.ssa.gov. From the front page of the website (Social Security Online), click on Already receiving benefits, which is located in the center column of the page. From the right side of the page under *Things You Can Do Online*, click on Get a "Proof of Income Letter." Follow the instructions on the page to complete the request for a benefit verification letter. The applicant/household member should provide the POA with the original benefit verification letter. The POA should make a photocopy of the original benefit verification letter, return the original benefit verification letter to the applicant/household member, and maintain the photocopy of the benefit verification letter in the tenant file.

Note (2) It is not cost effective to spend staff time and fees to facilitate third party verifications in these cases. The cost exceeds the benefit of obtaining third party verifications.

The Housing Authority will use electronic means of verification where applicable. This includes but is not limited to the use of HUD's Upfront Income Verification (UIV) and Tenant Assessment Sub System (TASS). Other electronic verification systems will be used when available.

12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

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

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

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

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

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

Any family member who does not choose to declare their status must be listed on the statement of noneligible members.

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

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

If the Fall River Housing Authority 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.

12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number must provide verification of their Social Security number. New family members must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination.

The best verification of the Social Security number is the original Social Security card. If the card is not available, the Fall River Housing Authority will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and

state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. The Fall River Housing Authority will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

12.5 TIMING OF VERIFICATION

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

When an interim reexamination is conducted, the Housing Authority will verify and update all information related to family circumstances and level of assistance. (Or, the Housing Authority will only verify and update those elements reported to have changed.)

12.6 FREQUENCY OF OBTAINING VERIFICATION

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

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

13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

13.1 FAMILY CHOICE

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

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

13.2 THE FORMULA METHOD

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent (does not currently pertain to Mass.).

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00, but never more than the flat rent.

In the case of a family who has qualified for the income exclusion at Section 11.2(H)(11), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

13.3 MINIMUM RENT

The Fall River Housing Authority has set the minimum rent at \$50.00. However if the family requests a hardship exemption, the Fall River Housing Authority will immediately suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
 - 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
 - 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - 3. When the income of the family has decreased because of changed circumstances, including loss of employment;
 - 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 - 5. When a death has occurred in the family.
- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

13.4 THE FLAT RENT

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

reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on flat rents, see Section 15.3).

The Fall River Housing Authority 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.

If a resident fails to complete the recertification process, the Fall River Housing Authority will charge the resident the highest rent allowable for bedroom size.

13.5 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

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

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

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. The Fall River Housing Authority will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, the Fall River Housing Authority will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

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

- A. Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for the Fall River Housing Authority. The 95th percentile is called the maximum rent.
- B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- C. Divide the maximum subsidy by the number of family members and multiply the

result times the number of eligible family members. This yields the prorated subsidy.

- D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

13.6 PAYING RENT

Rent and other charges are due and payable on or by the seventh day of the month. All rents shall be paid via U.S. Postal Service to P.O. Box 2755. Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment

In the event that Tenant fails to pay all or any part of the rent within thirty (30) days of its due date, LHA may charge Tenant a late fee in the amount of \$25. If Tenant shows good cause for late payment to LHA and if LHA and Tenant enter a repayment agreement, LHA in its discretion may waive the interest charge. By charging interest for late payment of rent, LHA in no way excuses Tenant's breach of Tenant's obligation to pay rent, and LHA retains the rights to terminate the lease, to evict Tenant and Tenant's household, and to collect arrearages, constable fees and costs on account of the Tenant's failure to pay rent when due.

If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$10 for processing costs.

13.7 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. Upon the expiration of the 180 days the tenant will have been considered to have abandoned the **apartment and the** apartment will be considered vacated by the FRHA. The tenant must inform the FRHA of this treatment prior to the start of the absence from the apartment.

A tenant that qualifies for this clause may request that the FRHA recognize the need for this treatment and upon a timely move from the apartment be placed on the FRHA waiting list and upon completion of the treatment be considered as the first priority for placement at the development where they lived when they vacated.

