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PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

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PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

SECTION I. STATEMENT OF NONDISCRIMINATION, EQUAL OPPORTUNITY, AND PROGRAM ACCESSIBILITY

This Authority shall comply with all nondiscrimination and equal opportunity requirements in the leasing and occupancy of its Public Housing in accordance with the federal and State of Oregon requirements under:

- (1) The Fair Housing Act, (42 U.S.C. 3601-3619) and implementing regulations at 24 CFR part 100 *et seq.*;
- (2) Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p.652 and 3 CFR, 1980 Comp., p.307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107;
- (3) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1;
- (4) The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146;
- (5) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8;
- (6) ORS 659A.145, 659A.421 Oregon Administrative Rule for housing discrimination
- (7) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101-12213), to the extent applicable; and,
- (8) Any tenant selection policies also must be consistent with HUD's affirmative fair housing objectives.

The Authority will take appropriate measures to ensure that persons with disabilities will have equal access to available services, programs, meetings, and activities offered by the Authority. These appropriate measures include, but are not limited to, the following:

- A. Utilization of Telecommunication Devices for the deaf or an equally effective communication system.
- B. Availability of documents in alternate formats (ie. audiotope, large print, braille, or computer disk).
- C. Utilization of sign language interpreters.
- D. Availability of readers and amanuenses.
- E. Utilization of barrier-free meeting places.
- F. Processing of discrimination complaints.

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SECTION II. CONDITIONS GOVERNING ELIGIBILITY

A. Eligibility for Admission.

1. Applicants for the Authority-owned (Public) housing program shall be deemed initially eligible for consideration provided that:
 - a. They qualify as a Family (defined in Appendix A); and
 - b. They qualify as a lower income family or Extremely Low Income family (defined in Appendix A); and
 - c. They have disclosed and verified the social security numbers for all family members age six years and older as required by federal regulations; and
 - d. They have at least one family member who has declared that he or she is a U.S. citizen or a noncitizen with eligible immigration status in accordance with 24 CFR Part 5, Subpart E.
2. Applicants who will be determined to be ineligible:
 - a. Former public housing tenants who left owing a balance to the West Valley Housing Authority or other PHA's, unless they have kept current on an acceptable payment agreement. Although those with current payment agreements will be allowed on the waiting list, they cannot be housed until the entire balance is paid in full, or
 - b. Former Section 8 or Housing Voucher participants for whom a claim(s) for rent, damages, and/or vacancy loss was paid, unless they have kept current on an acceptable payment agreement. Although those with current payment agreements will be allowed on the waiting list, they cannot be housed until the entire balance is paid in full, or
 - c. Former applicants or tenants who have committed any fraud in connection with any federal housing assistance program, or
 - d. Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction. WVHA may waive this requirement if:
 - (1) The person demonstrates successful completion of a rehabilitation program approved by the Housing Authority, or
 - (2) The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.

(NOTE: Regardless of whether WVHA waives this requirement, the applicant household must follow all suitability screening criteria and be determined suitable for tenancy before a determination of eligibility for admission will be granted.)

3. Prior to the final determination of eligibility for admission, the family must be determined suitable for tenancy in accordance with Section III. If the family is determined not suitable for tenancy, they shall be denied admission in writing and given the reason(s) for rejection. Those denied admission will be informed in writing of their informal hearing rights in their denial notification.

B. Eligibility for Continued Occupancy

1. Occupants of the Authority-owned (Public) housing program shall be eligible for continued occupancy provided that:
 - a. They qualify as a Family (defined in Appendix A); and
 - b. They abide by the lease requirements and any designated community rules; and
 - c. They have not committed any fraud in connection with any federal housing assistance program; and
 - d. They have disclosed and verified the social security numbers for all family members age six years or older as required by federal regulations; and
 - e. They have at least one family member who has declared that he or she is a U.S. citizen or a noncitizen with eligible immigration status or they have been granted temporary deferral of termination of assistance in accordance with 24 CFR Part 5.514; and
 - f. They have met the requirements, if applicable, for Community Service as outlined in Section XIV of this policy.

