



### Our Mission

#### *Providing Housing, Building Futures*

The mission of the Worcester Housing Authority is to enhance the Worcester community by creating and sustaining decent, safe, and affordable housing that champions stability and self-sufficiency for our residents.

# Admissions and Continued Occupancy Policy

## *For Federally Assisted Public Housing*

November 21, 2019

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# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §001 - Program Overview

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### 1. INTRODUCTION

The Worcester Housing Authority (WHA) receives operating subsidy for the federal public housing program from the Department of Housing and Urban Development (HUD). The WHA is not a federal department or agency but is a public body politic and corporate. The WHA enters into an Annual Contributions Contract (ACC) with HUD to administer the public housing program. The WHA must ensure compliance with federal laws, regulations, and notices. The WHA must establish policies and procedures to clarify federal requirements and to ensure consistency in program operation.

### 2. THE WHA

The WHA is governed by a Board of Directors (Board) who are generally called “commissioners.” Commissioners are appointed in accordance with state law and generally serve in the same capacity as the directors of a corporation. The Board establishes policies under which the WHA conducts business, and ensures that those policies are followed. The Board is responsible for preserving and expanding the agency’s resources and assuring the agency’s continued viability and success.

Formal actions of the WHA are taken through written resolutions, adopted by the Board, and entered into the official records of the WHA.

The Board selects and hires an Executive Director (ED), who oversees the day to day operations of the WHA and is directly responsible for carrying out the policies established by the Board. The ED’s duties include hiring, training, and supervising the WHA’s staff, as well as budgeting and financial planning for the agency. Additionally, the ED is charged with ensuring compliance with federal and state laws, and program mandates.

The mission of the WHA is to enhance the Worcester community by creating and sustaining decent, safe, and affordable housing that champions stability and self-sufficiency for our residents. The core values of the WHA are as follows:

- Customer Service: Develop relationships that make a positive impact on our customer’s lives.
- Quality: Take pride in our work and in delivering a safe, sound, and secure home to our residents.
- Teamwork: Work together, across departments, to service the needs of our customers.
- Respect: Treat everyone we encounter with respect and dignity.
- Personal Accountability: Hold ourselves personally accountable for delivering on our commitments.
- Positivity: Provide a positive and encouraging environment for our staff and our customers in order to help them succeed.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§001 - Program Overview**

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### **3. PUBLIC HOUSING PROGRAM BASICS**

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the WHA to administer programs in accordance with HUD regulations and provides an operating subsidy to the WHA. The WHA creates written policies that are consistent with HUD regulations, including this Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the Board.

### **4. APPLICABLE REGULATIONS**

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Admission and Occupancy Policies
- 24 CFR Part 965: PHA -Owned or Leased Projects – General Provisions
- 24 CFR Part 966: Lease and Grievance Procedures

### **5. OVERVIEW AND PURPOSE OF THE POLICY**

The ACOP is required by HUD and it is available for public review. The ACOP also contains policies that support the objectives contained in the WHA's Five Year Agency Plan (Agency Plan).

In addition to this ACOP, the federal public housing program is governed by federal regulations, HUD handbooks and guidebooks, notices, and applicable state and local laws. The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and HUD approved applications for program funding. The WHA is responsible for complying with changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations take precedence.

The WHA will revise and update this ACOP as needed to comply with changes in HUD regulations WHA operations, or when needed to ensure staff consistency in operation. The original policy and any changes must be approved by the Board, unless there is a State of Emergency that requires the WHA to take immediate action due to the health and safety of our residents, applicants and employees. The WHA will refer to its WHA Emergency Response Plan for temporary guidance on modification of policies and procedures.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §002 - Access to Records

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### 1. MASSACHUSETTS PUBLIC RECORDS

As a custodian of public records, the WHA will comply with Massachusetts Public Records Law, G. L. chapter 66, section 10. Public records shall include all papers, financial statements, statistical tabulations, documentary data, or material made or received by the WHA as defined by law. Requests for records may be made to the WHA records access officer (RAO), the WHA's General Counsel. The WHA may deny the release of copies or inspection of public records if the records fall within a statutory or common law exemption.

The cost for the search and copies of requested documents will be calculated in accordance with the law. If the estimated cost for the search and copying exceeds \$25.00, the WHA may require payment prior to beginning the search.

### 2. RELEASE OF INFORMATION AND PRIVACY ACT

All adult members of both applicant and tenant households are required to sign Department of Housing and Urban Development ("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.

The WHA will not release applicant or tenant information unless there is a: (i) signed release of information request from the applicant or resident; (ii) lawful court order or through lawful civil or criminal discovery processes; (iii) a request for cooperation or for information from other governmental agencies or regulatory bodies; (iv) as authorized by HUD regulations; or (v) as otherwise authorized by law.

Family members turning 18 years of age between annual recertifications will be notified in writing that they are required to sign the required Consent to the Release of Information Forms HUD-9886 within 10 business days of turning 18 years of age.

#### **Penalties for Failing to Consent [24 CFR 5.232]**

- If any family member who is required to sign a consent form fails to do so, the WHA must deny admission to applicants and terminate the lease of tenants [24 CFR 5.232(a)]. The family may request one of the following:
- Applicants - may request a conference due to denial during the admission process.
- Tenants - may request a hearing in accordance with the WHA's grievance procedures.

In order for a family to revoke their consent, the family must provide written notice to the WHA. Within 10 business days of the date the family provides written notice, the WHA will send the family a notice acknowledging receipt of the request and explaining that revocation of consent will result in denial or termination of assistance, as applicable. At the same time, the WHA will notify the local HUD office.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§003 - Fair Housing & Equal Opportunity**

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### **1. PURPOSE**

The WHA provides low-income housing to persons who qualify under the rules and regulations that govern eligibility for federally-aided public housing. This policy is designed to ensure that persons applying for or residing in federally-aided public housing, are treated fairly, equitably, and in compliance with applicable federal, state, and local laws and regulations.

### **2. STATUTORY AND REGULATORY COMPLIANCE**

Federal and state laws prohibit discrimination against protected classes on the basis of race, color, national origin, religion, religious creed, sex, children, ancestry, recipient of public assistance, veteran/armed forces member, disability, sexual orientation, marital status, age (excluding minors), and gender identity.

The WHA will comply with federal, state, and nondiscrimination laws, rules, and regulations governing fair housing and equal opportunity in housing.

### **3. REASONABLE ACCOMMODATION POLICY**

The WHA Reasonable Accommodation Policy is incorporated by reference into this ACOP and may be found on the WHA's website, the WHA Admissions Office, and the WHA Management Offices.

### **4. PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

The WHA is committed to providing meaningful access to the WHA's programs and activities to persons with limited English proficiency (LEP). LEP applicants and tenants will not be denied access to WHA's programs and activities because the individual does not speak English, or communicates in English on a limited basis. The LEP Policy is incorporated by reference into this ACOP and may be found on the WHA's website, the WHA Admissions Office, or the WHA Management Offices.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§004 - Violence Against Women Act**

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The WHA Violence Against Women Act (VAWA) Policy is incorporated by reference into this ACOP. The VAWA Policy may be found on the WHA's website, the WHA Admissions Office, or the Management Offices.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§005 - Verification**

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### **1. GENERAL [24 CFR 960.259; 24CFR 982.516]**

The WHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and tenants must cooperate with the verification process as a condition of receiving assistance.

At the time of determining final eligibility and suitability, the WHA shall require an applicant to provide the WHA access to reliable and reasonably obtainable documentation verifying the accuracy of information appearing on the application form or otherwise necessary for the WHA's determination. If the WHA has verified information when making a preliminary determination of eligibility for the applicant, the WHA shall re-verify such information on its final determination of eligibility and suitability. Non-receipt of requested documentation, without good cause established by applicant, shall be cause for determining the applicant ineligible.

Information regarding eligibility or suitability may be obtained by the WHA from interviews with the applicant and with others, from telephone conversations, letters, or other documents, and from other oral or written materials. All such information received shall be maintained in the applicant's file including the date of its receipt, the identity of the source. The applicant and a tenant must supply information that the WHA or HUD determines is necessary in the administration of the housing programs. This includes information relative to a family's citizenship status, social security numbers, income, expenses, and family composition. All information provided by the household must be true and complete.

Within HUD guidelines, the WHA has the discretion to determine what constitutes adequate and credible verification and documentation. If the WHA has doubts about the reliability of any information received, it will pursue additional information. The WHA is not required to accept verification information simply because it is offered.

### **2. INCOME ELIGIBILITY**

The applicant/tenant shall provide and authorize reasonable verification of information regarding income, exclusions from income, and deductions (whether at initial determination or at any redetermination) in order to insure reliability of the information.

The WHA shall request written third-party verification, from a reliable source, other than the applicant or tenant, with knowledge of the facts, of all items of income, exclusions, or deductions. If the information is not available through third party, the applicant/tenant shall assist the WHA in securing reasonable verification and shall promptly provide all written authorizations for such verification upon request by the WHA.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§005 - Verification**

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### **3. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]**

The WHA shall determine the citizenship/eligible or ineligible non-citizen status of each family member regardless of age prior to being admitted or at the first reexamination.

U.S. Citizens and Nationals - Prior to being admitted, will be required to sign a declaration of eligible immigration status under penalty of perjury and show proof of his/her status by such means as a birth certificate, military ID, or military DD 214 Form, baptismal certificate or passport.

#### **Eligible Non-Citizens**

62 years of age or older - Prior to being admitted or at the first reexamination, all eligible non-citizens will be required to sign a declaration of eligible immigration status under penalty of perjury, and provide proof of age.

Under 62 years of age - Prior to being admitted or at the first reexamination, all eligible non-citizens must sign a declaration of eligibility immigration status and a verification consent form and provide original INS documentation. The WHA will copy the individual's INS documentation and place the copy in the file. The WHA will also verify the individual's status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the WHA will mail information to the INS in order that a manual check can be made of INS records.

#### **Ineligible Non-Citizens**

Family members who do not claim to be citizens, nationals, or eligible non-citizens must be listed on a statement of non-eligible members and the head of the household must sign the list. Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.

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

A family that consists of two or more household members and at least one household member that has eligible immigration status, is classified as a mixed family, and is eligible for prorated assistance.

A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance. 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 family causes the delay.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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If the WHA determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to reside in their unit, 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.

For each family member, citizenship/eligible non-citizen 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 the individual's status will be obtained at the next regular reexamination. Prior to a new member joining the family, citizenship/eligible non-citizen status will be verified.

#### 4. SOCIAL SECURITY NUMBERS

In accordance with 24 CFR 5.216, applicants and tenants, including each member of the household, are required to disclose their assigned social security number (SSN), with the exception of individuals who do not contend eligible immigration status. Exemptions also include, existing residents who were at least 62 years of age as of January 31, 2010, and had not previously disclosed a SSN.

- The WHA must accept the following documentation as acceptable evidence of the SSN:
  - An original SSN card issued by the Social Security Administration (SSA)
  - An original SSA-issued document, which contains the name and SSN of the individual
  - An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual
- The WHA will make a copy of the original documentation submitted, return it to the individual, and retain a copy in the file folder.
- The WHA may only reject documentation of an SSN provided by an applicant or tenant if the document is not an original document, if the original document has been altered, mutilated, is illegible, or if the document appears to be forged. The WHA will explain to the applicant or tenant the reason that the document is not acceptable and request that the individual obtain acceptable documentation of the SSN within 14 days of being notified.
- The WHA will not deny assistance to a mixed family due to the nondisclosure of a SSN by an individual who does not contend to have eligible immigration status.
- Individuals without Social Security Numbers

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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There are individuals that do not have a SSN assigned to them by the SSA. The three most common reasons are:

- Newborn children
- Non-citizens lawfully living in the U.S. – These individuals will be issued a SSN upon SSA confirmation of the DHS documentation or confirmation that the individual is required by law to provide a SSN to receive general assistance benefits that they may already have qualified for.
- Non-citizens – Individuals unlawfully present in the U.S.

The WHA requires citizens and lawfully present non-citizens who state that they have not been assigned a SSN by the SSA to declare this in writing and under the pains and penalties of perjury. The WHA will maintain this declaration in the applicant file until such time as the individual is issued a SSN.

In such events that the applicant or household member does not have a SSN, the WHA will request through the Public and Indian Housing Information Center (“PIC”) and alternate identification number which will generate a unique identifier for the individual. This identifier will be used in all data processing fields. Once the individual receives a SSN this identifier will be replaced with said number.

The WHA will deny the eligibility of assistance if the applicant or tenant fails to disclose the SSN or provide documentation of the SSN of each household member.

- If the family is otherwise eligible for the housing program has failed to provide all required SSN documentation, the family will be allowed to maintain its position on the program waiting list until the final eligibility phase of application processing. Once the applicant has been notified that their application for housing assistance has reached the final processing phase, the applicant will have 20 days to provide the WHA with SSN documentation with the exception of a new household member under the age of six.
- When the applicant requests to add a new household member, who is under the age of six and does not have an assigned SSN, the participant must disclose and provide the assigned SSN, within 90 calendar days of the child being added to the household.
- If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the WHA will grant the family an additional 90 calendar days to comply with the requirement, if the WHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to: delayed processing of SSN application by SSA, natural disaster, fire, or death in the family.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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- If the applicant has failed to provide SSN or documentation of the SSN of all household members and the applicant household has reached the top of the program waiting list and a unit is available for occupancy by the applicant household, the WHA will offer the unit to the next fully eligible applicant on the waiting list. The WHA will notify the applicant of this action and provide the applicant with an additional 20 days to provide the required SSN documentation. If the applicant fails to provide the information within the required timeframe, the application will be cancelled and the applicant household will be withdrawn from the program waiting list.

### 5. SOCIAL SECURITY ADMINISTRATION BENEFITS

The WHA will require that all applicants and applicant household members receiving benefits from SSA to provide a copy of their award letter, dated within the last 60 days. If the applicants are unable to provide this information, the WHA may assist the applicant by providing the applicant with the SSA's website at [www.socialsecurity.gov](http://www.socialsecurity.gov). This is a free service and the applicant may request a copy of their award(s) letter. Although the SSA prefers that the applicant use its website for such requests, the applicant may also request a proof of income letter from the SSA's toll free number 1-800-772-1213.

Once the award letter is received, the WHA will require that the applicant submit the original document. The WHA will make a copy of the document, file it in the applicant file and return the original document to the applicant. The WHA will not accept photocopies of the award letter.

### 6. SUITABILITY

#### Landlord References

The WHA shall require an applicant to provide the names and current addresses of all landlords (or housing providers) for the applicant and household members for the five (5) years prior to application through the date of the final determination.

If, after request the WHA has failed to receive a reference from a landlord (or housing provider) it shall notify the applicant of non-receipt, and the WHA shall request that the applicant use best efforts to cause the landlord (or housing provider) to submit the reference to the WHA. In the event the applicant uses best efforts but is unsuccessful, the applicant shall cooperate with the WHA in securing information from other sources about the tenancy and complete an affidavit. Non-receipt of a reference from a landlord (or housing provider) shall be cause for determining an applicant unqualified unless the applicant can show that best efforts were used to secure the reference and that they have complied with reasonable requests for cooperation in securing relevant information.

#### Criminal History

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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The WHA will obtain and verify criminal history in accordance with the Criminal Offender Record Information (CORI). The WHA may rely on other information relative to an applicant's criminal history in making a determination about an applicant's suitability.

- Criminal activity disclosed on the application
- Criminal activity and/or arrest information publicized on news media
- Information provided to the WHA from other sources

### 7. VERIFICATION HIERARCHY

The WHA must obtain and document in the family file third-party verification of the following factors or must document in the file why third-party verification was not available. The WHA will use HUD's verification hierarchy for the following areas affecting family eligibility and tenant rent:

- Income
- Assets, including divested assets, and asset income
- Income exclusions, allowances and deductions
- Family composition
- Social security numbers
- Citizenship or eligible immigration status
- Other factors that affect the determination of adjusted income

### VERIFICATION HIERARCHY [Notice PIH 2023-27]

HUD requires the WHA to obtain third-party verification of:

- Reported family annual income;
- The value of net family assets when the net value exceeds \$50,000 (as adjusted annually);
- Expenses related to deductions from annual income; and
- Other factors that affect the determination of adjusted income.

HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used.

HUD developed a hierarchy that described verification documentation from most acceptable to least acceptable. The WHA must demonstrate efforts to obtain third-party verification prior to accepting self-certification except instances when self-certification is explicitly allowed.

In order of priority, the hierarchy is:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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- Highest: Level 6: Up-front Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system
- Highest: Level 5: Up-front Income Verification (UIV) using a non-EIV system
- High: Level 4:
  - Written third-party verification from the source, also known as “tenant-provided verification”
  - Or EIV plus self-certification
- Medium: Level 3: Written third-party verification form
- Medium: Level 2: Oral third-party verification
- Low: Level 1: Self-certification (not third-party verification)

Each of the verification methods is discussed in subsequent sections below.

### **File Documentation**

The WHA must document in the file how the figures used in income and rent calculations were determined. Verification attempts, information obtained, and decisions reached during the verification process will be recorded in the tenant file in sufficient detail to demonstrate that the WHA has followed all of the verification hierarchy set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

### **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 WHA will send a request form to the source along with a release form signed by the applicant/tenant.

### **LEVEL 5 AND 6 VERIFICATION: UP-FRONT INCOME VERIFICATION (UIV)**

UIV refers to the WHA’s use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. The WHA may use UIV sources before or during a family reexamination.