The tenant requesting assistance under this clause must be considered a tenant in good standing to be placed on the waiting list as a priority.

14.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

14.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement

14.2 EXEMPTIONS

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

- A. Family members who are 62 or older
- B. Family members who are blind or disabled
- C. Family members who are the primary care giver for someone who is blind or disabled
- D. Family members engaged in work activity
- E. Family members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program
- F. Family members receiving assistance under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program

14.3 NOTIFICATION OF THE REQUIREMENT

The Fall River Housing Authority shall identify all adult family members who are apparently not exempt from the community service requirement.

The Fall River Housing Authority shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The Fall River Housing Authority shall verify such claims.

The notification will advise families that their community service obligation will begin

upon the effective date of their first annual reexamination on or after 4/1/2002. For family's paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

14.4 VOLUNTEER OPPORTUNITIES AND ECONOMIC SELF SUFFICIENCY

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

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

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

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

14.5 THE PROCESS

At the first annual reexamination on or after April 1, 2002 and each annual reexamination thereafter, the Fall River Housing Authority will do the following:

- A. Provide a list of volunteer opportunities to the family members.
- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.
- D. Assign family members to a volunteer coordinator who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator will track the family member's

progress monthly and will meet with the family member as needed to best encourage compliance.

- E. Thirty (30) days before the family's next lease anniversary date, the volunteer coordinator will advise the Fall River Housing Authority whether each applicable adult family member is in compliance with the community service requirement.

14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

The Fall River Housing Authority will notify any family found to be in noncompliance of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated;

14.7 OPPORTUNITY FOR CURE

The 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. 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.

The volunteer coordinator will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis.

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.

14.8 OPPORTUNITIES TO PERFORM THE SERVICE REQUIREMENTS

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. The following partial list of activities, are suggestions only and are not meant to be all inclusive. 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.

- GED Program
- High School completion
- ESL English as a Second Language Program
- Vocational School
- College Courses
- Participation in Foster Grandparent program
- Provide arts and crafts for elderly residents
- Provide arts and crafts for children
- Gardening around FRHA sites
- Volunteering with Food Kitchens or programs to help low income residents of Fall River
- Visit Nursing homes or Hospitals
- Run Errands for Elderly or Handicapped City residents
- Peer Leadership
- Red Cross
- Tutoring
- Volunteer participation in after school childcare program
- Working with FR Joint Tenants to educate residents on their rights and organization, as well as passing out flyers and otherwise assisting the FRJTC in its mission
- Other activities as may from time to time be added by the FRHA or agreed to with the Resident Advisory Board
- Volunteer work in the public sector
- Volunteer work in the FRHA and the FRHAJTC
- Attendance at monthly resident meetings

15.0 RECERTIFICATIONS

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

15.1 GENERAL

The Fall River Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the formula method, forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

During the appointment, the Fall River Housing Authority will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

15.2 MISSED APPOINTMENTS

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

15.3 FLAT RENTS

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

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- B. The amount of the flat rent
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories of allowances that can be deducted from income.
- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.
- E. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:

1. The family's income has decreased.
 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- F. The dates upon which the Fall River Housing Authority expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- H. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, Fall River Housing Authority will send a reexamination letter to the family offering the choice between a flat or a formula rent. The opportunity to select the flat rent is available only at this time. At the appointment, the Fall River Housing Authority may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the Fall River Housing Authority representative, they may make the selection on the form and return the form to the Fall River Housing Authority. In such case, the Fall River Housing Authority will cancel the appointment.

15.4 THE FORMULA METHOD

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

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

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent (does not currently pertain to Mass.).

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00, but never more than the flat rent.

15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

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 resident is tenanted on January 1, the recertification effective date will be in January.) Thirty (30) days notice of any rent increase will be provided to the family.

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

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

15.6 INTERIM REEXAMINATIONS

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

Families will not be required to report any increase in income, if on flat rent, or decreases in allowable expenses between annual reexaminations.