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SECTION III. SUITABILITY FOR TENANCY

A. Determination of initial eligibility for the Authority-owned (Public) housing program does not preclude the possible rejection of applicants for housing upon further review of their records. Applicants' suitability for tenancy shall be determined based upon whether the applicant would be reasonably expected to have detrimental effect on the other tenants or on the project environment. The Authority will deny admission to any applicant whose habits and practices may be expected to have a detrimental effect on other tenants or on the project environment. To make this determination, the following items may be evaluated in full or in part:

1. The applicant's history of meeting financial obligations, especially (but not limited to) rent.
2. Provision of evidence that any prior criminal activity on the part of any member of the household does not constitute a danger to tenants, staff, or the dwelling unit and surrounding premises. Criminal background shall be evaluated based on:
 - a. Seriousness and recentness of crime. (Persons convicted of methamphetamine production and persons subject to sex offender lifetime registration under a State sex offender registration program will be denied admission without further consideration regardless of when the crime was committed.)
 - b. Number of offenses.
 - c. Recommendations from parole officers or other sectors of the criminal justice system.
 - d. Evidence of rehabilitation.
 - e. Court records, police records, physicians' reports, social workers' reports, etc.
 - f. Evidence of criminal or malicious activity while a visitor on Authority property or as a one-time member of a tenant family of the Authority.
3. The Authority will prohibit admission to public housing for any person who the Authority determines is illegally using a controlled substance; or if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current; or in cases where the Authority determines that there is reasonable cause to believe that the person abuses alcohol or has a pattern of abuse of alcohol in a way that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

NOTE: The Authority may waive policies prohibiting admission in these circumstances if the person demonstrates to the Authority's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:

- (1) Has successfully completed a supervised drug or alcohol rehabilitation program; or
- (2) Has otherwise been rehabilitated successfully.

4. Reports from prior landlords indicating rent payment history, upkeep of property, behavior of guests and family members of the applicant, and acceptable behavior toward other tenants and the landlord. Lack of disclosure of a prior landlord indicating a deliberate obstruction to the Authority's efforts to obtain prior landlord references may be sufficient cause for denial of admission based upon suitability for tenancy without the full report from that landlord. Denial without the full report from that landlord would need to be evaluated in terms of other supportive evidence indicating the lack of disclosure was deliberate.
 5. Reports from Authority staff, based on a home visit, of the housekeeping habits of the applicants in their current residence. Such reports shall reflect acceptable cleanliness, lack of evidence of tenant abuse of the property, evidence that the applicant has not contributed to an infestation problem, evidence of acceptable supervision of children, etc.
 6. Complete disclosure of family members, annual income, and net family assets (as defined in Appendix A). Lack of such disclosure or indications that the applicant is deliberately obstructing efforts to obtain said information may jeopardize the applicant's acceptability for housing, since it is indicative of a pattern which may persist after obtaining tenancy. Such behavior may be interpreted as attempted fraud and may result in the determination that the applicant is unacceptable in a federal program where assets and income determine the rent and eligibility.
- B. In determining whether the applicant is eligible for admission based upon their suitability for tenancy, the Authority will require references as follows:
1. If at all possible, two acceptable prior landlord (relatives excluded) references are to be provided.
 2. If the applicant has a limited rental history, the alternative is to provide one acceptable landlord reference and two acceptable professional references from differing agencies or professions (non-relative, preferably an employer, social worker, parole or probation officer, teacher, religious clergy, or other professional business associate). In order for professional references to be acceptable for suitability screening, the person giving the professional reference must be able to address the applicant's habits and practices in sufficient detail to evaluate whether or not the applicant reasonably may be expected to have a detrimental effect on the tenants or the project environment.
 3. If the applicant has no prior rental history, the alternative is to provide no less than four acceptable professional references (as designated in 2. above).
 4. If the applicant or a family member, who would be residing with the family, has previously been convicted of a crime other than traffic violations, information from police departments, parole or probation officers will be required for evaluation.
 5. In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects.
 6. Each applicant determined to be ineligible shall be promptly notified by the Housing Authority in writing of such determination with the reasons there for and of their right upon request, within a reasonable time, to an informal hearing on the determination.

7. The same standards of tenant suitability that is used for initial applicant families shall be used in evaluating a person who is joining a tenant family already in occupancy. This evaluation and determination will be required prior to adding the person's name to the family's lease unless the person who is being added is a dependent minor, less than 18 years of age.