UIV will be used to the extent that these systems are available to the WHA.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until the WHA has independently verified the UIV information and the family has been granted the opportunity to contest any adverse findings through the WHA’s informal review/hearing processes.

### **Upfront Income Verification Using HUD’s Enterprise Income Verification (EIV) System**

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# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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WHA must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during annual and interim reexaminations of family composition and income in accordance with 24 CFR 5.236 and Notice PIH 2023-27. HUD's EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families.

The income validation tool (IVT) in EIV provides projections of discrepant income for wages, unemployment compensation, and SSA benefits pursuant to HUD's data sharing agreements with other departments.

The following policies apply to the use of HUD's EIV system.

### ***EIV Income and IVT Reports***

WHA is required to obtain an EIV income and IVT report for each family any time the WHA conducts an annual or interim reexamination. During any interim reexaminations. The EIV Income and IVT Reports are also not available for program applicants at admission.

When required to use the EIV Income Report, in order for the report to be considered current, this policy in Section 12, the WHA processes an interim reexamination for families who have increases in earned income when there was a previous decrease.

### ***No Income Reported by HHS or SSA Report***

The WHA will generate the No Income Reported by HHS or SSA Report quarterly and will retain the report within tenant's file. The WHA will re-verify the status of tenants identified in the report quarterly. Based on the information provided by the family and in EIV, the WHA may require that family members provide verifications or sign release forms in order to obtain additional verification. When the WHA determines through this report and third-party verification that a family has concealed or under-reported income, corrective action will be taken.

### ***EIV Identity Verification Report***

The EIV system verifies resident identities against SSA records. These records are compared to HUD data for a match on social security number, name, and date of birth. WHA is required to use EIV's Identity Verification Report on a monthly basis to improve the availability of income information in EIV [Notice PIH 2023-27].

When identity verification for a resident fails, a message will be displayed within the EIV system and no income information will be displayed.

The WHA will identify participants whose identity verification has failed by reviewing EIV's Identity Verification Report on a monthly basis.

The WHA will attempt to resolve discrepancies by obtaining appropriate documentation from the tenant. When the WHA determines that discrepancies exist as a result of WHA

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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errors such as spelling errors or incorrect birth dates, it will correct the errors promptly and resubmit to HUD

### **Deceased Tenants Reports [Notice PIH 2012-4 and Notice PIH 2023-27]**

The Deceased Tenant Report identifies residents that have been reported by the SSA as deceased. The WHA is required to review the report at least quarterly.

The WHA will review the Deceased Tenants Report on a monthly basis.

When the Deceased Tenants Report identifies an individual as being deceased, WHA must immediately send a letter to the head of household or emergency contact person (if the head of household is deceased and there is no other adult household member) to confirm the death of the listed household member.

When the only remaining household member is the live-in aide, the live-in aide is not entitled or eligible for any rental assistance or continued occupancy. The WHA shall not designate the live-in aide as the new head of household or change the relation code on the Form HUD-50058.

### **Other EIV Reports [Notice PIH 2023-27]**

The WHA is required to review the Multiple Subsidy Report at least quarterly and the Failed EIV Pre-Screening and Failed Verification (Failed SSA Identity Test) reports at least monthly.

### **Upfront Income Verification Using Non-HUD Systems**

In addition to mandatory use of the EIV system, HUD encourages WHA to utilize other upfront verification sources.

The WHA will inform all applicants and tenants of its use of the following UIV resources:

- DTA
- Banks
- MA Department of Revenue,
- Unemployment
- SSP
- Bank VOD

### **LEVEL 4 VERIFICATION [Notice PIH 2023-27]**

HUD identifies two types of Level 4 verification: written-third party verification from the source and EIV + self-certification.

#### **EIV + Self-Certification**

- EIV may be used as written third-party verification and may be used to calculate income if the family agrees with the information in EIV and self-certifies that the amount is accurate and representative of current income. This practice is known as *EIV + self-certification*. When calculating income using this method, the PHA

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may use its discretion to determine which method of calculation is reasonable: the last four quarters combined or an average of any number of quarters. The family must be provided with the information from EIV.

At the discretion of the WHA, the WHA will utilize EIV + Self-Certification. However, there may be instances when the WHA will require additional documentation.

### **Written Third-Party Verification from the Source**

Written, third-party verification from the source is also known as “tenant-provided verification.” In order to qualify as written-third party verification from the source, the documents must be original or authentic and (generally) dated within 120 days of the date received by the WHA. For fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation. Documents may be supplied by the family or received from a third-party source.

Examples of acceptable tenant-provided documents include, but are not limited to pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Income tax returns with corresponding official tax forms and schedules attached and including third-party receipt of transmission for income tax return filed (i.e., tax preparer’s transmittal receipt, summary of transmittal from online source, etc.) are an acceptable form of written, third-party verification.

The WHA is required to obtain, at minimum, two current and consecutive pay stubs when calculating income using third-party verification from the source. For new income sources or when two pay stubs are not available, the WHA should determine income based on the information from a traditional written, third-party verification form or the best available information.

When the family disputes EIV-reported employment income, the WHA uses written third-party verification.

When verification of assets is required, WHA is required to obtain a minimum of one statement that reflects the current balance of banking/financial accounts.

In general, the WHA will use third-party verification from the source in the following circumstances:

- At annual reexamination when EIV + self-certification is not used;
- For all new admissions; and
- For all interim reexaminations.

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In general, third-party documents provided by the family or the source must be dated within 120 days of the date received by the WHA. However, for fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation. The WHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible. If the WHA determines that third-party documents provided by the family are not acceptable, the WHA will explain the reason to the family and request additional documentation from the family or will use a lower form of verification such as a written third-party verification form.

When verification of assets held by a banking or financial institution is required, the WHA will obtain one statement that reflects the current balance of the account or 3rd party verification from the bank.

When pay stubs are used, the WHA will require the family to provide the two most current, consecutive pay stubs. At the WHA's discretion, if additional paystubs are needed due to the family's circumstances (e.g., sporadic income, fluctuating schedule, etc.), the WHA may request additional paystubs or a payroll record.

### **LEVEL 3 VERIFICATION: WRITTEN, THIRD-PARTY FORM [Notice PIH 2023-27]**

Traditional third-party verification forms may use this method when higher forms are unavailable or are rejected by the WHA or when the family is unable to provide acceptable verification.

Traditional third-party verification are WHA-developed forms sent directly to the third-party source by mail, fax, or email and the source completes the form by hand (in writing or typeset).

### **LEVEL 2: ORAL THIRD-PARTY VERIFICATION [Notice PIH 2023-27]**

WHA shall contact sources that are identified by UIV techniques or by the family, by telephone or in person.

Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time—e.g., 10 business days.

WHAs must document in the file the date and time of the telephone call or visit, the name of the person contacted, the telephone number, as well as the information confirmed.

In general, the WHA will attempt to obtain written third-party verification via a form from the verification source. If written third-party verification forms are not returned within 10 business days, the WHA will accept self-certification from the family without attempting to obtain oral third-party verification.

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However, if the WHA chooses to obtain oral third-party verification, the WHA must document in the file the date and time of the telephone call or visit, the name of the person contacted and the telephone number, as well as the information confirmed.

### **When Third-Party Verification is Not Required [Notice PIH 2023-27]**

Third-party verification may not be available in all situations. HUD has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family's total tenant payment.

### ***Primary Documents***

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

### **LEVEL 1: NON-THIRD-PARTY VERIFICATION TECHNIQUE: SELF-CERTIFICATION [Notice PIH 2023-27]**

Self-certified signed statement of reported income and/or expenses should be used as a last resort when the WHA has not been successful in obtaining information via all other required verification techniques.

Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total \$50,000 or less and the WHA has adopted a policy to accept self certification
- The family declares that they do not have any present ownership in any real property
- A family states that they have non-recurring income that will not be repeated in the coming year

Self-certification, must be documented to explain why third-party verification was not available.

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the WHA.

The WHA will require a family to certify that a family member does not receive a particular type of income or benefit.

The No Income Self-Certification Form must be signed by the family member whose information or status is being verified.

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“I/We, the undersigned, certify under penalty of perjury that the information provided here is true and correct, to the best of my knowledge and recollection. WARNING: Anyone who knowingly submits a false claim or knowingly makes a false statement is subject to criminal and/or civil penalties, including confinement for up to five years, fines, and civil and administrative penalties (18 U.S.C. 287, 1001, 1010, 1012; 31 U.S.C. 3279, 3802).”

### **NONRECURRING INCOME [Notice PIH 2023-27]**

In the event income that will not be repeated beyond the coming year based on information provided by the family, is considered nonrecurring income and is excluded from annual income. WHAs shall accept a self-certification from the family stating that the income will not be repeated in the coming year. However, the WHA may choose, on a case-by-case basis, to require third-party verification that income sources will not be repeated in the coming year.

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### General Information for Applicant/Tenant Family

Item To Be Verified	Third-Party Verification	Hand-carried Verification
Social Security Number	Letter from social security	Social security card; other government documentation
Citizenship	N/A	Signed certification, voter registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	WHA form; SSA verification; other medical provider information	WHA form; SSA verification
Full time student status (if 18 and older)	WHA form sent to school	For students, a letter from the school document evidencing current participation
Need for a live-in aide	WHA form	WHA form
Childcare costs	WHA form sent to provider	Receipts and/or records of payment
Disability assistance expenses	Letters from suppliers, care givers, etc.	Receipts and/or records of payment
Medical expenses	Letters from providers, prescription record from pharmacy	Bills, receipts, records of payments, dates of trips, mileage log, receipts for fares and tolls

### Asset Information for Applicant/Tenant Family

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Item To Be Verified	Third-Party Verification	Hand-carried Verification
Savings, checking accounts	WHA form sent to institution	Passbook; three most current statements
CDS, bonds, etc.	Letter from institution	Tax return information; brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessor's office, assessment	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Letter from assessor's office, assessment	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth

### Income Information for Applicant/Tenant Family

Item to be Verified	Third-Party Verification	Hand-carried Verification
Earned income	WHA form to employer, Upfront Income Verification ("UIV")	A minimum of two consecutive recent pay stubs
Self-employed	Self-Declaration Form	Tax return from prior year, books of accounts

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Regular gifts and Contributions	Letter from source, letter from organization receiving gift (i.e. if grandmother pays day care provider, the day care provider submits)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from human services agency	Printout from Department of Revenue, record of deposits through DOR, divorce decree or notarized statement from the payee
Periodic payments (i.e., social security, welfare, pension, workers compensation, unemployment)	TASS, UIV, letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation, participation in job-training program	<p>Letter from program provider indicating:</p> <ul style="list-style-type: none"> <li>- whether enrolled or completed</li> <li>- whether training is HUD-funded</li> <li>- whether it is a federal, state, local govt or local training program</li> <li>- whether it is employment training</li> <li>- whether it has clearly defined goals and objectives</li> <li>- whether program has supportive services</li> <li>- whether payments are for out-of-pocket expenses incurred in order to participate in a program</li> <li>- date of first job after program completion</li> </ul>	Evidence of job start

### 8. VERIFYING INCOME EXCLUSIONS

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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If the WHA is unable to verify income exclusion, the exclusion will not be excluded from income.

In accordance with Notice PIH-2013-04 and until amended, superseded, or rescinded, Fully Excluded Income may not be required to be verified, documented, or reported on the form HUD-50058 or HUD-50059. Examples of fully excluded income include, SNAP benefits, income from a live-in-aide, or earned income from a full-time student over the age of 18. The WHA may still record such excluded income on the form HUD-50058 or HUD-50059 if the excluded income has been provided by the tenant. Verification of income exclusions for determining mandatory earned income disallowance or incremental earnings and benefits resulting from participation in a qualifying state or local training program, will be required.

### 9. TIME LIMITS FOR VERIFICATION

The WHA will consider accepting lower levels of verification after a no response time of ten (10) working days or more on each level.

The WHA will start the annual reexamination 120 days prior to the reexamination date. Verification information must be dated within 120 days of certification or reexamination. If the verification is older than this, the WHA will contact the source and request information regarding any changes. When an interim reexamination is conducted, the WHA will verify and update any information related to the basis for the interim reexamination. Time limits for the verification process vary depending on the item being verified (i.e. citizenship or eligible immigration status or family income) and on the circumstances (i.e. reexamination of family income and composition). Information verifying that an applicant is eligible for admissions must be received within a 90-day period.

- For noncitizen rule requirements, verification time frames are as follows: for applicants, verification can take place at any stage of the application process, but not later than the date that the WHA verifies other eligibility factors. A time extension of 30-days will be granted in writing by the WHA, if needed, for the individual to obtain the needed documentation. [24 CFR 5.508(g)(1); 24 CFR 5.508(g)(2); 24 CFR 5.508(g)(3); 24 CFR 5.508(h)].
- The established limits on how long verifications remain valid, are as follows:
  - For admissions purposes, 90 days;
  - For re-examination purposes, 120 days.
- Time limits do not apply to information that does not need to be re-verified, such as a person's age or SSN.

### 10. VERIFYING MANDATORY DEDUCTIONS

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §005 - Verification

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- **Dependents**

Dependent status will be verified with a birth certificate, social security card, or other documentation such as a passport, adoption record, government issued document, or baptism record. The documentation should provide the dependent's name, sex, SSN, and date of birth.

- **Full-Time Students**

Full-time student status will be verified when an applicant has a family member that is or will be 18 years of age by the admissions date; or by the next regularly scheduled reexamination. The WHA will send a verification form to the institution the student is attending. The WHA will also accept the student's current enrollment status letter, or a letter from the institution regarding their current status. The WHA will consider the family member a full-time student if 12 or more attempted credits hours per semester or quarter is verified, unless the school declares otherwise. A family will not have to re-verify the full-time student status in between scheduled reexaminations, however, the family is required to notify the WHA when a full-time student begins receiving earned income, at which time the WHA may re-verify the full-time student status.

- **Disabled Families**

For a family that is receiving disability benefits from the SSA, the preferred order of verification methods are:

- Using HUD's EIV system
- Requesting a current SSA benefit verification letter from the family dated within the last 60 days
- Helping the family request a benefit verification letter through SSA's web site
- Asking the family to request a benefit verification letter by contacting the SSA

For a disabled family that is not receiving disability benefits from the SSA, written third-party verification from a qualified medical provider will be obtained, which indicates that the individual meets the regulatory definition of person with disabilities.

- **Elderly Families**

To qualify for the elderly family deduction, the family's head, spouse or co- head, or sole member must be at least 62 years of age. The WHA will use the same documents that are used to verify the name and date of birth for the family member.

- **Child Care Expenses**

The WHA allows for child care expenses to be deducted for children under the age of 13, if the activity is qualified and if the expenses are verified.

The WHA must verify that:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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- The costs claimed are not reimbursed by another source.
- The costs are for an allowable type of child care (no housekeeping services or personal services) and are paid only for the care of an eligible child.
- The costs are reasonable. Third party verification from a reliable agency, institution or program that indicates the time that child is being cared for, as well as the actual cost is required. Reasonable expenses are considered when the number of hours of childcare does not exceed the number of hours worked plus an additional hour per day for travel. For private child care, the cost of child care is consistent with the general cost compared to the average rates for Worcester child care centers, the family member must be required to provide verification of at least four payments, i.e. cancelled checks, and the family may be asked to provide their year-end tax returns at their next reexamination, that will show the deduction being taken. If the family member does not claim child care on their tax returns, the deduction will not be provided for the following year.

In addition, the WHA will verify the family member identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities as follows:

- Gainfully employed: the WHA will use employment verification to confirm activity.
  - Seeking work: the WHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment), and will request family-provided verification from the agency. The WHA will not accept certification from the family member attesting to their efforts to find employment.
  - Furthering education: the WHA will request third-party documentation to verify that the person permitted to further education by the child care is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.
- **Medical Expenses**  
The WHA must verify that the household is eligible for the medical expense deduction, the costs to be deducted are qualified medical expenses, the expenses are not paid for or reimbursed by any other source, and costs incurred in past years are counted only once. Medical expenses will be verified through:
    - Written third-party documents provided by the family, such as pharmacy printouts or receipts, documentation from a physician regarding prescriptions that are

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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anticipated for the next 12 months, paystubs reflecting amounts withheld for medical insurance premiums, statements from Medicare Part D prescription drug plan providers, and other documentation in the discretion of the WHA

- The WHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. WHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.
- Written third-party verification forms, if the family is unable to provide acceptable documentation.
- If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

### **11. ZERO ANNUAL INCOME STATUS**

The WHA will check UIV sources and/or may request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, earned income, child support, etc., are not being received by families claiming to have zero annual income.

The WHA will also require that each family member who claims zero income status complete a zero-income form. If any sources of income are identified on the form, the WHA will verify the income in accordance with the policies in this section prior to including the income in the family's annual income.

The WHA will only conduct interims in accordance with WHA policy.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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### **1. GENERAL**

The WHA shall make a preliminary determination of eligibility based on information contained in the application and shall also determine whether an applicant appears to be entitled to any preference status.

### **2. APPLICANT ELIGIBILITY AND SUITABILITY**

In order to meet the eligibility criteria for federal public housing, an applicant must meet the following standards:

- **Family Eligibility**

The applicant applying as a head of household must be 18 years or older, or an emancipated minor, at the time of the initial application and must demonstrate that the applicant is a family as defined by HUD regulations.