Families will not be required to report any increase in income under 15% or \$100 per month if on formula method.

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

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

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The

new family member will go through the screening process similar to the process for applicants. The Fall River Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. Any additional household member (18) and over is required to sign the Lease Acknowledgment Form which makes said adult household member accountable to all provisions of the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 15.8.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the Fall River Housing Authority will take timely action to process the interim reexamination and recalculate the tenant's rent.

15.7 SPECIAL REEXAMINATIONS

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

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

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

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

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

16.0 UNIT TRANSFERS

16.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following: These objectives are not listed in strict order of preference.

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

16.2 CATEGORIES OF TRANSFERS

Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood. This includes tenants displaced due to the demolition or modernization of any subsidized housing.

Category 2: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.

Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain Fall River Housing Authority occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the Fall River Housing Authority when a transfer is the only or best way of solving a serious problem.

16.3 DOCUMENTATION

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

16.4 PROCESSING TRANSFERS

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

Transfers in category 16-2 1 and 2 will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category 1 will be housed ahead of transfers in category 2

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit due within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both apartments beyond the seven (7) period listed above. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the time of lease execution.

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

- If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
 - If the transfer is being made at the request of the FRHA and the family rejects two offers without good cause, the FRHA will take action to terminate their tenancy.
 - If the reason for the transfer is that the current unit is too small to meet the Fall River Housing Authority's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.
- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer. After turning down a second such offer without good cause, the family's name will be removed from the transfer list. They may re-apply but will no longer be considered a transfer. They will not receive any priority or preference.

16.5 COST OF THE FAMILY'S MOVE

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

- A. When the transfer is made at the request of the family or by others on behalf of

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

The cost of the transfer will be borne by the Fall River Housing Authority in the following circumstances:

- A. When the transfer is needed in order to carry out rehabilitation activities; or
- B. When action or inaction by the Fall River Housing Authority has caused the unit to be unsafe or inhabitable.

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

16.6 TENANTS IN GOOD STANDING

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

16.7 TRANSFER REQUESTS

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

The Fall River Housing Authority will grant or deny the transfer request in writing within ten (10) business days of receiving the request or holding the meeting, whichever is later. If the transfer is approved, the family's name will be added to the transfer waiting list.

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

The manager of the development where the resident resides is responsible for determining whether the resident is eligible for transfer under this policy. Approved transfer requests will be forwarded to the Tenant Selection Department for processing and unit assignment.

16.8 RIGHT OF THE FALL RIVER HOUSING AUTHORITY IN TRANSFER POLICY

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

16.9 PROCEDURE FOR OVER-HOUSED FEDERAL FAMILY TRANSFERS

Managers assigned to Federal Family developments must maintain a ledger containing a list of over-housed tenants within their developments. The list must be maintained according to the date the tenant became over-housed. The tenant who has been over-housed the longest should be first on the list. When the FRHA determines that a transfer will be made the offer will first be made to residents within the site if there are any active transfer requests for that unit size at the site. These transfers will be coordinated with the Tenant Selection Department.

An over-housed tenant that refuses a reasonable request to transfer to a unit of the appropriate size will be subject to eviction for said refusal, subject to review before the Grievance Panel if the tenant requests a hearing.

17.0 INSPECTIONS

An authorized representative of the Fall River Housing Authority and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the Fall River Housing Authority file and a copy given to the family member. An authorized Fall River Housing Authority representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law.

17.1 MOVE-IN INSPECTIONS

The Fall River Housing Authority and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of

the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

17.2 ANNUAL INSPECTIONS

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

17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

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

17.4 SPECIAL INSPECTIONS

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

17.5 HOUSEKEEPING INSPECTIONS

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

17.6 NOTICE OF INSPECTION

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

17.7 EMERGENCY INSPECTIONS

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

17.8 PRE-MOVE-OUT INSPECTIONS

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

17.9 MOVE-OUT INSPECTIONS

The Fall River Housing Authority 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.