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SECTION IV. OCCUPANCY STANDARDS

- A. To avoid overcrowding and prevent waste of space, applicants shall generally be placed upon the waiting list and subsequently be assigned units of the following size based on their family composition:

<u>Number of Bedrooms</u>	<u>Number of Persons</u>	
	<u>Minimum</u>	<u>Maximum</u>
0	1	1*
1	1	2
2	2	4
3	3	6
4	5	8

* One for initial occupancy and two for continued occupancy.

- B. These minimum and maximum standards may be waived in order to make temporary use of available units, to accommodate the medical or the accessibility need of a family, or because of the size (square footage) of the unit's bedrooms. Generally, however, dwelling units will be assigned with two persons per bedroom.
- C. Dwelling units will be assigned so as not to require the use of the living room for sleeping, except in 0 bedroom units.
- D. Every family member, regardless of age, is to be counted as a person in considering the appropriate bedroom size. Unborn children are to be considered in the calculations for occupancy bedroom size only. (Example: a single pregnant female would be placed on the two bedroom waiting list and assigned a two-bedroom unit.)
- E. Persons of the opposite sex, other than husband and wife (or those living together as husband and wife) or children under the age of four, shall not be required to occupy the same bedroom or living/sleeping room.
- F. The assigned unit size shall not require a parent and child to share a bedroom at the point of admission. For continued occupancy, a child can continue to occupy the single parent's bedroom up to the age of two years.
- G. Families may request the assignment of a smaller size than is required by the above standards provided there is at least one bedroom or living/sleeping room for each two persons. The applicant or tenant will also only be eligible for a unit reassignment on the basis of a change (increase or decrease) in family composition, or upon the Housing Authority's determination that the family's circumstances warrant a change in unit size.
- H. The Housing Authority will grant exceptions from the above standards if the Authority determines that the exceptions are justified by the relationship, age, sex, health, or disability of family members, or other individual circumstances. Current, written documentation justifying the exception must be provided by the family before an exception will be considered. All exceptions will be considered on a case-by-case basis. Generally, same sex children will not be granted separate bedrooms unless there is a minimum of five full year's age difference.

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SECTION V. TENANT SELECTION/PRIORITIZATION OF APPLICANTS

A. Applicants for the Authority-owned (Public) housing program shall be positioned on the appropriate bedroom-sized waiting list and consequently offered a unit vacancy in the order of the date and time of the Housing Authority's receipt of their application unless the Authority must use "Deconcentration Efforts" (item B); or "Income Targeting" (item C) in accordance with the Quality Housing and Work Responsibility Act of 1998; or chooses to use "Local Preferences" (item D); or to accommodate a disabled person in need of an accessible dwelling (item F).

B. "Deconcentration Efforts"

Annually in accordance with 24 CFR Part 903, Subpart A, the Authority will take the following steps in order to meet the statutory requirement to deconcentrate poverty and provide for income mixing in covered public housing developments:

1. The Authority will determine the average income of all families residing in all covered developments in accordance with the HUD Notice PIH 2001-4 for appropriate bedroom size adjustment.
2. The Authority will determine the average income of all families residing in each covered development in accordance with the HUD Notice PIH 2001-4 for appropriate bedroom size adjustment to determine the covered development average income.
3. The Authority will determine whether each of the covered developments falls above, within, or below the Established Income Range of 85% to 115% of the PHA-wide average income for covered developments.
4. If any covered development has an average income outside the Established Income Range, the Authority may explain or justify the income profile for the development as being consistent with and furthering two sets of goals: the goals of deconcentration of poverty and income mixing as specified by the statute; and the local goals and strategies contained in the Authority's Annual Plan. See 24 CFR 903.2 (c).
5. Where the income profile for a covered development falls outside the Established Income Range and is not explained or justified in the Authority's Annual Plan submission, the Authority may skip over families with higher or lower incomes if needed to meet deconcentration requirements.

C. "Income Targeting"

In accordance with the Quality Housing and Work Responsibility Act of 1998, 40% of all new admissions must have incomes that do not exceed 30% of the area median income as published by HUD. The Housing Authority will monitor the new admissions monthly and will prioritize families with incomes under 30% of the area median at any time that 60% of new admissions are families with income exceeding 30% of the area median. Once the new admissions are in compliance, processing will return to the normal procedures.