- **Income Eligibility**

To be eligible for admission, an applicant family must be a low-income family at the time of admission (i.e. family income does not exceed 80% of HUD established median income for Worcester, MA). The family's annual income, not adjusted income, is used to determine whether an applicant family is eligible.

- **Citizen/Non-citizen Eligibility**

To be eligible for admission, each member of the family must be a United States citizen, national or a non-citizen that has eligible immigration status in one of the following categories:

- **Permanent Resident**

Lawfully admitted for permanent residence as an immigrant, including special agricultural workers;

- **Attorney General Designation**

Entered the United States before January 1, 1972 and has maintained continuous residence thereafter, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General of the United States;

- **Asylum/Refugee**

Lawfully present in the United States pursuant to the granting of asylum (refugee status);

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §006 - Eligibility and Suitability for Admission

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- **Emergent/Public Interest**  
Lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest (parole status);
- **Deportation Withholding**  
Lawfully present in the United States as a result of the Attorney General of the United States withholding of deportation (threat of life or freedom); and/or
- **Amnesty**  
Lawfully admitted for temporary or permanent residence (amnesty granted under Immigration and Naturalization Action Section 245A).

A family shall not be eligible for assistance unless every member of the family who will reside in the unit is determined to have eligible status, unless the family is a mixed family under appropriate HUD regulations [24 CFR 5.506, 5.516, 5.518] or certain family members are eligible for temporary deferral of termination of assistance or HUD determines that benefits should otherwise continue or be granted.

- **Social Security Eligibility**

To be eligible, all family members must provide a social security number or certify that they have not yet received one after having made application to the Social Security Administration (“SSA”). Generally, no family member may be added to the lease prior to the verification of their social security number. Refer to the verification section of this ACOP for further verification and documentation information.

- **Execution of Consent Forms**

To be eligible, each member of the family who is at least 18 years of age shall sign one or more consent forms. The consent forms must contain, at a minimum, the following:

- **SWICA Authorization**  
A provision authorizing the WHA to obtain from State Wage Information Collection Agencies (SWICAs) any information or material necessary to complete or verify the application for participation or for eligibility for continued occupancy. For tenants, a provision authorizing the WHA to obtain information or material through the Upfront Income Verification (“UIV”) program.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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- **Employer Authorization**

A provision authorizing HUD or WHA to verify with previous or current employers income and job related information pertinent to the family's eligibility for or level of assistance;

- **IRS and SSA Authorization**

A provision authorizing HUD to request income information from the Internal Revenue Service and the Social Security Administration for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits.

- **Credit Report/Previous Landlord Authorization**

A provision authorizing WHA to secure credit reports and a previous landlord history report.

- **Substance Abuse Treatment Records Authorization**

If applicable, a provision which will authorize the release of certain medical and treatment history for persons who have enrolled in an alcohol or substance or drug abuse facility and are stating to the WHA that they have been rehabilitated from the alcohol and substance or drug abuse.

- **Criminal History Authorization**

Each member of the applicant's family that is eighteen (18) years and older shall complete and sign a CORI Acknowledgement Form, authorizing the WHA access to conviction and pending criminal case data. This authorization shall be valid for one year from the date of the signature.

### **3. SUITABILITY FOR PLACEMENT [24 CFR 960.203; 24 CFR 960.204]**

In selection of families for admission to its public housing program, or to occupy a public housing development or unit, the WHA is responsible for screening family behavior and suitability for tenancy. "Applicant" means anyone listed on the application as either head of household or a household member. The WHA may disqualify an applicant based on consideration of relevant information, including but not limited to:

- The applicant's past performance in meeting financial obligations, especially rent.
- The applicant's record or history of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other tenants or the WHA.
- The applicant has a history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety, or welfare of other tenants or the WHA.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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- The applicant has an outstanding debt owing to the WHA, or any other program subsidized by HUD or the Commonwealth of Massachusetts, and will not be considered for admission until the account is paid in full.
- The applicant failed to adhere to the terms and conditions of a participation agreement with any local, state or federally funded agency whether governmental or non-profit that provided rental assistance to the applicant family.
- The applicant has a history of failure to meet lease terms or the equivalent at one or more prior residences, and such failure, if repeated by a tenant of public housing, would be detrimental to the WHA or to the health, safety, security, or peaceful enjoyment of other tenants or of the WHA.
- The applicant's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants or the WHA.
- The applicant has failed to provide information reasonably necessary for the WHA to process the applicant's application.
- The applicant does not intend to occupy the public housing apartment as their primary residence.
- The applicant has engaged in behavior or activity unsuitable for tenancy in the discretion of the WHA.
- The applicant has misrepresented or falsified any information submitted, or on a prior application within three years, and the applicant fails to establish that the misrepresentation or falsification was unintentional.
- The applicant intends to allow a person to live in the public housing unit and has not disclosed this to the WHA nor listed the person on the application.
- The applicant has directed abusive or threatening behavior, including but not limited to cursing, screaming, argumentative, or disruptive behavior, which was unreasonable and/or unwarranted towards a WHA employee.
- Persons subject to sex offender registration requirement. The WHA prohibits admission to the public housing program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. In the screening of applicants, the WHA must perform necessary criminal history background checks in the state where the housing is located and in other states where the applicant is known to have resided.

### **Denial of admission for criminal activity or drug abuse by applicant:**

#### Required denial of admission

- Persons evicted for drug-related criminal activity. The WHA must prohibit admission of an applicant to the public housing program for three years from the date of the eviction if any applicant has been evicted from federally assisted housing for drug-related criminal activity. The WHA may deny admission of an applicant to the public housing program for any period beyond three years from the date of the eviction if any applicant has been

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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evicted from federally assisted housing for drug-related criminal activity. However, the WHA may admit the household if the WHA determines:

- The evicted applicant who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the WHA; or
  - The circumstances leading to the eviction no longer exist (for example, the criminal applicant has died or is imprisoned).
- Persons engaging in illegal use of a drug. The WHA will prohibit admission of a household to the WHA's public housing program if:
    - The WHA determines that the applicant is currently engaging in illegal use of a drug ("currently engaged in" means that the applicant has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current); or
    - The WHA determines that it has reasonable cause to believe that an applicant'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 tenants or the WHA.
  - Persons convicted of methamphetamine production. The WHA will permanently prohibit admission to the public housing program if an applicant has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

#### **4. CONSIDERATION OF CIRCUMSTANCES**

Prior to disqualifying an applicant for the public housing program, the WHA may consider relevant circumstances including but not limited to:

- The severity of the potentially disqualifying conduct;
- The extent of participation or culpability of individual an applicant;
- Mitigating circumstances related to the disability of an applicant;
- The effects of denial on other applicants who were not involved in the action or failure;
- The amount of time that has elapsed since the occurrence of the conduct;
- Evidence of participation in a supervised drug and/or alcohol rehabilitation program;
- Evidence of rehabilitation, including but not limited to drug and/or alcohol rehabilitation;
- Evidence of the applicant's participation in or willingness to participate in social service or other appropriate counseling service programs;
- Evidence of the applicant's participation in programing, working, or volunteering.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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The WHA may impose, as a condition of continued assistance for the applicant, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit.

### **5. RESULTS OF SCREENING FOR ELIGIBILITY AND SUITABILITY FOR TENANCY**

When the WHA has made a determination that an applicant is eligible and suitable, thereby satisfying all requirements for admission, the WHA shall notify the applicant of the approximate time when a unit will be offered to the family, if the information is available. The WHA reserves the right to verify an applicant's eligibility and/or suitability at any time prior to the placement of a family in a WHA community.

When the WHA has made a determination that an applicant is ineligible and/or unsuitable for the public housing program, the WHA shall provide written notice to the applicant setting forth the reasons for the determination and shall remove the applicant's name from the waiting list, subject to the following section.

### **6. REVIEW OF DENIAL OF ELIGIBILITY, SUITABILITY, AND PREFERENCE STATUS [24 CFR 960.208]**

If the WHA is inclined to make an adverse decision relevant to an applicant's admission to the federal public housing program based on eligibility, suitability, or preference status, the WHA shall mail written notice that it is inclined to make such an adverse decision to the applicant at the applicant's last known address. This notice shall set forth the reason(s) that the WHA is inclined to make such an adverse decision and shall apprise the applicant that they may request a pre-denial Applicant Conference.

The applicant must request the Applicant Conference in writing to the Director of Admissions within ten days of the notice that the WHA is inclined to make an adverse decision. If a request for Applicant Conference is not received, the WHA shall send the applicant a notice of denial. The purpose of the Applicant Conference is to enable the applicant to discuss with the WHA the reasons underlying the potential adverse determination and to permit consideration of all pertinent information and mitigating circumstances prior to a denial of eligibility, suitability and/or priority or preference status.

As soon as reasonably possible after receipt of a request for an Applicant Conference, the WHA shall notify the applicant of a time, date, and place for the Applicant Conference. Prior to the Applicant Conference, the applicant or their representative shall have the right to inspect the applicant's file. The WHA shall make reasonable arrangements for photocopying documentation requested from the file.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§006 - Eligibility and Suitability for Admission**

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The Director of Admissions or their designee shall conduct the Applicant Conference. As soon as reasonably possible after the close of the Applicant Conference, the WHA shall notify the applicant in writing whether the WHA is no longer inclined to make an adverse decision or if the WHA has made an adverse decision relative to the applicant's eligibility, suitability and/or preference status. The decision shall be mailed or delivered to the applicant and the applicant's representative, if any, at their last known addresses.

In the event that the WHA has made the decision to deny assistance to the applicant, the WHA shall send a notice of the same to the applicant. This notice shall contain a brief statement of the reason(s) for the WHA's decision. This notice also informs the applicant that they may request an Informal Hearing and describes how the applicant can obtain the Informal Hearing. The applicant must request the Informal Hearing in writing to the Director of Admissions within 20 days of the notice of denial of assistance. If no request for Informal Hearing is received, the applicant shall be denied assistance and removed from the waiting list.

As soon as reasonably possible after receipt of a request for Informal Hearing, the WHA shall notify the applicant of a time, date, and place for the Informal Hearing. Prior to the Informal Hearing, the applicant or their representative shall have the right to inspect the applicant's file. The WHA shall make reasonable arrangements for photocopying documentation requested from the file, provided it has at least forty-eight hours advance notice.

The Informal Hearing shall be conducted by a Hearing Officer, who is a person other than the person who made or approved the decision under review or a subordinate of that person. The procedure of the Informal Hearing shall be informal. At their own expense, the applicant is entitled to representation by a lawyer or other spokesperson. At the Informal Hearing, the applicant (or applicant's representative) and the WHA may present evidence and question any witnesses. Upon request, the WHA may give the applicant additional time to secure documentation or information.

As soon as reasonably possible after the close of the Informal Hearing, the WHA shall notify the applicant in writing of its final decision, including a brief statement of the reasons for the final decision. The decision will be issued to the applicant and the applicant's representative, if any, at their last known address.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§007 - Use of Criminal Offender Record Information**

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WHA's Criminal Offender Record Information (CORI) policy is incorporated by reference into this Admissions and Continued Occupancy Policy. The CORI policy may be found on the WHA's website or the WHA Admissions Office.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§008 - Marketing and Outreach**

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### **1. MARKETING AND OUTREACH**

Marketing and outreach efforts are used to provide the local community with awareness of the WHA's public housing programs. The WHA will conduct outreach to the community to create an awareness of the availability of its public housing programs and to maintain an adequate application pool, taking into consideration the vacancy level, the availability of units through turnover.

The WHA shall undertake a marketing effort in its federally-aided programs whenever its waiting list for units is fewer than the number of applicants anticipated to be placed in the next 12 months.

The WHA will provide informational materials and/or presentations to individuals, groups, social service agencies and others upon request. The WHA will seek to reach potential applicants by distributing its waiting list public notification to various agencies throughout the community to ensure affirmative marketing to eligible income and minority groups.

### **2. AVAILABILITY OF APPLICATIONS**

Applications are available for the federally-aided program during the hours of 8:00 a.m. and 4:30 p.m., Monday through Thursday at the Admissions Department located at 40 Belmont Street, Worcester, MA, 01605. Applications will be mailed to individuals upon request. The WHA shall provide reasonable assistance to applicants in completing the application form.

The WHA will accept applications in person, by fax, or on-line through the WHA website, [Worcesterha.org](http://Worcesterha.org).

### **3. REQUIRED POSTINGS**

The WHA will post, as required, information relative to this ACOP and waiting lists in the offices and on line.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§009 - Tenant Selection and Assignment Plan**

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### **1. GENERAL**

The following provisions set forth the procedures for managing the WHA's federal waiting lists, placement of applicants on the waiting lists, and the assignment of vacant units to persons on the waiting lists in a uniformly nondiscriminatory basis without respect to race, color, sex, sexual orientation, national origin, ethnicity, handicap, disability, or familial status.

### **2. WAITING LIST MANAGEMENT**

The WHA maintains waiting lists for its federal public housing programs by bedroom size. The WHA shall date and time stamp each application received and shall provide a receipt to the applicant, including an Entity Identification number.

#### **Opening the Waiting List(s)**

The WHA will provide public notice in advance of opening a waiting list to ensure that families are aware that they may apply for federal public housing. The WHA will circulate notice to local organizations and public service announcements that service low and moderate income families and the disability communities. The WHA will also provide written notice in the lobbies of the WHA Admissions Department, the WHA Leased Housing Department, the WHA Management Offices, and on the WHA social media and website.

#### **Closing the Waiting List(s)**

If the WHA determines that the existing waiting list contains an adequate pool of applicants based on available housing opportunities and projected turnover, the WHA may stop accepting new applications or may accept only applications meeting criteria adopted by the WHA.

#### **Updating and Reclassification of the Waiting Lists**

The WHA will update and reclassify all applications on file on its waiting lists on an as needed basis to ensure that the pool of applicants on the waiting list reasonably represents families who are interested in applying for federal public housing.

The WHA will contact applicants on the waiting list to confirm that they are still interested in participating in the program for which application was made. The WHA will also request that the applicant family update information regarding address, family composition, income category and claimed preferences to ensure that the applicant is still preliminarily eligible and that the preference status remains the same. The WHA will request that applicants respond within a timeframe set forth in the letter and shall indicate that failure to respond may result in the removal of the family from the waiting list. In the event that the applicant does not respond within the timeframe and/or attend a scheduled appointment at the WHA, the family shall be removed from the waiting list.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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If an applicant is removed from the waitlist, if there are mitigating circumstances, the WHA, in its discretion may reinstate the applicant to the former position on the waitlist 6 months of the cancellation date.

The WHA will grant a reasonable accommodation for an applicant with a disability who is removed from the list for failure to respond to the WHA's request for information or update due to the disability if the applicant requests such accommodation and the WHA determines that the requested accommodation is approved by the WHA. If approved, the WHA shall reinstate the applicant to their former position on the waitlist.

An applicant may withdraw their application at any time.

### 3. APPLICANT PLACEMENT ON THE WAITING LISTS

The WHA places applicants on the waiting list based upon the time and date of receipt of the application and proof of preference when applicable.

#### Local Preference

**Resident of Worcester, Massachusetts** [24 CFR 960.206(b) (ii)]: A member who is listed on the application who lives, works or will work in the city of Worcester. Documentation required: lease agreement, utility bill, pay stub, and/or letter from an employer.

**Veteran**: A member who is listed on the application who is a veteran with service-connected disability; a family of a deceased veteran whose death was service-connected; or other veteran. Documentation required: DD214 for veteran and if veteran is deceased, a copy of their death certificate.

**Displacement by Disaster**: A member who is listed on the application who has been displaced by a disaster recognized by the federal government, which extensively damaged or destroyed their housing, ex. fire, flood or other natural disaster. Document required: Red Cross, FEMA, Fire Department, and/or Board of Health.

**Displacement by Action of Housing Owner**: A member who is listed on the application who has or will have to vacate by a date certain because of owner action, and through no fault of their own. Documentation required: Certification by the owner or owner's agent.

**Displacement by Substandard Housing including Homelessness**: A member who is listed on the application who lacks adequate shelter and the health and safety, or well-being of the family is endangered; a member who lacks fixed, regular, and adequate nighttime residence or has primary nighttime residence that is: supervised public or privately operated shelter designated to provide temporary living accommodations; a public or private place not designated or normally used as regular sleeping place for humans. Documentation required:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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condemnation letter from the board of health or certification from the shelter or agency regarding homelessness. All cases must be recent (within the past six months).

***Displacement because of Domestic Violence:*** A member who is listed on the application who is a victim of domestic violence which has occurred recently or is of continuing nature and as a result of this will be or has been displaced. Documentation required: certification of displacement from the local police department, social service agency, or court of law, clergyman, physician, or shelter providing shelter to victims of domestic violence that the domestic violence occurred recently or is of continuing nature, including the VAWA form.

***Displacement to Avoid Reprisals:*** A member who is listed on the application who has provided information to a law enforcement agency, and the agency recommends alternative housing to avoid a risk of violence against the family. Documentation required: certification by the law enforcement agency.

***Displacement by Hate Crimes:*** A member who is listed on the application will be or has been displaced because of their race, color, religion, sex, national origin, handicap, or family status. Documentation required: certification by a law enforcement agency.

***Rent Burdened 50% of Income:*** A member who can document that they are paying more than 50% of their monthly gross family adjusted income (adjustments for dependent allowance, medical expenses, etc.) toward monthly housing costs (rent and utilities). Documentation required: a lease or rental agreement and/or three most recent rent receipts; utility (gas/oil and/or electric) bills or printouts directly from the utility companies; household income for all family member(s) residing in dwelling unit.