18.0 PET POLICY SEE SEPARATE PET POLICY

19.0 REPAYMENT AGREEMENTS

When a resident owes the Fall River Housing Authority back charges and is unable to pay the balance by the due date, the resident may request that the Fall River Housing Authority allow them to enter into a Repayment Agreement. The Fall River Housing Authority 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 twelve (12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

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.

20.0 TERMINATION

20.1 TERMINATION BY TENANT

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (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.

20.2 TERMINATION BY THE HOUSING AUTHORITY

The Fall River Housing Authority after 10/1/2003 will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

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

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

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

20.3 ABANDONMENT

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

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

Ceiling Rent: Maximum rent allowed for some units in public housing projects.

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

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

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

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 living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

Disabled Person: See "person with disabilities."

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively

damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

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

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws 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: The illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use of a controlled substance (as defined in 21 USC sec 802).

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

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

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

Extremely low-income families: Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

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

Family includes but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person who 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))

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of

the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

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

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 carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

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

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

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

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

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

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

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

A live-in aide is treated differently than family members:

1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
2. Live-in aides are not subject to Non-Citizen Rule requirements.

3. Live-in aides may not be considered as a remaining member of the tenant family.

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

Family members of a live-in attendant 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.

A Live in Aide may only reside in the unit with the approval of the HA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is necessary for the care of the family member who is elderly, near-elderly (50-61) or disabled.

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.

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

Medical Expenses: Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, transportation for medical purposes.

Mixed Family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

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

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

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

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

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts

in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

Non-Citizen: A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

Occupancy Standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Person with Disabilities: A person who:

- A. Has a disability as defined in Section 223 of the Social Security Act, which states:

"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or
In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:
 - 1. Is expected to be of long-continued and indefinite duration;
 - 2. Substantially impedes his or her ability to live independently; and
 - 3. Is of such a nature that such ability could be improved by more suitable housing conditions, or
- C. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, which states:

"Severe chronic disability that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
5. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

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

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

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)

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

Sexual Assault: Any conduct prescribed by chapter 109A of title 18, US code whether or not the conduct occurs in the special maritime and jurisdiction of the US or in a federal prison and includes assaults committed by offenders who are strangers to the victim or who are known or related by blood or marriage

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)

Stalking: To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and to place under surveillance with the intent to kill, injure, harass or intimidate another person. To place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to that person, member of immediate family, spouse or partner.

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

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

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

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

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

Total Tenant Payment (TTP):

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

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

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

2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

- B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

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

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

Very Low-Income Families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

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

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

ACRONYMS

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

APPENDIX 1
AS of 09/01/2007
Deconcentration Policy for Federal Family Developments

Pursuant to the requirements of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) the FRHA is hereby implementing a Deconcentration Plan to assure that families with children are not concentrated in our various federally aided family developments.

We have analyzed the income levels in the affected family developments and the following information summarizes the results.

Summary of Average Family Income Levels

Location	Average Family Income	Acceptable Range (85 to 115%)
All Federal Family Sites	13,638	11,592 to 15,684
Sunset Hill	14,160	Within
Heritage Heights	11,727	Within
Diafario Village	13,161	Within
No. Rocliffe Apts	13,082	Within
Fordney Apartments	14,648	Within
Bennie Costa Plaza	14,216	Within
Riley Apartments	17,170	Above See Note Below (1)

In order to comply with the requirements of QHWRA we will adjust our Admissions and Continued Occupancy Plan to provide for the following actions:

1) All sites are within the limits as calculated pursuant to HUD regulations and therefore we not require any selection of residents based on income until the Income Levels are recomputed one year from now.

HUD has issued regulations eliminating the need for deconcentration at sites that have an average income at or below the extremely low income level.

(1) Riley Plaza is a site that potentially would be subject to the Deconcentration process since it is not within the 85 to 115% range. Riley Plaza has an average income of \$17,170 per year as adjusted for Bedroom distribution. It has an average family size of 4. The Extremely Low Income Limits for a 4 person family \$21,950. The average income is well below the threshold set in 24CFR903.2. i.e. the site is below the Extremely Low Income Threshold and therefore the upper limit shall never be less than the limit at which a family would be defined as an extremely low income family under 24CFR5.603(b).

APPENDIX 2
FLAT RENTS

FAMILY DEVELOPMENTS

BEDROOMS	Sunset Hill New	Heritage Heights New	Diafario New	Turnkeys New
1BR	\$375	\$390	\$460	\$460
2BR	\$425	\$460	\$525	\$525
3BR	\$460	\$495	\$555	\$555
4BR	\$495	\$525	\$595	\$595
5BR	\$620	\$650	\$730	\$730

ELDERLY DEVELOPMENTS

BEDROOM CATEGORY	RENT New
0BR	\$390
1BR	\$495
2BR	\$560

Appendix 3
FALL RIVER TENANT SELECTION POLICIES
STATE AIDED DEVELOPMENTS

Selection Categories

(1) Priority Categories. The LHA shall use the following priority categories in descending order in determining the order of tenant selection:

(a) 1st Priority -Homeless due to Displacement by Natural Forces an applicant, otherwise eligible and qualified, who has been displaced by:

1. fire not due to the negligence or intentional act of applicant or a household member;
2. earthquake, flood or other natural cause; or
3. a disaster declared or otherwise formally recognized under disaster relief laws.

(b) 2nd Priority - Homeless due to Displacement by Public Action (Urban Renewal) an applicant, otherwise eligible and qualified, who will be displaced within 90 days, or has been displaced within the three years prior to application, by:

1. any low rent housing project as defined in M.G.L. c. 121B, § 1, or
2. a public slum clearance or urban renewal project initiated after January 1, 1947, or
3. other public improvement.

(c) 3rd Priority - Homeless due to Displacement by Public Action (Sanitary Code Violations) an applicant, otherwise eligible and qualified, who is being displaced, or has been displaced within 90 days prior to application, by enforcement of minimum standards of fitness for human habitation established by the State Sanitary Code (105 CMR 410.000) or local ordinances, provided that:

1. neither the applicant nor a household member has caused or substantially contributed to the cause of enforcement proceedings, and
2. the applicant has pursued available ways to remedy the situation by seeking assistance through the courts or appropriate administrative or enforcement agencies.

(d) **4th Priority** - Emergency Case under the Emergency Case Plan established by the LHA pursuant to 760 CMR 5.11.

(e) **5th Priority** - AHVP Participant an applicant, otherwise eligible and qualified, who is living in a non-permanent, transitional housing subsidized by the AHVP.

(f) **6th Priority** - Transfer for Good Cause.

(g) **7th Priority** - Standard Applicant an applicant, otherwise eligible and qualified, who does not fit within any of the previous six priority categories.

Preference Categories

(2) **Preference Categories.** Apart from the affirmative action preference to be applied pursuant to 760CMR 5.10(3) the LHA shall apply the following preferences in descending order within each of the priority categories in determining the order of tenant selection:

(a) **Veteran** - Any veteran applying for elderly/handicapped housing receives this preference if the applicant resides in the community. A veteran applying for family housing receives this preference in all c. 200 units or, if the LHA has no c. 200 units, in 20% of c. 705 units. In c. 200 and c. 705 units the order of preference is as follows:

1. veterans with service-connected disability;
2. families of deceased veterans whose death was service connected; and
3. other veterans.

(b) **Local Resident.** Any local resident applying for public housing receives this preference.

(c) **Resident of Greater Fall River.** Any resident of or person whose place of employment includes the Towns of Somerset, Swansea, Westport, Dighton, Rehoboth, Seekonk, Assonet and Freetown receives this preference.

(d) **Resident of Commonwealth of Massachusetts.** Any resident of or person whose place of employment is within the Commonwealth of Massachusetts.