### Standard Applicant

An applicant who is not eligible for any of the preferences set forth above will be placed on the waiting list as a standard applicant, if the appropriate waiting list is open.

### Bedroom Size Adjustments for Active Applicants

If an applicant who is actively being processed experiences a change in household composition that necessitates a bedroom size adjustment, the following policies will apply.

***Bedroom Size Adjustments Without a Change to Application Date:*** An applicant's bedroom size on their active waitlist program may be adjusted without affecting their original application date under the following circumstances:

- Death of a household member
- Birth of a child
- Legal adoption of a child

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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- Addition of a foster child or foster adult if the placement is permanent (confirmation of permanent placement will be required)
- Gain of at least 50% physical custody of a minor
- Household member who was a minor at the time of application but has since become an adult and is no longer part of the household
- Change in household composition due to a documented Violence Against Women Act (VAWA) incident
- Approved Reasonable Accommodation

**Bedroom Size Adjustments Requiring a New Application Date:** For all other household composition changes, an applicant’s bedroom size may be adjusted for their active waitlist program. However, their application date will be updated to reflect the date the request was received by Admissions Department.

### 4. APPLICATION OF PREFERENCES

Applicants are selected from the waiting list based upon the verified preferences listed above.

The chart below illustrates how preferences are assigned and ranked.

Preferences	Emergency	Veteran	Resident	Relocation Transfer	Admin. Transfer	Good Cause Transfer	Total Points
<b>Ranking Points</b>	<b>10*</b>	<b>20</b>	<b>40</b>	<b>850</b>	<b>800</b>	<b>5</b>	
<b>Ranking</b>							
1			40	850			890
2		20	40		800		860
3			40		800		840
4	10	20	40				70
5		20	40			5	65
6		20	40				60
7	10		40				50
8			40			5	45
9			40				40
10	10	20					30
11		20					20
12	10						10

Application date and time are the sole determining factors when no other preferences apply.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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### 5. SELECTION FROM THE WAITING LISTS

The WHA maintains 18 separate waiting lists for its federal public housing (FPH) portfolio. The chart below identifies the lists and their respective bedroom sizes.

Bedroom Size	FPH Elder Only	FPH Mixed	FPH Family	FPH Congregate	FPH Wheelchair	FPH New Beginnings Program
Congregate				X		X
0	X	X				
1	X	X	X		X	
2	X	X	X		X	
3			X		X	
4			X		X	
5			X		X	

The WHA shall select applicants from the waiting list(s) in the order of placement on the list as determined by the date and time of the application and eligibility of the local preference, subject to the following provisions.

- **Income Targeting Provisions [24 CFR 960.202(b)]**

The WHA shall select applicants in the order of placement on the waiting list subject to the following provisions:

The WHA shall ensure that at least 40% percent of newly admitted families in a fiscal year are families whose annual income is at or below 30 percent of the area median income. [24 CFR 960.202(b)(i)] To ensure that this requirement is met, the WHA shall monitor the incomes of newly admitted families and the incomes of the families on the waiting list on an annual basis. If it appears that the requirement to provide assistance to extremely low-income families will not be met, the WHA will skip over families with higher incomes on the waiting list to reach applicants of extremely low income. If there are not enough extremely low-income families on the waiting list, the WHA will conduct outreach in a non-discriminatory manner to attract extremely low-income families to reach the statutory requirement.

If admissions of extremely low-income families to the WHA’s Housing Choice Voucher Program during a fiscal year exceeds the 75 percent minimum targeting requirement, such excess shall be credited toward the WHA’s minimum public housing targeting requirements for the same fiscal year, subject to limitations set forth in 24 CFR 960.202(b)(2).

This fiscal year credit for public housing targeting requirements for voucher program admissions that exceed the minimum voucher program-targeting requirement shall not exceed the lower of:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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- 10 percent of public housing waiting list admissions during the WHA fiscal year;
  - 10 percent of waiting list admissions to the WHA's Housing Choice Voucher Program during the WHA's fiscal year; or
  - The number of qualifying low-income families who commence occupancy during the fiscal year in WHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, "qualifying low-income family," means a low-income family other than an extremely low-income family.
- **Deconcentration Provisions [24 CFR 903.2]**

Prior to the beginning of each fiscal year, the WHA shall analyze the income levels of families residing in each of its federal family developments and the income levels of the families on the waiting list in accordance with 24 CFR 903.2(c). Based on this analysis, the WHA will determine necessary marketing strategies to comply with deconcentration requirements, if required.

Although the WHA will affirmatively market its housing programs to all eligible income groups, it will take appropriate actions, if necessary, to deconcentrate poverty and encourage income mixing in developments by offering units in developments with higher average income levels to families with lower incomes and by offering units in developments with lower average income levels to families with higher incomes.

To this end, the WHA may skip over families on the waiting list(s) to reach other families with lower/higher incomes in order to comply with deconcentration requirements.

The WHA 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.

- **Handicapped-Accessible Units [24 CFR 960.407(b)]**

A handicapped accessible unit will first be offered to families who will benefit from the accessible features. If there are no applicants on the waiting list who require an apartment with accessible features, the WHA will offer the accessible unit to an applicant who does not require accessible features, provided that they agree in writing to transfer to a different unit at the family's expense, if a family requiring an accessible unit needs the unit. The WHA will provide a 30-day notice to any family required to transfer.

- **Processing Provisions [24 CFR 960.206(e)]**

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §009 - Tenant Selection and Assignment Plan

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**Priority for Applicants in Processing:** Applicants who are actively being processed and who have submitted all required documentation; have been determined to be eligible based on family composition, income, and citizenship; and have provided social security number verification will continue to be processed and offered a unit before:

- Newly ranked applicants due to an opened waitlist.
- Applicants who gain a higher ranking due to a newly granted preference.

**Bypassing Higher-Ranked Applicants:** If a higher-ranked applicant has not submitted required documentation, they may be bypassed if:

- More than ten days have passed since the initial request for information.
- If less than ten days have passed, a unit will be set aside for them while processing continues for others.

**Audit Trail Requirement:** A record will be maintained to document applicant placement and status before and after these changes take effect.

### 6. UNIT SIZE

The guidelines set forth below generally establish the unit size based on the size and composition of the family:

Number of Family Members		
Number of Bedrooms	Minimum	Maximum
0 (Studio)	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

In addition to the above guidelines, the WHA shall determine an applicant household's appropriate unit size based upon the following criteria:

- Single person families shall not be allocated more than one bedroom.
- No more than two persons may occupy a bedroom.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§009 - Tenant Selection and Assignment Plan**

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- A single pregnant woman with no other family members is considered a two-person family.
- Adult household members of the opposite sex, except husband and wife (or those in a similar living arrangement), do not have to share a bedroom; however, other household members of the opposite sex may elect to share a bedroom.
- Persons of the same sex shall share a bedroom.
- A child under two shall share a bedroom with their parent if their parent is a single person and is not already sharing a bedroom with another person. If the single parent has two children under two, an additional bedroom shall be allocated.
- Each bedroom shall contain at least 50 square feet of floor space for each occupant and a minimum of 70 square feet and shall meet all other applicable requirements of the Massachusetts State Sanitary Code (105 CMR 410.000) for a room occupied for sleeping purposes.
- Only bedrooms may be used for sleeping purposes by household members.
- A household member shall be considered to be living regularly with a family if temporarily absent for reasons such as hospitalization, duty assignment, employment, or school attendance in another location. Upon receipt of notice from the Department of Social Services that one or more children will be reunified with a household member within a reasonable period of time, such child or children, if eligible and qualified, shall be considered household members for purposes of securing a unit of appropriate unit size for the reunified family; or in situations involving custody of a child for more than 50% of the time. Space will not be provided for a family member who will be absent most of the time, such as a member who is away in the military or a child who is away at school but who lives with the family during school recesses; A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- A foster child will be considered in determining unit size only if they will be in the unit for more than 12 months.
- Children of the opposite sex under the age of eight must share a bedroom (e.g. a five-year-old girl must share a bedroom with a three-year-old boy); persons within the same generation of the same sex shall share a bedroom.
- Persons of different generations (i.e. infants/elderly persons; teens/elderly persons), persons of the opposite sex (with the exception of those who have a spousal relationship or who have been identified themselves as domestic partners) and unrelated adults should be allocated a separate bedroom.
- A full-time, live-in aide, if determined by the WHA to be qualified, shall be deemed a household member for purposes of determining the appropriate unit size in public housing.
- In the event that a household member, who has signed the lease, applies for the addition of a person as an additional household member, the WHA shall determine whether the person is qualified and whether the augmented family is eligible. If so, the WHA shall approve addition of the household member to the family if the unit is of appropriate unit size.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§009 - Tenant Selection and Assignment Plan**

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### **Exception to Guidelines**

The WHA may provide a family with a unit that is larger than suggested by the guidelines, with the condition that the family will move to a smaller unit when another family needs the unit and a suitable smaller unit is available. If such a move becomes necessary, the cost of the move shall be the responsibility of the family. The WHA will require that the family sign a document reflecting its understanding of this exception and of the family's responsibilities.

### **7. UNIT OFFER**

When an applicant approaches the top of the waiting list, the WHA shall make a final determination of the applicant's eligibility and suitability. After a verified determination of eligibility and suitability is made, and the applicant's name is at the top of the waiting list(s) or is otherwise the next candidate for a unit offer, the WHA shall make up to two offers of a suitable unit to the applicant household.

The order of unit offers shall be based first upon unit return dates and second, upon projected unit return dates.

A suitable unit is one that is appropriate in size and type for the applicant.

If the applicant provides reliable documentation establishing that the unit offered is inappropriate and would cause severe and unreasonable hardship, the WHA may offer different units to the family.

An applicant must accept a unit offer within three calendar days of the apartment showing with the day of the showing being considered the first calendar day. If the applicant fails to notify the WHA with a decision by the close of business on the third calendar day, the unit offer will be rescinded and will be categorized as a refusal. If the third calendar day falls on Saturday, Sunday or legal holiday, the third calendar day will be the next regularly scheduled workday.

### **8. DESIGNATED HOUSING**

#### **Smoke Free Housing**

The WHA Smoke Free Policy is incorporated by reference into this Admissions and Continued Occupancy Policy and may be found on the WHA's website and at the WHA Management Offices.

#### **Elderly Housing**

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§009 - Tenant Selection and Assignment Plan**

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The WHA has developed a designated housing plan for elderly families/ individuals in the following developments: Lincoln Park Towers, Webster Square Towers East and West and Elm Park Tower.

An applicant requesting elder only communities are placed on the WHA elder only waiting list according to date and time of application and with any other preference awarded.

At these developments, the WHA will offer available units first to families 62 years of age or older. If there are no families on the waiting list 62 years of age or older, the WHA will next offer available units to near-elder families (60 through 61 years of age). If there are no near elder families on the waiting list, the WHA may offer available units to applicants less than 60 years of age.

### **New Beginnings Program**

New Beginnings is a transitional housing program for men that are in early stages of recovery from a substance abuse disorder and want to live in a drug and alcohol-free environment. Referrals to this program are accepted from a recognized and accredited program of recovery. All applicants must have successfully completed the requirements of the referring agencies program, be working a minimum of 30 hours a week, and are actively participating in a program of recovery. The maximum term of the program is two years and participants may transition into a conventional apartment upon successful completion of the program. An applicant invited to participate in the New Beginnings program will enter into a participation agreement and will be subject to random drug and alcohol screenings at the discretion of the WHA. This is a zero-tolerance program and a positive screening result will be grounds for immediate termination. The WHA will not accept individuals that are sex offenders or have been charged and/or convicted of a sexually based offense, and the WHA may deny individuals based on the additional eligibility and suitability criteria in this ACOP.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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### **1. COMPUTATION OF NET HOUSEHOLD INCOME**

In order to determine net household income, the WHA shall first determine gross household income. Gross household income includes the income of all family members, excluding the types and sources of income that are specifically excluded. The deductions set out below are deducted from gross household income so computed, and the result is net household income. The Total Tenant Payment is determined from the net household income.

### **2. ANNUAL INCOME [24 CFR 5.609]**

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

- Go to, or on behalf of, the family head or spouse (even if temporarily absent) or other family member receives; or
- Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- Which are not specifically excluded as described in this ACOP.
- Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

Annual income includes, but is not limited to:

- The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;
- When the WHA cannot readily anticipate income based upon current circumstances (e.g., in the case of temporary, sporadic, or variable employment, seasonal employment, unstable working hours, or suspected fraud), the WHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the WHA to show why the historic pattern does not represent the family's anticipated income.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the WHA annualized projected income.

### **Known Changes in Income**

If the WHA verifies an upcoming increase or decrease in income, annual income will be projected by applying each income amount to the appropriate part of the 12-month period.

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the WHA will calculate annual income using current circumstances and then, should the change in income require the WHA to conduct an interim reexamination, conduct an interim reexamination in accordance in Section 12.

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. To determine business expenses that may be deducted from gross income, the WHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see [IRS Publication 535](#)], unless a topic is addressed by HUD regulations or guidance as described herein. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in IRS regulations.

### **Independent Contractors**

Income received as an independent contractor is included in annual income, even if the source, date, or amount of the income varies [24 CFR 5.609 (b)(24)].

An independent contractor is defined as an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done [24 CFR 5.603(b)]

- 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;
- The interest, dividends and other net income of any kind from real or personal property and/or expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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used in a business or profession may be deducted, based on straight-line depreciation, as provided in IRS regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursed 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;

- The full amount of periodic amounts received from SSA, 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 SSA benefits that are received in a lump sum amount or in prospective monthly amounts are excluded;
- 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;
- Welfare assistance: If the welfare assistance payment includes an amount specifically designed 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 shall consist of:
  - The amount of the allowance or grant exclusive of the amount specifically designated for shelter utilities; plus
  - The maximum amounts 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.
  - Imputed welfare income: this is income from welfare benefits that have been reduced because of welfare fraud or because of non-compliance with economic self-sufficiency requirements. Although the family in fact has reduced income, the WHA will impute the welfare income to the family in an amount equal to the reduction in benefits. A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the WHA by the welfare agency) plus the total amount of other annual income [24 CFR 5.615];

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- Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling; and
- All regular pay, special pay and allowances of a member of the Armed Forces, except for hostile fire pay.

### **3. EXCLUSIONS FROM ANNUAL INCOME**

Annual income does not include the following:

- Income from employment of children (including foster children) under the age of 18 years;
- Payments received from the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- 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;
- Amounts received by the families that are specifically for or in reimbursement of, the cost of medical expenses for any family member;
- Income of a live-in aide;
- The full amount of student financial assistance paid directly to the student or to the educational institution;
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- The amounts received from the following programs:
  - Amounts received by a person with a disability that is 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);
  - Amounts received by a applicant or tenant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and that are made solely to allow participation in a specific program;

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- 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 WHA on a part-time basis that enhances the quality of life in the development as determined by the WHA. Residents enrolled in job training programs administered by the WHA are paid and stipend for hours spent in training. The training program and stipend cannot exceed 18 months. No resident may receive more than one such stipend during the same period of time. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination and serving as a member of WHA's governing board;
- Incremental earnings and benefits resulting to any family member from participation in qualifying state and 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;
- Temporary, nonrecurring, or sporadic income (including gifts);
- Reparation payment paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- Adoption assistance payments in excess of \$480 per adopted child;
- Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump-sum amount or in prospective monthly amounts;
- Amounts received by the family in the form of refunds or rebates under state and local law for property taxes paid on a dwelling unit;
- Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
- Amounts specifically excluded by any other federal statutes from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion.)

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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- The following is a list of benefits excluded by other federal statutes:
  - (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))
  - (b) Benefits under Section 1780 of the School Lunch Act and Child Nutrition Act of 1966, including WIC
  - Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
  - Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))
  - Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
  - Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
  - Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998 (29 U.S.C. 2931)
  - Deferred disability benefits from the Department of Veterans Affairs, whether received as a lump sum or in monthly prospective amounts
  - Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
  - Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b))
  - A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled Elouise Cobell et al. v. Ken Salazar et al., for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010
  - The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)
  - Benefits under the Indian Veterans Housing Opportunity Act of 2010 (only applies to Native American housing programs)
  - Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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- Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
- Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida
- Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
- The value of any provided childcare or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
- Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965j, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109-249 applies and requires that the amount of financial assistance in excess of tuition and mandatory fees shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109-249) (See Section 6-I.L. for exceptions.)
- Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)
- Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002

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- Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013–30, "Exclusion from Income of Payments under Recent Tribal Trust Settlements" (25 U.S.C. 117b(a))
- Major disaster and emergency assistance received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations
- Distributions from an ABLÉ account, and actual or imputed interest on the ABLÉ account balance [See also Notice PIH 2019-09]

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#### 4. ADJUSTED ANNUAL INCOME [24 CFR 5.611]

The WHA shall deduct the following amounts from annual family income allow WHA to deduct other permissive deductions in accordance with PHA policy. The resulting amount is the family's adjusted income.

##### **A) Mandatory Deductions:**

##### 1. Dependent Deduction:

\$480 is deducted from annual income for each dependent Dependent is defined as any family member other than the head, spouse, or cohead who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

##### 2. Elderly Deduction:

\$525 single deduction is taken for any elderly or disabled family An elderly family is a family whose head, spouse, cohead, or sole member is 62 years of age or older, and a disabled family is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

The sum of the following, to the extent the sum exceeds 10 percent of annual income;

- Unreimbursed medical expenses of any elderly family or disabled family; and
- Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older

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who are able to work because of such attendant care or auxiliary apparatus;  
and

- Reasonable childcare expenses that is necessary to enable a member of the family to be employed or to further his or her education.

### **B) DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]**

Unreimbursed reasonable expenses for attendant care and auxiliary apparatus for each member of the family who is a person with disabilities may be deducted if they:

- (1) are necessary to enable a family member 18 years or older to work,
- (2) are not paid to a family member or reimbursed by an outside source,
- (3) in combination with any medical expenses, exceed ten percent of annual income,(4)
- (4) do not exceed the earned income received by the family member who is enabled to work.

### **C) Earned Income Limit on the Disability Assistance Expense Deduction**

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, the WHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When the WHA determines that the disability assistance expenses enable more than one family member to work, the expenses will be capped by the sum of the family members’ incomes.

### **D) Eligible Auxiliary Apparatus [Notice PIH 2023-27]**

Auxiliary apparatus items may include expenses for wheelchairs, ramps, adaptations to vehicles, guide dogs, assistance animals, or special equipment to enable a person who is blind or has low vision to read or type or special equipment to assist a person who is deaf or hard of hearing.

### **E) Eligible Attendant Care [Notice PIH 2023-27]**

Examples of attendant care expenses can include teaching a person with disabilities how to perform day-to-day tasks independently like cleaning, bathing, doing laundry,

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and cooking. Attendant care can be 24-hour care, or care during sporadic periods throughout the day. The family determines the type of attendant care that is appropriate for the person with disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the WHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

### **F) Payments to Family Members**

No disability assistance expenses may be deducted for payments to a member of an assisted family [24 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not reimbursed by an outside source.

### **G) Necessary and Reasonable Expenses**

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

The WHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the WHA may collect information from organizations that provide services and support to persons with disabilities. A family may present, and the WHA will consider, the family's justification for costs that exceed typical costs in the area.

### **H) Families That Qualify for Both Health and Medical Care and Disability Assistance Expenses**

This policy applies only to families in which the head or spouse is 62 or older or is a person with disabilities.

- When expenses anticipated by a family could be defined as either health and medical care or disability assistance expenses, the WHA will consider them health and medical care expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

### **I) HARDSHIP EXEMPTIONS [24 CFR 5.611(c), (d), and (e)]**

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### ***Health and Medical Care and Disability Assistance Expenses [24 CFR 5.611(c); Notice PIH 2023-27]***

The regulations provide for two types of hardship exemption categories for families that qualify for unreimbursed health and medical care expenses and/or disability assistance expenses. A family will benefit from this hardship exemption only if the family has eligible expenses that can be deducted in excess of five percent of annual income. In order to claim unreimbursed health and medical care expenses, the family must have a head, cohead, or spouse that is elderly or a person with a disability. In order to claim unreimbursed reasonable attendant care and auxiliary apparatus expenses, the family must include a person with a disability, and the expenses must enable any member of the family (including the member who is a person with a disability) to be employed.

Families may be eligible for relief under one of two categories; phased-in relief or general relief, as defined below.

- ***Phased-In Relief***

The first category is applicable to all families who received a deduction for unreimbursed health and medical care and/or reasonable attendant care or auxiliary apparatus expenses based on their most recent income review. The family must receive phased-in relief if they are determined to be eligible. These families will begin receiving a 24-month phased-in relief at their next annual or interim reexamination, whichever occurs first.

*For these families, the threshold amount is phased-in as follows:*

- The family is eligible for a deduction totaling the sum of expenses that exceeds 5 percent of annual income for the first 12 months.
- At the conclusion of 12 months, the family is eligible for a deduction totaling the sum of their expenses that exceed 7.5 percent of annual income for another 12 months.
- At the conclusion of 24 months, the standard threshold amount of 10 percent would be used, unless the family qualifies for relief under the general hardship relief category.
- When an eligible family's phased-in relief begins at an interim reexamination, the WHA process another transaction one year later to move the family along to the next phase. The transaction can be either an interim reexamination if triggered, or a non-interim reexamination transaction.

Prior to the end of the 24-month period, the family may request a hardship exemption under the second category as described below. If the family is found eligible under the second category, the hardship exemption under the first category ends, and the family's hardship is administered in accordance with the requirements listed below. Once a family requests general relief, the family may no longer receive phased-in relief.

WHA must track the 24-month phase-period for each eligible family, even if a family's expenses go below the appropriate phase-in percentage, during the first or second 12-month phase-in period. The phase-in must continue for families who move to another

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public housing unit at WHA. When the family is treated as a new admission under a different property/program (e.g., the family moves from public housing to the HCV program), unless WHA has a written policy to continue the phased-in relief upon admission, the family's expense deduction will be calculated using the 10-percent threshold unless request for general relief is approved by WHA. When a family moves with continued assistance or ports to a new PHA, the family must continue to receive the phased-in relief. The family must receive the remaining calendar months of the percentage phase-in. The WHA must use the existing phase-in documentation to determine the remaining calendar months and the percentage phase-in.

The WHA will not continue the phased-in relief for families who move from public housing. These families will be treated as new admissions and the sum of expenses that exceeds 10 percent of annual income will be used to calculate their adjusted income.

- **General Relief**

The second category is for families that can demonstrate:

- Their health and medical and/or disability assistance expenses increased (other than the transition to the higher threshold); or
- The family's financial hardship is a result of a change in circumstances (as defined in WHA policy) that would not otherwise trigger an interim reexamination.

The family may request a hardship exemption under the second category regardless of whether the family previously received the health and medical and/or disability assistance deductions or are currently or were previously receiving relief under the phased-in relief category above.

The WHA must obtain third-party verification of the hardship or must document in the file the reason third-party verification was not available. WHA will attempt to obtain third-party verification prior to the end of the 90-day hardship exemption period.

To qualify for a hardship exemption, a family must submit a request in writing. The request must show that the family's health and medical and/or disability assistance expenses have increased (other than the transition to the higher threshold) and that the family's financial hardship is a result of a change in circumstances. The WHA defines a change in circumstances as a decrease in income or increase in other expenses that has resulted in the family's financial hardship but does not, on its own, trigger an interim reexam in accordance with WHA policies.

*Examples of circumstances constituting a financial hardship may include the following situations:*

- The family is awaiting an eligibility determination for a federal, state, or local assistance program, such as a determination for unemployment compensation or disability benefits;

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- The family's income decreased because of a loss of employment, death of a family member, or due to a natural or federal/state declared disaster; or
- Other circumstances as determined by the WHA.

The family must provide third-party verification of the hardship with the request. If third-party verification is not available, the WHA will document the file with the reason and will attempt to obtain third-party verification prior to the end of the 90-day hardship exemption period.

WHA must promptly notify the family in writing of the change in the determination of adjusted income and the family's rent resulting from hardship exemptions. The notice must inform the family of when the hardship exemption will begin and expire [24 CFR 5.611(e)(2)].

The WHA will make a determination of whether the family qualifies within 30 calendar days and will notify the family in writing of the result within 10 business days of the determination.

If the WHA denies the hardship exemption request, the WHA notice will also state that if the family does not agree with the WHA determination, the family may request a hearing.

If the family qualifies for an exemption, the WHA will include the date the hardship exemption will begin and the date it will expire.

If the family qualifies, the family will receive a deduction for the sum of eligible expenses that exceed five percent of annual income.

The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever is earlier. However, the WHA at its discretion, will extend the relief for one or more additional 90-day periods while the family's hardship condition continues. PHAs must establish written policies regarding the types of circumstances that will allow a family to qualify for a financial hardship and when such deductions may be eligible for additional 90-day extensions.

The WHA will not allow any additional 90-day extensions.

### **5. Expense Childcare Hardship Exemption [24 CFR 5.611(d) and Notice PIH 2023-27]**

A family whose eligibility for the expense childcare deduction is ending may request a financial hardship exemption to continue receiving the deduction. If the family demonstrates to the WHA satisfaction that the family is unable to pay their rent because of the loss of the childcare deduction, childcare and that the childcare expense is necessary childcare though the family member is not working, looking for work, or seeking to further their education, WHA must recalculate the family's adjusted income and continue the childcare deduction.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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For a family to qualify, they must demonstrate that their inability to pay rent would be as a result of the loss of this deduction. The WHA defines this hardship as a potential decrease in income or increase in other expenses that would result from the loss of the expense childcare and such loss would impact the family's ability to pay their rent.

Some factors to consider when determining if the family is unable to pay rent may include determining that the rent, utility payment, and applicable expenses ( expenses childcare or health and medical expenses) are more than 40 percent of the family's adjusted income, or verifying whether the family has experienced unanticipated expenses, such as large medical bills, that have affected their ability to pay their rent.

The family must also demonstrate that the expense childcare is still necessary even though the family member is no longer employed or furthering their education. The WHA will consider qualification under this criterion on a case-by case basis (for example, if the family member who was employed has left their job in order to provide uncompensated care to an elderly friend or family member who is severely ill and lives across town).

The family must provide third-party verification of the hardship with the request. If third-party verification is not available, the WHA will document the file with the reason and will attempt to obtain third-party verification prior to the end of the 90-day hardship exemption period.

The WHA will promptly notify the family in writing of the change in the determination of adjusted income and the family's rent resulting from hardship exemptions.

If WHA denies the request, the notice must specifically state the reason for the denial. WHA will provide families 30 days' notice of any increase in rent.

If WHA approves the request, the notice will inform the family of when the hardship exemption will begin and expire [24 CFR 5.611(e)(2)]. The notice will also state the requirement for the family to report to the WHA if the circumstances that made the family eligible for relief are no longer applicable and that the family's adjusted income and tenant rent will be recalculated upon expiration of the hardship exemption [Notice PIH 2023-27].

The WHA will make a determination of whether the family qualifies within 30 calendar days and will notify the family in writing of the result within 10 business days of the determination.

If the WHA denies the hardship exemption request, the WHA notice will also state that if the family does not agree with the WHA determination, the family may request an informal grievance hearing.

If the family qualifies for an exemption, the WHA will include all required information listed above as well as information on how to request a 90-day extension based on family circumstances.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§010 - Income, Exclusions, and Deductions from Income**

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If the family qualifies, the hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days.

The family may request one extension in writing prior to the end of the hardship exemption period. The WHA will extend relief for an additional 90-days if the family demonstrates to the WHA's satisfaction that the family continues to qualify for the hardship exemption. The WHA will require updated verification based on the family's current circumstances. Families must report if the circumstances that made the family eligible for the hardship exemption are no longer applicable. At any time, the WHA may terminate the hardship exemption if the WHA determines that the family no longer qualifies for the exemption.

### **6. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)(ii)]**

Child support, separate support, and/or alimony paid under court order or court approved agreement by a household member for the support of a minor child, spouse, or ex-spouse, not residing with the household provided that the total amount deducted for this deduction and the deductions mentioned above for this household member shall not exceed their gross income.

### **7. HUD NOTICE CONCERNING INCOME**

If there is a HUD notice concerning the amount of verification of family income, the WHA shall reconcile any difference between the amount reported by the tenant and the amount listed in the HUD notice. This shall be done as promptly as possible.

After the reconciliation is complete, the WHA shall adjust the tenant's rent beginning at the start of the next month unless the reconciliation is completed during the final five (5) days of the month and then the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, the WHA shall do one of the following:

- Immediately collect the back rent due to the WHA;
- Establish a repayment plan for the resident to pay the sum due to the WHA;
- Terminate the lease and evict for failure to report income; or
- Terminate the lease, evict for failure to report income, and collect the back rent due to the WHA.

### **8. COOPERATION WITH WELFARE AGENCIES**

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

- To target assistance, benefits and services to families receiving assistance in the public housing program;

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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- To provide written verification to the WHA concerning welfare benefits for families applying for or receiving assistance in the housing programs.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §011 – Rent Determination

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### 1. FAMILY CHOICE [24 CFR 960.253(a)]

At admission and each annual recertification, the WHA provides each tenant with the opportunity to choose between two methods for determining the amount of monthly rent. The tenant may choose to pay flat rent or income based rent. In the event that the family has experienced financial hardship, the family may not be offered this choice more than once a year. See the following applicable federal regulations.

#### (a) *Rent options*

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

(2) *Relation to minimum rent.* Regardless of whether the family chooses to pay a flat rent or income-based rent, the family must pay at least the minimum rent as determined in accordance with §5.630 of this title.

#### (b) *Flat rent.*

The flat rent is determined annually, based on the market rental value of the unit as determined by this paragraph (b).

(1) The PHA must establish a flat rent for each public housing unit that is no less than 80 percent of the applicable Fair Market Rent (FMR) as determined under 24 CFR part 888, subpart A; or

(2) HUD may permit a flat rent of no less than 80 percent of an applicable small area FMR (SAFMR) or unadjusted rent, if applicable, as determined by HUD, or any successor determination, that more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area used in paragraph (b)(1) of this section. If HUD has not determined an applicable SAFMR or unadjusted rent, the PHA must rely on the applicable FMR under paragraph (b)(1) or may apply for an exception flat rent under paragraph (b)(3).

(3) The PHA may request, and HUD may approve, on a case-by-case basis, a flat rent that is lower than the amounts in paragraphs (b)(1) and (2) of this section, subject to the following requirements:

(i) The PHA must submit a market analysis of the applicable market.

(ii) The PHA must demonstrate, based on the market analysis, that the proposed flat rent is a reasonable rent in comparison to rent for other comparable unassisted units, based on the location, quality, size, unit type, and age of the public housing unit and any amenities, housing services, maintenance, and utilities to be provided by the PHA in accordance with the lease.

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(iii) All requests for exception flat rents under this paragraph (b)(3) must be submitted to HUD.

(4) For units where utilities are tenant-paid, the PHA must adjust the flat rent downward by the amount of a utility allowance for which the family might otherwise be eligible under 24 CFR part 965, subpart E.

(5) The PHA must revise, if necessary, the flat rent amount for a unit no later than 90 days after HUD issues new FMRs.

(6) If a new flat rent would cause a family's rent to increase by more than 35 percent, the family's rent increase must be phased in at 35 percent annually until such time that the family chooses to pay the income-based rent or the family is paying the flat rent established pursuant to this paragraph.

### **(c) *Income-based rent.***

(1) An income-based rent is a tenant rent that is based on the family's income and the PHA's policies for determination of such rents.

(2) The PHA rent policies may specify that the PHA will use percentage of family income or some other reasonable system to determine income-based rents. The PHA rent policies may provide for depositing a portion of tenant rent in an escrow or savings account, for imposing a ceiling on tenant rents, for adoption of permissive income deductions (see §5.611(b) of this title), or for another reasonable system to determining the amount of income-based tenant rent.

(3) The income-based tenant rent must not exceed the total tenant payment (§5.628 of this title) for the family minus any applicable utility allowance for tenant-paid utilities. If the utility allowance exceeds the total tenant payment, the PHA shall pay such excess amount (the utility reimbursement) either to the family or directly to the utility supplier to pay the utility bill on behalf of the family.

(4) The PHA may elect to establish policies regarding the frequency of utility reimbursement payments for payments made to the family.

(i) The PHA will have the option of making utility reimbursement payments not less than once per calendar-year quarter, for reimbursements totaling \$45 or less per quarter. In the event a family leaves the program in advance of its next quarterly reimbursement, the PHA must reimburse the family for a prorated share of the applicable reimbursement. PHAs exercising this option must have a hardship policy in place for tenants.

(ii) If the PHA elects to pay the utility supplier, the PHA must notify the family of the amount of utility reimbursement paid to the utility supplier.

**(d) *Ceiling rent.*** A PHA using ceiling rents authorized and established before October 1, 1999, may continue to use ceiling rents, provided such ceiling rents are set at the level required for flat rents under this section. PHAs must follow the requirements for calculating and adjusting flat rents in paragraph (b) of this section when calculating and adjusting ceiling rents.

**(e) *Information for families.*** For the family to make an informed choice about its rent options, the PHA must provide sufficient information for an informed choice. Such information must include at least the following written information:

(1) The PHA's policies on switching type of rent in circumstances of financial hardship, and

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(2) The dollar amounts of tenant rent for the family under each option, following the procedures in paragraph (f) of this section.

**(f) Choice between flat and income-based rents.**

Families must be offered the choice between a flat rental amount and a previously calculated income-based rent according to the following:

(1) For a family that chooses the flat rent option, the PHA must conduct a reexamination of family income and composition at least once every three years.

(2) At initial occupancy, or in any year in which a participating family is paying the income-based rent, the PHA must:

(i) Conduct a full examination of family income and composition, following the provisions in §960.257;

(ii) Inform the family of the flat rental amount and the income-based rental amount determined by the examination of family income and composition;

(iii) Inform the family of the PHA's policies on switching rent types in circumstances of financial hardship; and

(iv) Apply the family's rent decision at the next lease renewal.

(3) In any year in which a family chooses the flat rent option but the PHA chooses not to conduct a full examination of family income and composition for the annual rent option under the authority of paragraph (f)(1) of this section, the PHA must:

(i) Use income information from the examination of family income and composition from the first annual rent option;

(ii) Inform the family of the updated flat rental amount and the rental amount determined by the most recent examination of family income and composition;

(iii) Inform the family of the PHA's policies on switching rent types in circumstances of financial hardship; and

(iv) Apply the family's rent decision at the next lease renewal.