Removal From List

(a) Applicants meeting the following criteria shall be removed from the waiting list.

(1) An applicant who fails to accept the offer of a unit within seven days or to provide such documentation within that period, shall be removed from the waiting list. After being removed from the waiting list, if the applicant files a new application with the LHA the applicant shall not be entitled to any priority or preference received on the prior application(s) for a period of three years.

(2) An applicant offered an AHVP voucher shall make a diligent search to locate an apartment within the time specified in 760 CMR 53.00. An applicant who is unsuccessful in locating a unit within such time shall lose the voucher, and the LHA shall remove the applicant from the AHVP waiting list. When an applicant is on the waiting list for elderly/handicapped housing and becomes an AHVP participant the LHA shall drop the applicant to the bottom of that waiting list.

(3) When making a transfer for good cause, the LHA shall make one written offer of a unit which is of appropriate unit size and appropriate for the tenant's documented medical needs (if any). A tenant must accept the transfer offer within seven days of the date of the offer. For good cause the LHA may extend the time for accepting the offer. A tenant who fails to accept a transfer offer of a unit of appropriate unit size within seven days shall be removed from the transfer list. After being removed from the waiting list, if the tenant files a new application with the LHA the tenant shall not be entitled to any priority or preference received on the prior application(s) for a period of three years unless there are mitigating circumstances deemed sufficient by the LHA.

(4) An applicant who accepts an offer of housing in a unit under the Fall River Housing Authority's Federal Public Housing Program, shall be removed from the waiting list. Applicants removed from the list under this provision shall be eligible to reapply after having resided in their unit for nine (9) months of any twelve-month period.

(5) An applicant who fails to respond to the FRHA's request to update and reclassify an application.

The FRHA and the RAB agreed that we would pursue the consolidation of the FRHA waiting lists. As such we will be developing a revised ACOP which will consolidate the waiting lists. The above state guidelines will be included in the ACOP and we will maintain HUD's requirements where they differ from DHCD's. We will discuss the final version with the RAB prior to implementation.

APPENDIX 4
FALL RIVER HOUSING AUTHORITY
SCREENING PROCEDURES

1. All applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, FRHA will require applicants to demonstrate ability to comply with essential provisions of the lease as summarized below:

(a) to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;

(b) to care for and avoid damaging the unit and common areas;

(c) to use facilities and equipment in a reasonable way;

(d) to create no health, or safety hazards, and to report maintenance needs;

(e) not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;

(f) not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and

(g) to comply with necessary and reasonable rules and program requirements of HUD and the FRHA.

2. How the FRHA will check ability to comply with essential lease requirements:

(a) Applicant ability and willingness to comply with the essential lease requirements will be checked and documented in accordance with FRHA's Procedure on Applicant Screening (Suitability - Section 8.3 of our ACOP). Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Any costs incurred to complete the application process and screening will be paid by the FRHA.

(b) The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected **not to**:

- (i) Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
- (ii) Adversely affect the physical environment or financial stability of the project;
- (iii) Violate the terms and conditions of the lease;
- (iv) Require services from FRHA staff that would alter the fundamental nature of FRHA's program.

(c) FRHA will conduct a detailed interview of all applicants using an interview checklist as a part of the screening procedures. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification.

(d) FRHA will complete a credit check and a rental history check on all applicants.

(e) Payment of funds owed to FRHA or any other housing authority is part of the screening evaluation. FRHA will reject an applicant for unpaid balances owed FRHA by the applicant for any program that FRHA operates.

(f) FRHA will complete a criminal background check on all adult applicants or any member for whom criminal records are available. Before the FRHA rejects an applicant on the basis of criminal history, the FRHA must notify the household of the proposed rejection and provide the household member whose criminal history is at issue with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(g) If any screening activity suggests that an applicant household member may be currently engaged in illegal use of drugs, the FRHA shall seek information from a drug abuse treatment facility to determine whether the facility has reasonable cause to believe the household member is currently engaging in illegal drug use.