**(g) Switch from flat rent to income-based rent because of hardship.**

(1) A family that is paying a flat rent may at any time request a switch to payment of income-based rent (before the next annual option to select the type of rent) if the family is unable to pay flat rent because of financial hardship. The PHA must adopt written policies for determining when payment of flat rent is a financial hardship for the family.

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

(3) The PHA policies for determining when payment of flat rent is a financial hardship must provide that financial hardship include the following situations:

(i) The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance;

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- (ii) The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items; and
- (iii) Such other situations determined by the PHA to be appropriate.

### 2. INCOME-BASED RENT

An income based rent is a tenant rent that is based on the family's income. The total tenant payment is equal to the highest of:

- 10 percent of the family's monthly income; or
- 30 percent of the family's adjusted monthly income; or
- The minimum rent of \$50.

### 3. MINIMUM RENT REQUIREMENT [24 CFR 5.630]

The WHA requires a minimum rent of \$50.00. For households subject to a utility allowance, the tenant will be subject to a minimum total tenant payment but could still be entitled to a utility reimbursement if the utility allowance is greater than the total tenant payment.

Exceptions to the Minimum Rent Requirement:

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) establishes exceptions to the minimum rent requirement for financial hardship circumstances. Financial hardship circumstances include the following:

- a. The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program.
- b. The family would be evicted as a result of the imposition of the minimum rent requirement.
- c. The income of the family has decreased because of changed circumstance, including loss of employment.
- d. A death in the family has occurred.
- e. Other circumstances determined by the WHA or HUD.

#### **Suspension of Minimum Rent Requirement:**

If the family requests a hardship exemption, the minimum rent requirement is immediately suspended. The minimum rent is suspended until a determination is made whether:

- a. There is a hardship covered by the statute; and
- b. The hardship is temporary or long-term.

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

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The WHA will not provide an exemption to the minimum rent requirement if the hardship is determined to be temporary. Regulation prohibits the WHA from evicting a family for nonpayment of rent on the basis of a hardship if the hardship is determined by the WHA to be temporary during a 90-day period beginning upon the date of the family's request for exemption. During this 90-day period, the tenant must demonstrate that the financial hardship is of a long-term basis.

If the tenant demonstrates that the financial hardship is of a long-term basis, the WHA shall retroactively exempt the tenant from the applicability of the minimum rent requirement for the 90-day period.

If the tenant is unable to demonstrate that the financial hardship is of a long-term basis or the WHA determines that the hardship is temporary, the minimum rent is imposed, including the back payment for minimum rent from the time of suspension.

The WHA will not evict the family for nonpayment during the 90-day period commencing on the date of the family's request for exemption of minimum rent in excess of the tenant rent otherwise payable. The WHA will offer a reasonable repayment agreement for any rent not paid during this period.

### **Welfare Program Requirements Regarding Minimum Rent:**

The WHA will not reduce a family's rent to the established minimum rent levels if there has been a reduction in welfare benefits based on either:

- Fraud by a family member.
- The family's failure to comply with the welfare program's requirement for work activities or participation in an economic self-sufficiency program.

If a reduction in income results from the expiration of a lifetime limit on benefits, or a loss of benefits because of a durational time limit on welfare benefits despite compliance with work requirements, the WHA will include the reduction in annual income in the calculation of an income based rent. The result of this calculation may result in an exception to the minimum rent requirement.

### **4. RENT FOR FAMILIES UNDER THE NONCITIZEN RULE (24 CFR 5.518)**

A mixed family may receive continued assistance if all of the following conditions are met:

- The family was receiving assistance on June 19, 1995;
- The family was granted continuation of assistance before November 29, 1996;
- The family's head or spouse has eligible immigration status; and
- The family does not include any person who does not have eligible immigration status other than the head of household, the spouse of the head of household,

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any parent of the head or spouse, or any child of the head of household or spouse.

If a mixed family qualifies for prorated assistance (and does not qualify for continued assistance), but decides not to accept prorated assistance, or if a family has no members with eligible immigration status, the family may be eligible for temporary deferral of termination of assistance if necessary to permit the family additional time for the orderly transition of those family members with ineligible status, and any other family member involved to other affordable housing.

The WHA shall prorate a mixed family's assistance in accordance with 24 CFR §5.520(d): When the mixed family's TTP is greater than the maximum rent, the WHA must use the TTP as the mixed family TTP. This method of prorating assistance applies to new admissions and annual reexaminations.

### **5. UTILITY ALLOWANCE**

The WHA shall establish a utility allowance for all check-metered utilities for those tenants who elect the income method calculation and/or pay a minimum rent of \$50.00. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. Allowances will be evaluated at least annually as well as any time utility rate changes by 10 percent or more since the last revision to the allowances.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

### **6. RENT PAYMENT**

Rent is due and payable on the first day of the month. If the rent is not paid by the fifth day of the month, rent shall be considered delinquent and the WHA may issue a 14-day Notice to Quit. All rents shall remain in effect until the rent is redetermined. Rent payments may be made by mail to the lockbox, by mail to the WHA management office, in person at the WHA management offices, or any other means implemented by the WHA.

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### 1. GENERAL

At least annually, the WHA will conduct a reexamination of tenant income and composition in accordance with a schedule for reexaminations developed by the WHA. The results of the reexamination are used to determine the rent that the tenant will pay and that the tenant is appropriately housed.

Each year at the reexamination interview, the WHA will require all information regarding income, assets, expenses, and other information necessary to determine the tenant's rent. The tenant will complete all HUD required consent forms that will be used by the WHA to secure third-party verification of the tenant's circumstances.

It is the responsibility of the tenant to report changes in tenant composition between annual reexaminations throughout the year. Additionally, a household that claims zero income must report any increase in income. The WHA may conduct an interim examination based upon notification of these changes. The tenant is responsible for informing the WHA of any changes regarding the household including but not limited to income changes and household composition within ten days of any changes.

In the event that a household's income decreases, the tenant should report this change as soon as possible. The WHA shall conduct an interim examination based upon the change and shall adjust the tenant's rent accordingly.

### 2. ANNUAL REEXAMINATION

Approximately four months prior to the scheduled date for a tenant's reexamination, the WHA will mail a notification letter to the tenant advising of the upcoming reexamination review, the necessary documentation that will be required from the tenant, and the options for rent payment by the tenant.

#### **Annual Reexamination Review**

The WHA will review all income documentation and household composition when determining if the tenant is appropriately housed. If the tenant is not appropriately housed, the WHA may initiate a transfer.

If the tenant fails to return the documentation within the time period provided, the WHA will mail a second notification. The letter will also advise that if the tenant fails to provide the necessary information, the WHA will take eviction action against the tenant.

WHA does not utilize "Safe Harbor" Income Determination. The WHA will not accept verification from other federal assistance programs. All income will be verified in accordance with the requirements of HUD's verification hierarchy and WHA policies.

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### **Flat Rent**

Each year at the reexamination interview, the tenant has the option of electing flat rent. The WHA will still be required to perform an income reexamination every year for families electing to pay flat rent. However, if the family's income exceeds the over-income limits, the WHA shall refer to the Treatment of Over-Income Families guidelines below.

The WHA will advise the tenant the approximate time when the WHA reviews the amount of the flat rent, the approximate rent increase that the tenant can expect, and the approximate date that a future rent increase could become effective.

A tenant who opts for a flat rent may at any time request to have a reexamination and return to the income-based rent if the tenant's income has decreased, the tenant's financial circumstances have changed, and/or other circumstances that create a hardship for the tenant such that the income method would be more financially feasible for the tenant.

### **Income Method Rent**

Upon receipt of the third-party verification, the WHA will determine the tenant's annual income and will calculate the rent based on the highest of 10% of monthly income, 30% of adjusted gross monthly income, or the minimum rent.

The new rent will generally become effective upon the tenant's anniversary date, but in no event prior to 30 days written notice to the tenant of the rent increase. If a determination of the new rent is delayed due to a reason beyond the tenant's control, then the rent increase will be payable on the first of the month after expiration of the 30 day notice period.

For example: The tenant's anniversary date is June 1<sup>st</sup>. Notification of the rent increase is dated May 25. The new rent becomes effective on June 1<sup>st</sup> but does not become payable until July 1<sup>st</sup>.

If the new rent is a reduction and the delay is beyond the control of the tenant, the reduction will be effective as scheduled on the tenant's anniversary date.

If the tenant caused the delay, any increase will be effective on the anniversary date. Any reduction in rent will be effective on the first of the month after the reported change, except in documented cases of hardship in which the tenant was unable to report the decrease in income.

If a new member is added to the lease, the WHA will recalculate the tenant's income based on the new tenant member. This may result in an increase in rent. The WHA will provide a 30 day notice to the tenant of this rent increase.

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### **Treatment of Over-Income Families**

In adherence to HUD guidelines relative to income limits, the WHA will ensure that current tenants have income within the established guidelines for continued participation in its federal public housing programs. The WHA will review each household's income during its annual and interim re-certification process and determine whether the household remains eligible for continued assistance. Families whose income exceeds the Over-Income (OI) limit, including families during the grace period or before program termination, these families retain all of their rights and obligations as public housing program participants.

This policy provides the WHA with the right to allow OI federal tenants to remain in public housing if they are in good standing and have not been in violation of their lease for at least the past 12 months. In these circumstances Non-Public Housing Over Income (NPHOI) family whose income exceeds the OI limit for 24 consecutive months and request (at the discretion of WHA) to remain in the unit paying the alternative non-public housing rent. These families must have signed a NPHOI month to month lease within 60 days of notification and are no longer public housing program participants. Any remaining NPHOI family must be charged a monthly rent equal to the higher of the applicable Fair Market Rent or the amount of the monthly subsidy provided for the unit (HUD will publish annually).

In the event a NPHOI family declines to execute a NPHOI lease, the WHA shall proceed with termination of tenancy no more than 6 months after the end of the 24 consecutive month grace period. If an agreement between the WHA and the NPHOI family executes a NPHOI lease after the deadline, but before termination of tenancy, the OI family must pay the WHA the total difference between the alternative rent and/or balance owed.

NPHOI families cannot participate in public housing resident councils or programs for low-income or public housing participants. NPHOI families cannot receive a utility allowance from the WHA, be subject to income reexaminations, or be required to comply with Community Service and Self-Sufficiency Requirements.

### **Determination of Over-Income Families**

To determine a family to be over-income during any reexamination, the following notification process must be applied.

The household income exceeds 120% area median income (AMI) (or a different limitation as may be established by the secretary) for two consecutive years known as the grace period, the WHA may terminate the family's tenancy within six months or chooses to remain in a public housing unit, then the family is required to pay the alternative rent as determined in accordance with 24 CFR 960.102(b):

1. The applicable Fair Market Rent, as defined in [24 CFR part 888, subpart A](#), for the unit; or

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2. The amount of the monthly subsidy provided for the unit, which will be determined by adding the per unit assistance provided to a public housing property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund.

During the reexamination, if the family is determined to be OI, the OI notification process begins.

WHA must give OI families 3 notices, each within 30 days of the income examination that determines the family is, or remains, OI: at the initial determination of OI status, following the reexamination at the conclusion of the 1st 12 months of the grace period, and at the conclusion of the 24 months grace period.

All notices must be provided in writing and state what actions will be taken as required under OI section of this policy. If applicable, the notice must include the alternative rent amount. All notices must provide information on the family's right to a grievance hearing.

If the WHA determines (in an interim or regular reexamination) that a family's income has fallen below the OI limit at any time during the 24-month grace period, the family will remain a public housing program participants and return to regular income reexamination periods. If the family becomes OI again, the WHA begins a new 24-month grace period. In the event that OI family is facing termination after exceeding the grace period, the family may request an interim reexamination, but a decrease in income and the family's rent will not reset the period before termination or enable the family to avoid termination.

### 3. INTERIM REEXAMINATION

A tenant is required to report the following changes to the WHA between annual reexaminations:

1. A family reports a reduction in household income \*;
2. A family reports changes in the family composition that would reduce household income;
3. A family member that previously reported not receiving any income begins to receive income from any source;
4. A family has greater than a 10% increase in household income from any source;
5. A household member has been added to the family as a result of birth, adoption, court ordered custody, marriage and an approved addition to the lease request.

\*HUD prohibits housing authorities from conducting an interim re-exam when a family reports a loss of welfare benefits due to fraud or failure to participate in a self-sufficiency or work activity.

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All changes affecting household income must be reported to the WHA within ten (10) days of the occurrence. Failure to report increases in household income will result in retroactive repayment agreements. In the most severe circumstances, the WHA may consider termination of the tenant's lease or program participation.

Decreases in household income, if reported within the first seven (7) days of the month that rent is due, will result in a rent change for that month. Decreases in household income reported beyond the seventh day will be effective on the first day of the following month.

### **Interim Decreases [24 CFR 982.516(c)(2) and Notice PIH 2023-27]**

Generally, the WHA will only conduct an interim when the family's adjusted income has decreased by an amount that is 10 percent or more of the family's adjusted income.

When determining the 10 percent threshold, the WHA will round calculated percentages up or down to the next nearest unit as applicable (e.g., a calculated decrease of 9.5 percent will be rounded to 10 percent).

However, the WHA will perform an interim reexamination for a decrease in adjusted income of any amount in two circumstances:

- When there is a decrease in family size attributed to the death of a family member; or
- When a family member permanently moves out of the assisted unit during the period since the family's last reexamination.

### **Interim Increases [24 CFR 982.516(c)(3) and Notice PIH 2023-27] Increases Less than 10 Percent**

PHAs must not process interim reexaminations for income increases that result in less than a 10 percent increase in annual adjusted income.

### **Increases 10 Percent or Greater**

PHAs must conduct an interim reexamination of family income when the PHA becomes aware that the family's adjusted income has changed by an amount that the PHA estimates will result in an increase of 10 percent or more in adjusted income, with the following exceptions:

- PHAs may not consider any increases in earned income when estimating or calculating whether the family's adjusted income has increased, unless the family has previously received an interim reduction during the same reexamination cycle; and
- PHAs may choose not to conduct an interim reexamination during the last three months of a certification period if a family reports an increase in income within three months of the next annual reexamination effective date.

When the family previously received an interim reexamination for a decrease to adjusted income during the same annual reexamination cycle, a PHA has the discretion whether to consider a subsequent increase in earned income.

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Provided a family's increase meets the 10 percent threshold, the WHA will conduct an interim when the family experiences an increase in earned income and the family previously had an interim performed for a decrease in adjusted income (whether for earned income, unearned income, or a combination of the two) since their last annual. The WHA will not process an interim for increases in earned income when an interim was previously performed since the family's last annual and the interim resulted in an increase in the family's rent, nor will the WHA process an interim for an increase in earned income when the family has not had a previous interim reexamination since their last annual.

The WHA will also process an interim for any other increases in income that meet the 10 percent threshold.

The WHA will not perform an interim reexamination when a family reports an increase in income (whether earned or unearned income) within three months of their annual reexamination effective date. However, families who delay reporting income increases until the last three months of their certification period may be subject to retroactive rent increases in accordance with the WHA policies.

### **Concurrent Increases in Earned and Unearned Income [Notice PIH 2023-27]**

When the family reports an increase in both earned and unearned income at the same time, the PHA must look at the earned and unearned income changes independently of each other to determine if an interim reexamination is performed. The PHA will only conduct an interim reexamination when the increase independently meets the 10 percent threshold and all other requirements for performing interim reexaminations. For example, if a family reported increases in both earned and unearned income that overall resulted in a 12 percent increase in their adjusted income, but the change in earned income represented a 7 percent increase and the change in unearned income represented a 5 percent increase, the PHA may not perform an interim for either change since neither change meets the 10 percent threshold amount independently. If the change in unearned income met the 10 percent threshold in this case, the PHA would be required to perform an interim. If the change in earned income met the 10 percent threshold in this case, the PHA would refer to PHA policy to determine whether an interim was required.

### **Cumulative Increases [Notice PIH 2023-27]**

A series of smaller reported increases in adjusted income may cumulatively meet or exceed the 10-percent increase threshold, at which point the PHA must conduct an interim reexamination in accordance with PHA policy.

### **Family Reporting**

The PHA must adopt policies consistent with HUD regulations prescribing when and under what conditions the family must report a change in family income or composition [24 CFR 982.516(d)].

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PHA policy may require families to report only changes that the family estimates meet the threshold for an interim reexamination or the PHA may establish policies requiring that families report all changes in income and household composition, and the PHA will subsequently determine if the change requires an interim reexamination [Notice PIH 2023-27].

When the PHA determines that an interim reexamination of income is necessary, they must ask the family to report changes in all aspects of adjusted income. For example, if the family is reporting a decrease in adjusted income that is more than 10 percent, but the family also had a change in assets that would result in a change in income, the change in assets must also be reviewed [Notice PIH 2023-27].

The family will be required to report all changes in income regardless of the amount of the change, whether the change is to earned or unearned income, or if the change occurred during the last three months of the certification period. Families must report changes in income within 10 business days of the date the change takes effect. The family may notify the WHA of changes either orally or in writing. If the family provides oral notice, the WHA may also require the family to submit the changes in writing.

Within a reasonable period of time of the family reporting the change, the WHA will determine whether the change will require an interim reexamination.

If the change will not result in an interim reexamination, the WHA will note the information in the tenant file but will not conduct an interim reexamination. The WHA will send the family written notification within 10 business days of making this determination informing the family that the WHA will not conduct an interim reexamination.