(h) FRHA may complete a home visit on applicants that have passed criminal history screening and have incomplete or questionable landlord references to determine if the applicant's housekeeping would create health or sanitation problems. Staff completing 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.

(i) Housekeeping criteria to be checked shall include, but not be limited to:

Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance-ways, halls, and yard (if applicable);

Cleanliness in each room; and

General care of appliances, fixtures, windows, doors and cabinets.

Other FRHA lease compliance criteria will also be checked, such as:

Evidence of destruction of property;
Unauthorized occupants;

Evidence of criminal activity; and

Conditions inconsistent with application information.

All applicants shall have at least two days' advance written notice of Home Visits.

(j) All applicants may be asked to attend and complete FRHA's Pre-Occupancy Orientation.

(k) FRHA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant's adult family members':

- Past performance in meeting financial obligations, especially rent and utility bills.
- Record of disturbance of neighbors (sufficient to warrant a police call) destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or welfare of other tenants or neighbors.
- History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.
- FRHA may require an applicant to exclude a household member in order to be admitted if that household member has participated in or been culpable for criminal actions that warrant rejection;
- FRHA may, if a statute requires that the FRHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.
- A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).

- An applicant's ability and willingness to comply with the terms of FRHA's lease.

(l) The FRHA is required to reject the applications of certain applicants for criminal activity or drug abuse by household members:

- The FRHA shall reject the application of any applicant for three years from the date of eviction if any household member has been evicted from any federally assisted housing for drug-related criminal activity. However, the FRHA may admit the household if the FRHA determines that:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the FRHA, or
- The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).

- The FRHA is required to reject the application of a household if the FRHA determines that:

- Any household member is currently engaging in illegal use of a drug xv;
- or

- The FRHA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

or

- Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing; or

- Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; or

- Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents xvi.

(m) An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.

(n) Applicants must be able to demonstrate the ability and willingness to comply with the terms of FRHA's lease, either alone or with assistance that they can demonstrate they will have at the time of admission.xvii Availability of assistance is subject to verification by FRHA.

3. Screening applicants who claim mitigating circumstances

(a) If negative information is received about an applicant, 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. To be considered, mitigating circumstances must be verifiable.

(b) Mitigating circumstances are facts relating to the applicant's negative rental history or For purposes of this section a household member is "currently engaged in" the criminal activity if the person has engaged in the behavior behavior, that, when verified, indicate: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, **AND** applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

(c) If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, FRHA shall refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. FRHA shall also have the right to request further information to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

(d) Examples of mitigating circumstances might include:

- (i) Evidence of successful rehabilitation;
- (ii) Evidence of the applicant family's participation in social service or other appropriate counseling service; or
- (iii) Evidence of successful and sustained modification of previous disqualifying behavior.

(e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. FRHA will consider such circumstances in light of:

- (i) the applicant's ability to verify the mitigating circumstances and prospects for improved future behavior;
- (ii) the applicant's overall performance with respect to all the screening requirements; and

(iii) the nature and seriousness of any criminal activity, especially drug related criminal activity that appears in the applicant's record.

4. Qualified and Unqualified Applicants

- (a) Verified information will be analyzed and a determination made with respect to:
 - (i) Eligibility of the applicant as a family;
 - (ii) Eligibility of the applicant with respect to income limits for admission;
 - (iii) Eligibility of the applicant with respect to citizenship or eligible immigration status;
 - (iv) Unit size required for and selected by the family;
 - (v) Preference category (if any) to which the family is entitled; and
 - (vi) Qualification of the applicant with respect to the Selection Criteria.

- (b) Qualified families will be notified by FRHA of the approximate date of admission insofar as that date can be determined, however the date stated by FRHA is an estimate and does not guarantee that applicants can expect to be housed by that date.

- (c) Unqualified applicants will be promptly notified by a Notice of Rejection from PHA, stating the basis for such determination and offering an opportunity for informal hearing. Informal hearings for applicants are different from the resident grievance process. Applicants are not entitled to use of the resident grievance process.