If the change will result in an interim reexamination, the WHA will determine the documentation the family will be required to submit based on the type of change reported and WHA policies. The WHA will ask the family to report changes in all aspects of adjusted income at this time. The family must submit any required information or documents within 10 business days of receiving a request from the WHA. This time frame may be extended for good cause with WHA approval. The WHA will accept required documentation by mail, email, fax, or in person. The WHA will conduct the interim within a reasonable time period based on the amount of time it takes to verify the information.

### **NON-INTERIM REEXAMINATION TRANSACTIONS [Notice PIH 2023-27]**

Families may experience changes within the household that do not trigger an interim reexamination under PHA policy and HUD regulations but which HUD still requires the PHA to report to HUD via Form HUD-50058. These are known as non-interim reexamination transactions. In these cases, PHAs will submit a separate, new action code on Form HUD-50058. The following is a list of non-interim reexamination transactions:

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- Adding or removing a hardship exemption for the child care expense deduction;
- Updating or removing the phased-in hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction (the phased-in relief will begin at an eligible family's first annual or interim reexamination, whichever is sooner, after January 1, 2024);
- Adding or removing general hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction;
- Adding or removing a minimum rent hardship;
- Adding or removing a non-family member (i.e., live-in aide, foster child, foster adult);
- Ending a family's EID or excluding 50 percent (decreased from 100 percent) of a family member's increase in employment income at the start of the second 12-month EID period.
- Adding a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;
- Removing a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;
- Adding/updating a family or household member's Social Security number; and
- Updating a family member's citizenship status from eligible to ineligible or vice versa, resulting in a change to the family's rent and/or utility reimbursement, if applicable (i.e., family begins receiving prorated assistance or previously prorated assistance becomes full assistance), or updating the prorated rent calculation due to the addition or removal of family members in household with an ineligible noncitizen(s).

PHAs must make all other changes to assets, income, and deductions at the next annual or interim reexamination of income, whichever is sooner.

#### 4. ADDITIONS TO LEASE

If a tenant requests to add a new household member, the tenant must complete an application form providing information about the new tenant member's income, assets, verified citizenship/eligible immigrant status, social security number if applicable, and all other information required of an applicant for public housing.

Upon receipt of this information the WHA will screen the application. If the WHA determines that the individual is eligible and suitable, the WHA will execute a new lease with the tenant reflecting the changed tenant composition.

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If the WHA determines that the individual is ineligible or unsuitable, the WHA will so advise the tenant in writing of the determination and of the opportunity to request an appeal.

Except for additions due to birth or court awarded custody, the WHA may disallow the addition of a household member if a tenant is currently properly housed and the addition of a new member to the household will create an over-housed situation.

In the event that the WHA denies a tenant's application to add a person to their lease, they may appeal the decision through the WHA's Grievance Policy.

### **5. RESIDUAL TENANCY**

#### **Criteria**

A remaining member of a tenant household may apply to become the head of household in the event of the death, departure, or incapacity of the head of household. The application to become head of household will be approved provided that the applicant meets the following criteria:

- An adult who has been a tenant of record on the current lease for the unit for a minimum of nine months and whose income has been reported and included in the rent computations during the period of their occupancy unless they were without income or were a full-time student; or
- If the remaining member(s) of the household consists only of minor children, the applicant must be an adult who has been appointed either as a temporary or permanent guardian, is the natural parent of one or more household members, is willing to assume responsibility for the apartment, and the household and is willing to enter into a lease. Under these circumstances, the WHA shall screen the applicant in accordance with the terms of this policy; or
- If the remaining member of the household is an incapacitated adult who is unable to fulfill the responsibilities set forth in the lease, the applicant must be an adult who has been appointed as either a temporary or permanent guardian of the remaining household member, and is willing to assume responsibility for the apartment, and willing to enter into a lease. Under these circumstances, the WHA shall screen the applicant in accordance with the terms of this policy.

If the remaining household member is denied residual tenancy as the head of household, the member may appeal in accordance with the WHA's Tenant Grievance Policy.

#### **Divorce, Separation or Protective Order**

In the event of divorce, separation, or a protective order issued by a court under Chapter 209A or other state or federal statute, any person designated by the court will be permitted to apply to become the head of household if they would otherwise qualify under the terms of this policy. In the event of divorce, separation, protective order, or the family has

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §012 - Reexamination

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irreconcilable differences that are unforeseen, and no court order has been established, the WHA may, in its discretion, split the family into two separate units.

### **Income**

An applicant to become the head of household will not be found ineligible based on income exceeding the eligibility limits for applicants for admission to public housing.

### **6. MISREPRESENTATION**

If the WHA determines that the tenant has misrepresented facts upon which rent is based, the WHA shall retroactively charge the tenant the appropriate amount of rent and take other such actions as permitted by law up to and including eviction and criminal prosecution.

#### **7. De minimis errors** 24 CFR §5.609 (c)(4) ; 5.609; 5.618

A de minimis error is an error where the WHA determination of family income varies from the correct income determination by no more than \$30 per month in monthly adjusted income (\$360 in annual adjusted income). The WHA will take any corrective action necessary to credit the family if the family has been overcharged for their rent as a result of an error (including a de minimis error) in the income determination. Families will not be required to repay the WHA in instances where the WHA has miscalculated income resulting in a family being undercharged for rent or family share.

### **8. NON-INTERIM REEXAMINATION TRANSACTIONS [Notice PIH 2023-27]**

Families may experience changes within the household that do not trigger an interim reexamination under PHA policy and HUD regulations but which HUD still requires the PHA to report to HUD via Form HUD-50058. These are known as non-interim reexamination transactions. In these cases, PHAs will submit a separate, new action code on Form HUD-50058. The following is a list of non-interim reexamination transactions:

- Adding or removing a hardship exemption for the child care expense deduction;
- Updating or removing the phased-in hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction (the phased-in relief will begin at an eligible family's first annual or interim reexamination, whichever is sooner, after January 1, 2024);
- Adding or removing general hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction;
- Adding or removing a minimum rent hardship;
- Adding or removing a non-family member (i.e., live-in aide, foster child, foster adult);

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §012 - Reexamination

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- Ending a family's EID or excluding 50 percent (decreased from 100 percent) of a family member's increase in employment income at the start of the second 12- month EID period.
- Adding a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;
- Removing a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;
- Adding/updating a family or household member's Social Security number; and
- Updating a family member's citizenship status from eligible to ineligible or vice versa, resulting in a change to the family's rent and/or utility reimbursement, if applicable (i.e., family begins receiving prorated assistance or previously prorated assistance becomes full assistance), or updating the prorated rent calculation due to the addition or removal of family members in household with an ineligible noncitizen(s).

PHAs must make all other changes to assets, income, and deductions at the next annual or interim reexamination of income, whichever is sooner.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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### **1. STATUTORY/REGULATORY REQUIREMENTS [24 CFR 960.600]**

The community service and self-sufficiency requirement (CSSR) is intended to assist adult public housing residents in improving their own economic and social well-being and give these residents a greater stake in their communities. The community service and self-sufficiency requirement allows residents an opportunity to “give something back” to their communities and facilitates upward mobility.

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service or (2) participate in an economic self-sufficiency program or (3) perform eight hours per month of combined activities as described unless exempt from this requirement.

An individual may not skip one month and then double up the following month, unless special circumstances warrant it. The WHA will determine whether to permit a deviation from the schedule.

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

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 such as: programs for job training, work placement, basic skills training, education, English proficiency, financial or household management, apprenticeships and any program necessary to ready a participant to work such as substance abuse or mental health treatment.

### **2. EXEMPTIONS**

An exempt individual is an adult who:

1. Is 62 years or older;
2. Is a blind or disabled individual as defined under 216(l)(1) or 1614 of the Social Security Act (42 U.S.C. 416(l)(1) and who certifies that because of this disability they are unable to comply with the community service and self-sufficiency requirement, or is a primary caretaker for such an individual;
3. Is engaged in work activities for at least 30 hours per week that meets one of the following definitions of “work activity” contained in Section 407(d) of the Social Security Act (42 U.S.C. Section 607(d)):

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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- Unsubsidized employment;
  - Subsidized private-sector employment;
  - Subsidized public-sector employment;
  - Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
  - On-the-job-training;
  - Job-search;
  - Community service programs;
  - Vocational educational training (not to exceed 12 months with respect to any individual);
  - Job-skills training directly related to employment;
  - Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; or
  - Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate.
4. Meets the requirements from having to engage in a work activity under the state program funded under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare or welfare to work program in Massachusetts.
5. Is a member of a family receiving assistance, benefits or services under a state program funded under part A of Title IV of the Social Security Act or under any other welfare program in Massachusetts, including a state administered welfare to work program, and has not been found by the state or other administering entity to be in noncompliance with such a program.

### **3. NOTIFICATION OF THE REQUIREMENT**

The WHA shall provide written notification to each adult household member about CSSR. The notification will provide the opportunity for the family member to claim and explain an exempt status. The WHA shall verify each claim for exemption.

For a tenant paying a flat rent, the obligation begins on the date that the annual reexamination would have been effective had an annual reexamination taken place. The notification will also provide the resident the option to self-certify their compliance with CSSR as described below. The notification will also advise that failure to comply with the CSSR will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

### **4. QUALIFYING VOLUNTEER AND SELF-SUFFICIENCY SERVICES**

The WHA will coordinate with social service agencies, local schools, the WHA's Family & Resident Services Department, and others to compile a list of community service

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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volunteer and self-sufficiency program opportunities. However, it is the tenant's responsibility to secure opportunities for community service and self sufficiency credit. Following is a list of activities that are eligible, including but not limited to:

### **Eligible Community Service Activities**

- Local public or nonprofit Institutions, such as schools, head start programs, before-or after school programs
- Childcare centers
- Hospitals, clinics, hospices, nursing homes
- Recreation centers, senior centers, adult daycare programs
- Homeless shelters, feeding programs, food banks (distributing either donated or commodity foods)
- Clothes closets (distributing donated clothing)
- Nonprofit organizations serving WHA residents such as Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs
- Police Activities League (PAL), organized children's recreation
- Mentoring or education programs, Big Brothers or Big Sisters
- Garden centers, community clean-up programs, beautification programs
- Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives
- Senior meals programs, senior centers, meals on wheels
- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations
- Missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts
- WHA housing to improve grounds or provide gardens (so long as such work does not alter the WHA's insurance coverage)
- Work through resident organizations to help other residents with problems, Including serving on the Resident Advisory Board
- Care for the children of other residents so parents may volunteer

### **Eligible Self-Sufficiency Activities**

The WHA encourages tenants to partake in the Family & Resident Services programs in order to reach self-sufficiency. Some of the activities listed below are available within the WHA.

- Job readiness or job training
- Training programs through one-stop career centers, workforce investment boards (local entities administered through the U.S. Department of Labor) or other training providers
- Higher education (junior college or college)
- GED classes
- Apprenticeships (formal or informal)

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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- Substance abuse or mental health counseling
- Reading, financial, and/or computer literacy classes
- English as a second language and/or English proficiency classes
- Budgeting and credit counseling

### **5. PROHIBITION AGAINST REPLACEMENT OF WHA EMPLOYEES**

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

### **6. ASSURING RESIDENT COMPLIANCE**

Periodic Review of Compliance - The WHA must verify at least 30 days before annual reexamination the exempt or nonexempt status and compliance of non-exempt family members.

Certification by Agencies - If qualifying activities are administered by the WHA for each non-exempt family member, the member must present a signed certification form provided by the WHA of CSSR activities performed over the previous twelve (12) months.

If qualifying activities are administered by an organization other than the WHA, the family member must provide signed certification to the WHA by the organization that the family member has performed the community service activities.

A CSSR Certification of Compliance Form will list the community service activities performed by the tenant and include the following information:

The name of organization and contact information and a section for signature confirmation by supervisors, instructors, or counselors certifying the number of hours contributed with the understanding that additional supporting documentation may be requested by the WHA.

Self-Certification - In lieu of a certification by an agency, the WHA will accept resident self-certifications of compliance with the CSSR as described in 24 CFR, Subpart F, 960.607. The self-certification of compliance with CSSR may be subject to third-party verification and requires the WHA to validate a sample of the self-certifications annually. The self-certification form must include the following information:

- a statement that the resident has completed the number of hours listed with the statement being subject to penalties of perjury;

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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- the number of hours and type of activity (community service or self-sufficiency) that the resident completed;
- the name of the organization and/or person for which the activity was completed;
- the address of the organization or person;
- the phone number of the organization or person; and
- a contact person in the organization and/or the person for which the activity was completed.

If a tenant completes their CSSR obligation for more than one organization or person during the course of a year, the tenant must complete one self-certification for each organization and/or person for which the resident performed the CSSR activity.

As a provision to allow tenants to self-certify, the WHA must validate a sample of self-certifications with the third-party for whom the tenant completed the community service or self-sufficiency activity. The sample of self-certifications the WHA validates must be a statistically valid, random sample as required.

Because the number of residents subject to the CSSR is constantly in fluctuation due to unit turnover, employment, etc., a WHA must choose a point in time annually to calculate the self-certifications received during the previous 12 months. However, WHA does not need to wait until the end of the 12-month period to begin validating self-certifications. For example, WHA that can reasonably determine the expected number of self-certifications to be received throughout the 12-month period may validate the appropriate sample of self-certifications during the 12-month period rather than waiting until the end of that time period, subject to any necessary reconciliations once the final universe and sample size is determined.

To validate a self-certification, the WHA must obtain third-party documentation that includes, at a minimum, the name of the organization or person, the number of hours completed by the resident, a signature from the appropriate staff person within the third-party organization or person and that staff person's contact information. Consistent with the written third-party verification techniques outlined in Notice PIH 2010-19, the WHA may accept third-party generated documentation directly from the third-party or from the resident.

The CSSR Certification of Compliance Form and supporting documentation must be retained in the WHA tenant's file.

Determination of Non-Compliance with CSSR - If the WHA determines that there is a family member who is required to fulfill CSSR but who has violated this family obligation, the WHA shall notify the tenant of this determination.

The WHA's notice must include:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §013 - Community Service & Self-Sufficiency Requirement

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- A brief description of the finding of non-compliance.
- A statement that the WHA will not renew the lease at the end of the twelve-month lease term unless one of the following is agreed upon:
  - Tenant and any other non-compliant family member enter into a written agreement with the WHA to cure such non-compliance. Such written work-out agreement and must include the means through which a noncompliant family member will comply with the CSSR requirement;
  - Tenant provides written assurance and documentation that is satisfactory to the WHA explaining that the tenant or other noncompliant resident no longer resides in the unit.
- The tenant may request a grievance hearing on the WHA determination and termination of the lease because of the determination of non-compliance.

### 7. TENANT REFUSAL TO COMPLY WITH CSSR

If a family member refuses to sign a written agreement resolving the matter, or fails to comply with the terms of such an agreement or CSSR, the WHA will initiate termination of tenancy proceedings.

### 8. REPORTING REQUIREMENTS

The WHA is required to report each adult household member status of CSSR through the 50058 submissions at the time of admission and annual basis to HUD.

50058 Submission Coding:

- 1 - Yes = Resident is *not exempt* and is *in compliance* with CSSR (recertification)
- 2 - No = Resident is *not exempt* and *not complying* with CSSR (recertification)
- 3 - Pending = WHA is in the process of *verifying compliance* with CSSR (new admission only)
- 4 - Exempt = Resident is exempt (new admission & recertification)
- 5 - N/A = not in use

### 9. HUD MONITORING

HUD has re-instated the generation of the CSSR monitoring report on a quarterly basis. The report will be posted on the REAC website and access will be provided to the WHA if validation is required. REAC will send an e-mail to the WHA advising them of the content of the report and explaining the steps necessary to make corrections and changes in PIC as appropriate.

In the case of a review or audit, the WHA must be prepared to supply adequate supporting documentation regarding exempt tenants, compliant or noncompliant

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§013 - Community Service & Self-Sufficiency Requirement**

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tenants and tenant responsibilities at lease execution or re-examination, in the tenant's file for at least two years from the date the documents are received by the WHA.

HUD may also review the WHA's administration of CSSR, resident self-certifications, and sample validations.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§014 - Inspections**

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### **1. MOVE-IN INSPECTIONS**

The WHA and prospective head of household will inspect the premises at the time of signing the lease. The WHA will prepare a written statement of the condition of the premises that will be signed by a WHA representative and the head of household. The WHA will provide a copy of the signed inspection statement to the head of household and will retain the original in the tenant file.

### **2. ANNUAL INSPECTIONS**

The WHA will inspect each unit annually to ensure that each unit meets Uniform Physical Conditions Standards (UPCS) and the Massachusetts State Sanitary Code standards. The WHA will initiate work orders to correct deficiencies.

### **3. PREVENTATIVE MAINTENANCE INSPECTIONS**

The WHA may conduct preventative maintenance inspections periodically. These inspections are intended to keep items in good repair and to extend the life of the unit and its equipment.

These inspections may encompass checks on leaks, the condition of the smoke detectors, water heaters, furnaces, automatic thermostats, and water temperatures. These inspections may also provide an opportunity to conduct seasonal checks on furnace filters, window screens, and air conditioning units.

### **4. PERFORMANCE INSPECTIONS**

The WHA may schedule performance inspections pursuant to HUD requirements, i.e. UPCS and Real Estate Assessment Center (REAC).

### **5. HOUSEKEEPING INSPECTIONS**

Generally, at the time of annual inspection and at other times as necessary, the Housing Manager or designee will conduct housekeeping inspections to ensure that the apartment is maintained according to WHA housekeeping standards, and state regulations, including keeping the apartment in clean, safe, and sanitary condition.

### **6. NOTICE OF INSPECTION**

The WHA will provide the tenant with at least two days written notice of annual inspections, preventative maintenance inspections, performance inspections, and housekeeping inspections.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§014 - Inspections**

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### **7. EMERGENCY INSPECTIONS**

The WHA may enter a unit without prior notice if there is reason to believe that an emergency condition exists within the unit.

### **8. PRE-MOVE-OUT INSPECTIONS**

The WHA may conduct a pre-move out inspection upon receipt of a tenant's notice to vacate. The inspection can identify any problems, which, if left uncorrected, could lead to damage charges. This inspection provides the tenant with the information and opportunity to correct damages prior to moving out.

### **9. MOVE-OUT INSPECTIONS**

The WHA will conduct a move-out inspection at the time the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. The WHA will notify the tenant about the inspection and encourage the head of household to be present. This inspection becomes the basis for any claims assessed by the WHA against the tenant's security deposit.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §015 - Transfers

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A WHA tenant may be transferred to another WHA apartment for administrative reasons or for good cause as set forth in this policy. Transfers will be made without regard to race, color, national origin, sex, religion, or familial status.

### 1. ADMINISTRATIVE TRANSFERS

The Chief Executive Officer or designee has the right to request a tenant to transfer from one unit to another in accordance with WHA policies or for administrative reasons including but not limited to:

#### Eligibility/Reasons

- Rehabilitation Transfer/Right To Return
  - PH Property Conversion to RAD
    - rehabilitation of a development requires that the tenant temporarily or permanently transfer.
    - right to return to a rehabilitated development from which tenant was originally displaced from.
- Emergency - Conditions in the tenant's unit, building, or at the development that pose an immediate, verifiable threat to the physical safety of the tenant or a life threatening health issue.
- Harassment - Verifiable conditions exist where household members are subject to ongoing threats or attacks by criminal elements at the development or neighborhood. Assessment of threats must be determined by the WHA, and based on credible information received from law enforcement, the WHA Public Safety Department, witnesses or other means.
- Over-housed – WHA determines that resident is over-housed, i.e. living in a unit that is larger than appropriate for the family composition.
- Modernization - WHA is undertaking modernization, and the type of work being done requires that the tenant temporarily or permanently transfer.
- Accessibility - WHA determines that tenant residing in an accessible apartment does not have a need for the accessible features and another resident or applicant needs the accessible features of the unit.
- Under-housed - WHA determines that a tenant is under-housed, i.e. living in a unit that is too small for the family composition and continued occupancy poses a

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §015 - Transfers

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serious threat to the household's physical well-being or violation of local or state building and sanitary codes.

- Household Composition Change - Tenant whose household composition has changed due to factors such as the birth, adoption, or court appointed guardianship of one or more children shall be transferred to an appropriately sized unit within a family development.
- Medical - Documentation from a certified professional is required that specifically states how a transfer to a larger unit would substantially improve the family's current condition. Refer to the WHA's Reasonable Accommodation policy.

### **Application Process**

A transfer for administrative reasons may be made between units in elderly/handicapped housing and family housing in the event that the transfer cannot be made to a unit of appropriate unit size in the same type of housing, provided that the household is eligible for the housing to which the transfer is made.

The WHA may decide at any time to initiate a transfer for administrative reasons. Such a transfer must be implemented in a manner consistent with the relevant provisions of the tenant's lease and/or applicable law.

The administrative transfer process is as follows:

- The Housing Manager will generate the transfer form and submit it to the Vice President of Property Management;
- The Vice President of Property Manager or designee will approve or deny the recommendation;
- Approved transfers will be forwarded to the Admissions Department;
- The Admissions Department will date and time stamp the transfer form and return one copy to the appropriate management office;
- Housing Manager, or designee, will mail a decision letter to the head of household.

## **2. TRANSFERS FOR GOOD CAUSE**

### **Eligibility/Reasons**

A tenant who resides in a federally-aided unit has the right to request a transfer by the WHA to a different federally-aided unit for good cause such as:

- Tenants with shared child custody if the child is living in the WHA unit more than 50% of the time and all other transfer eligibility criteria are met.
- Under housed – the WHA determines that a tenant is under-housed, i.e. living in a unit that is too small for the family composition.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §015 - Transfers

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To be eligible for a Transfer for Good Cause, the tenant must be:

- A current WHA resident, occupying current apartment for at least 12 months, including any transfer applications to add a household member to the lease;
- Current with rent and/or any other charges against the tenant's account;
- In compliance for six consecutive months with office rental agreement, if applicable;
- In compliance with any court agreements;
- Pass a housekeeping inspection of the current unit and no extraordinary exterminations (for infestation) for one year prior to application. WHA will also inspect for alterations to the apartment and damage that was created by the resident;
- Unit has no bed bug activity as determined by the WHA; and
- No outstanding lease violations with the WHA.

A transfer for good cause may be made between units in elderly/handicapped housing and family housing in the event that the transfer cannot be made to a unit of appropriate unit size in the same type of housing.

### Application Process

- Transfer for Good Cause applications can be obtained at the management offices;
- The head of household will complete and sign the application, attaching supporting documentation;
- Completed applications will be received by the management office, which will date and time stamped;
- The Housing Manager, or designee, will recommend approval or denial and submit the recommendation to the Director of Property Management;
- For all recommended approvals, the Housing Manager, or designee, will conduct an inspection at the tenant's current apartment. If tenant damage, or poor housekeeping is found, the tenant will correct and/or pay all charges.
- The Director of Property Management, or designee, will approve or deny the transfer. The decision will be forwarded to the Admissions Department and Housing Manager as appropriate;
- If approved, the Admissions Department will enter the application in the database system and record the application on the appropriate waiting list;
- The Housing Manager, or designee, will mail a decision letter to the head of household.

### 3. INCENTIVE TRANSFERS

The WHA has two types of incentive transfers that tenants may be eligible for, studio incentive transfers and property incentive transfers.

Tenants who meet the following criteria and want to move to units other than those they currently occupy and must meet the following criteria:

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §015 - Transfers

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- Recommended by the WHA Housing Manager;
- Resided in a WHA development for at least two years;
- No lease violations in the previous two years;
- Not under current office or court agreement;
- Tenant is in good standing, i.e. rent payments have been made on time; housekeeping has been excellent; there have been no damages to the unit; exterior of unit is maintained; and
- In properties with tenant-paid utilities, must be able to get utilities turned on in the tenant's name.

Transfers are voluntary and tenants of studio apartments who do not wish to transfer may remain in their existing apartments.

All costs associated with moving from one apartment to another are the responsibility of the tenant.

### **Property Incentive Transfers**

Unit offers will be made by the WHA following a vacancy and approved administrative transfer for the following developments:

12-16 Providence Street Apartments  
12-17 Dix and Home Street  
12-17 North Ashland Street  
12-17 Richards Street  
12-17 Wachusett Street  
705-1 Benefit Street  
705-1 Gardner Street  
705-1 Kilby Street  
705-2 Newport Street  
705-2 Albert Street  
705-2 Lincoln / Perkins Street

### **Studio Incentive Transfers**

A tenant in a studio apartment may apply to transfer to a one-bedroom if a one-bedroom apartment is available. Emergencies and other circumstances could delay the transfer as determined by the WHA.

## **4. PLACEMENT ON THE WAITING LIST**

### **Administrative Transfers**

The Admissions Department will place approved administrative transfers on the appropriate waiting list. The waiting list placement will be higher than all other applicants. Within a contemporaneous group of administrative transfers, applications will be placed

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§015 - Transfers**

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on the waiting list based on the Admissions Department's date and time stamp indicating receipt.

### **Transfers for Good Cause**

The Admissions Department shall place approved applications on the appropriate waiting list. For all approved applications, the date and time stamp submitted by the applicant will determine the application's placement on the waiting list.

## **5. UNIT OFFERS**

The WHA reserves the right to cancel any approved transfer decision if any of the household members have engaged in any lease violations from the time of the transfer application approval through the time of lease up of the apartment.

The WHA shall offer only one appropriately sized unit that meets the transfer circumstances.

In the unusual circumstance when there is no federally-aided unit that is adequate in size and meets the circumstances of an administrative transfer or an approved transfer for good cause, the tenant may transfer from a federally-aided unit to a state-aided unit with the approval of the Executive Director or designee.

If the tenant refuses to move pursuant to an Administrative Transfer, the WHA may initiate lease enforcement proceedings, including termination of lease.

If the tenant refuses a unit offer following a Transfer for Good Cause, the WHA will remove the tenant from the transfer waiting list. The WHA may, in its discretion, consider mitigating circumstances.

The tenant has seven days from the time they receive keys to new unit to transfer all their belongings. WHA will impose a \$25.00 daily fee for each day after the 7<sup>th</sup> day that resident does not return the keys to the original unit.

The current unit must be left in clean condition, free of trash, all items of personal property removed, and any alterations made must be restored to the unit's original condition. The apartment must be swept, mopped and appliances and clean and grease-free.

If the apartment is not in acceptable condition as listed above, then the Maintenance Department will assess damage and labor costs, and the head of household will be charged.

## **6. COST OF THE TENANT'S TRANSFER**

### **WHA Expense**

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §015 - Transfers

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The cost of a tenant's transfer will be borne by the WHA when transfer is required by WHA modernization or rehabilitation work.

### **Tenant Expense**

The cost for a transfer is generally the responsibility of tenant, including but not limited to the following circumstances:

- When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- When the family was originally properly housed and the transfer is needed to move the family to an appropriately sized unit, either larger or smaller, due to a change in family composition;
- When a family that did not require an accessible unit accepted the unit and must transfer because a handicapped family needs an accessible unit;
- When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

### **7. APPEALS**

If the tenant does not agree to an administrative transfer, or if the WHA denies a tenant's application for a transfer for good cause, the tenant has the right to request a tenant grievance hearing.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§016 - Pet, Service Animal, and Assistance Animal Policy**

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The WHA Pet, Service Animal, and Assistance Animal Policy is incorporated by reference into this Admissions and Continued Occupancy Policy. The Pet, Service Animal, and Assistance Animal Policy may be found on the WHA's website and the WHA Management Offices.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§017 – Lease Termination**

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### **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 30 days, they will be responsible for rent through the end of the notice period.

In the event of a tenant's death in a single person household, the WHA shall terminate rent charges effective on the date that the family of the decedent returns the keys to the unit to the WHA. In the event of the death of an adult with income in a multi-person household, the WHA will recalculate the family's rent based on the change of income effective on first day of the month following the date of death.

### **2. TERMINATION BY THE WHA**

The WHA may terminate the lease for lease violations, in accordance with the tenant's lease agreement or lease addendums.

### **3. EXTENDED ABSENCES AND ABANDONMENT**

The head of household must notify the WHA in writing if all members of the household intend to be absent from the unit for more than 90 days.

If the family is absent from the unit in excess of this time, the WHA may take appropriate legal action, up to and including eviction. The tenant may request that the WHA approve an absence in excess of these limits. The WHA shall consider such a request and may approve it only if extenuating circumstances exist.

If the WHA does not receive written notice from a tenant regarding an extended absence, the WHA may consider that the unit has been abandoned if:

- There is reason for the WHA to believe that the unit has been unoccupied; and/or
- The rent is past due and the household has not acknowledged or responded to demands for payment.

If the WHA determines that a unit has been abandoned, the WHA will attempt to contact the emergency contact person provided by the tenant, enter the unit to conduct an inspection, and/or send a written notice of abandonment to the tenant at the unit address.

If the tenant does not respond to the written notice of abandonment within ten days of the date of the notice, the WHA shall take appropriate legal action, up to and including eviction.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§018 - Tenant Grievance Rights**

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The WHA Tenant Grievance Rights Policy is incorporated by reference into this Admissions and Continued Occupancy Policy. The Tenant Grievance Rights Policy may be found on the WHA's website and the WHA Management Offices.

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§019 – Program Integrity**

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### **1. INTRODUCTION**

Applicants for public housing and tenants, continuing throughout the tenancy, are obligated to provide accurate, updated, and truthful information to the WHA, including but not limited to application and continued occupancy information requested, income, assets, expense and household composition. Based on the information provided, the WHA makes determinations about admission, rent amount, and the appropriate size of units.

Program abuse occurs when an individual receives the benefit of public housing or a lower rent amount, but the family does not report an individual's income. It is also program abuse when an individual resides in an apartment without the permission of the WHA, and is considered an unauthorized occupant. Program abuse can have negative impacts such as:

- Unauthorized occupants may earn income, which is not reported to the WHA resulting in the tenant having an inaccurate, lower rent amount, which is unjust.
- Unauthorized occupants add to the number of people living in a household and may create overcrowding and other unsafe living conditions.
- Unauthorized occupants have not gone through the admissions screening process and may present a danger to the other residents in the community.
- Fraud reduces the WHA's operating funds, fraud detection and follow up uses valuable staff time, and creates inequity between families who follow WHA rules and those who do not.

HUD places a high priority on preventing fraud and requires the WHA to verify information provided. If an application or recertification forms contain false or incomplete information, or other fraud has been determined, the applicant or tenant may be subject to the following:

- Denied admission into the program
- Lease enforcement and/or lease termination
- Eviction
- Retroactive rent collection
- Prohibition from receiving future assistance
- State or federal criminal prosecution, which could result in fines or imprisonment

### **2. PROHIBITED ACTIONS**

The following examples of fraudulent activities are prohibited; applicants and tenants must not:

- Provide incomplete or false information or false statements to the WHA in connection with an application for assistance or with reexamination of income.
- Omit income or assets of the family household.

# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## §019 – Program Integrity

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- Under-report income or assets of the family household.
- Transfer income or assets to obtain/retain eligibility under false pretenses.
- Use false identity or social security numbers.
- Use false documents such as birth certificates or marriage licenses.
- Falsify the number of household members.
- Allow an unauthorized occupant to reside in the apartment beyond the amount of time permitted for a guest.
- Allow an unauthorized occupant to use the address for mail, registering of a vehicle or other purposes.
- Obtaining duplicate assistance or subletting all or part of the unit.

### **Unreported income**

The WHA charges household rent in accordance with federal regulations. Rents collected increases contributes revenue towards WHA's operating funds based on percentage of family income. A tenant's failure to report income or wages within the ten day requirement is considered misrepresentation during the application intake and/or a lease violation during tenancy. If tenant signs an application/forms and fails to disclose any type of income or assets, then this is considered intentional fraud.

### **Unauthorized occupants**

An unauthorized occupant is anyone staying and/or living in an apartment who is not included on the lease as a member of the household and has not been approved by the WHA.

A tenant may have a guest, who is a person on the property or residence with the tenant's permission. A guest may visit or stay in the apartment, but cannot occupy or stay in the apartment for more than a total of 21 nights, 21 days if the guest regularly sleeps during the day, or some combination of nights and days within any twelve-month period, unless the WHA for good cause, consents, in writing, to a longer period (not to exceed 90 days). If the guest stays beyond the time period permitted, the guest becomes an unauthorized occupant. In addition, a tenant may not permit anyone other than a household member to use the residence address for any reason, including but not limited to the receipt of mail or registering a vehicle. Other information may lead to the determination that a guest is an unauthorized occupant such as the absence of a permanent address, statements by neighbors or others, or use of the tenant's address.

### **Failure to report change in household composition**

If a household member moves out of a tenant's apartment, the tenant must report this information to the WHA. The household change may result in the change of the bedroom size to a smaller sized apartment.

## **3. DETECTION AND VERIFICATION**

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

## **§019 – Program Integrity**

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To ensure that applicants and tenants accurately disclose income and that unauthorized occupants are not residing in public housing apartments, the WHA has several methods to detect misrepresentation and/or fraudulent activity, including but not limited to the following:

### **HUD Enterprise Income Verification**

The WHA is required to review HUD's Enterprise Income Verification (EIV) and Former Tenant Search reports prior to admission. EIV is also reviewed during mandatory and interim reexaminations of family income and/or composition and when suspected income has not been reported. EIV is an automated written third-party verification and is classified as an Upfront Income Verification (UIV) technique. This UIV helps to identify income sources and/or amounts that the tenant may not have disclosed. In addition, the EIV also provides various reports to assist the WHA with the following:

- Identifying tenants whose reported personal identifiers do not match the SSA database;
- Identifying tenants who may not have reported complete and accurate income information;
- Identifying tenants who have started a new job;
- Identifying tenants who may be receiving duplicate rental assistance.

### **WHA Public Safety Department**

The WHA Public Safety Department assists the Admissions and Property Management Department by providing investigation and information, as well as periodically checking on households that claim that there is zero income.

## **4. LEASE ENFORCMENT AND RETROACTIVE RENT COLLECTION**

If a tenant engages in any prohibited actions, the tenant is subject to lease enforcement, up to and including termination of the lease, legal action, and eviction.

A tenant may be eligible to execute a repayment agreement for retroactive rent with the WHA for unreported income/wages in the discretion of the WHA, which may be based on several factors, including the basis for the unreported income, the number of months of retroactive rent, and the tenant history. Repayment agreements will be short-term with monthly payments proportionate to family income. The WHA may pursue eviction for households that commit fraud and/or have tenancy histories that include criminal behaviors or multiple lease violations.

Tenants are required to reimburse the WHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income from an unauthorized occupant. The rent underpayment is referred to as retroactive rent. The WHA is required to determine retroactive rent amount as far back as the WHA has documentation of the unreported income corrective action may include repayment and/or court action.