- (d) Applicants known to have a disability that are eligible but fail to meet the Selection Criteria, will be offered an opportunity for a second meeting to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.

The following One Strike Policy of the FRHA shall prevail in any interpretation of this policy.

RESOLUTION NO. 191

BE IT RESOLVED BY THE MEMBERS OF THE FALL RIVER HOUSING AUTHORITY:

27

That the Board of Commissioners of the Fall River Housing Authority hereby adopts the following policies in connection with the Public Housing Management Assessment Program (PHMAP), in accordance with Indicator Number 8 in the PHMAP process relative to Security as all individuals have the right to live in peace and be free from fear, intimidation and abuse; and because of the extraordinary demand for affordable rental housing, public and assisted housing should be awarded to responsible individuals.

Prevention through Screening - The Board of Commissioners hereby adopts the policy of requiring the screening of all applicants for Fall River Housing Authority Federally Aided Housing Programs, admission will be denied to all applicants who fail the following:

- a. A CORI (Criminal Offender Record Information) check will be performed on all applicants and household members who are eighteen (18) years of age or older.
- b. Where necessary and appropriate, the Fall River Housing Authority will perform criminal background checks utilizing NCIC (National Criminal Information Center) information available to Public Housing Authorities.
- c. Any criminal activity reported that includes crimes to persons or property and other criminal acts, which, if exhibited while a resident of public housing, would adversely affect the life, health, safety, security, welfare, or peaceful enjoyment of other tenants or adversely affect the physical environment of the resident, community or Fall River Housing Authority personnel. Any drug-related activity which causes the Fall River Housing Authority to reasonably believe that the applicant or household member is illegally using, selling or possessing, shall be automatic grounds for rejection of the applicant.
- d. All applicants and any household members eighteen (18) years of age or older that have been evicted from public housing or assisted housing under the United States Housing Act of 1937 within the last three (3) years for drug-related criminal activity will be rejected for occupancy.
- e. Evidence of the completion of a rehabilitation program may be considered by the Fall River Housing Authority in determining eligibility.
- f. Landlord references will be obtained to determine if the applicant exhibits activity which is conducive to that of a public housing residency. Factors to be considered are:
 1. Applicants that caused disturbances in a prior residence.
 2. Applicant has caused damage or destruction of property to a prior residence.
 3. Applicant has had poor housekeeping at a prior residence.
 4. Applicant has a history of non-payment of rent.
 5. Applicant has a history of failing to meet lease terms.
- g. If after performing any background checks of applicants, the Fall River Housing Authority reasonably believes that the applicant or household member has a history of alcohol abuse which would interfere with the health, safety or right of peaceful enjoyment of the premises by other residents, the Fall River Housing Authority will reject said applicant for public housing.
- h. The Fall River Housing Authority may perform any such credit or tenant history checks that it believe will yield it information on the proposed tenancy of the applicant.

Enforcement of Lease - The Board of Commissioners hereby adopts the policy that the following is to be considered as grounds for the termination of a Lease:

- a. The Fall River Housing Authority has reasonable cause to believe that the resident engages in drug-related criminal activity (42 USC 1437d(1)) on or off the premises not just near or on the premises;
- b. The Fall River Housing Authority has reasonable cause to believe that the resident engages in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or Fall River Housing Authority personnel; and
- c. The Fall River Housing Authority has reasonable cause to believe that the resident abuses alcohol in such a way that may interfere with the safety, health or right to peaceful enjoyment of the premises by other residents or Fall River Housing Authority personnel.

Tracking of Crime - The Board of Commissioners hereby adopts the policy requiring the Fall River Housing Authority to track crime and crime-related problems in its developments and will track and report incidents of crime to the local police authorities to improve law enforcement and crime prevention. (The Fall River Police Department is currently tracking all crime in our developments and management meets monthly with the Fall River Police Department to report any incidents of crime to the Fall River Police Department.)