D. "Local Preferences"

The Authority may assist applicants without regard to their position on the waiting list after consideration of meeting the requirements noted in B. and C. above:

1. To provide housing assistance for not less than 9 clients of Polk County Mental Health as an aggregate total to be assisted at all times; or
 2. To provide preference for the admission of elderly, disabled and displaced persons before other single persons.
- E. A “Near-elderly family”, as defined in 24 CFR Part 5, shall be given preference over a single person for admission into the Public Housing Program.
- F. When an accessible unit, specifically designed for a “Person with disabilities” becomes available, the unit shall be offered:
1. First, to a current tenant, who has a family member that is a “Person with disabilities” requiring the accessibility features, living in a non-accessible unit;
 2. Second, to an eligible applicant, who has a family member that is a “Person with disabilities” requiring the accessibility features, living in a non-accessible unit;
 3. Third, to an eligible applicant, who has a family member whose medical prognosis indicates the need for the accessible features in the not too distant future;
 4. Fourth, to an eligible applicant not in need of the accessibility features. If this situation arises, the applicant must agree to move to a non-accessible unit when available, should a tenant or applicant, who has a family member that is a “Person with disabilities” requiring the accessibility features be identified and become eligible for admission to the program. Such requirement shall be incorporated into the lease by amendment.
- G. Transfers within the Authority-owned (Public) housing program shall take preference over placement off the waiting list, except for Single Persons accepted as tenants into a particular project when there are “Elderly, Disabled or Displaced families” remaining on the waiting list. Those “Single Person” tenants will not be granted a transfer to another project ahead of the remaining “Elderly, Disabled or Displaced families” on the waiting list.

Transfer of a tenant from one dwelling unit owned by the Authority to another shall be granted in accordance with the following priorities:

1. Tenants having no family member that is a “Person with disabilities” requiring accessibility features, residing in accessible units shall be transferred to non-accessible units when tenants or applicants are identified who are in need of the accessible unit. The accessible dwelling shall go first to current tenants who are in need of the accessible unit and second to applicants in need of such dwellings.
2. Tenants residing in units planned for remodel through the Capital Fund Program who must move within the next four months.
3. Medical Transfers. Those instances where a tenant must be transferred because of the need for special medical equipment, heart ailment preventing the climbing of stairs, etc.
4. Tenants in over or under-housed conditions. The Authority shall authorize such transfers based on the date of eligibility for a transfer within each priority and staff

evaluation of the behavior of the tenant (i.e., rent paying pattern, housekeeping, and social behavior).

5. Tenants who are FSS program participants and demonstrate positive behaviors, such as good housekeeping, good rent payment history and/or appropriate supervision of children, shall have a preference to transfer to an available, scattered site single family or duplex unit. The FSS participant family agrees to abide by their FSS 5-Year Contract and move to other housing, either public housing units or homeownership, within a reasonable period following the conclusion of their FSS 5-Year Contract.
- H. All transfers within the Authority-owned (Public) Housing program will be subject to rent payments for both, the unit moving out of and the unit moving into, for so long as the tenant has possession of the unit or continues to have the keys. This means that the tenant will be paying rent on two units for so long as the tenant has possession of both units or has keys for both units. The tenant's rent obligation will end on the unit moving out of, once the tenant has turned the keys into the Authority's office.

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SECTION VI. ASSIGNMENT PLAN AND HARDSHIP WAIVERS

- A. In filling an actual or expected vacancy, the Housing Authority will offer the unit to an applicant needing that bedroom size and type of unit in that location and type of project. The offers will be made based on Section V of this policy and then the date and time of application until someone accepts it. Those applicants claiming a hardship reason, approved by the Housing Authority, for either certain types of units or locations will not be offered vacancies that would be a hardship for them. Those unit vacancies will not count toward the one offer plan, as outlined in item B. below.
- B. West Valley Housing Authority will operate under a one offer plan (Plan A) in accordance with HUD Handbook 7465.1 Rev - 2, currently used as a guide. Generally the Housing Authority will have a suitable unit available only in one location at a time. The applicant will be offered the unit in that location. If the offer is rejected, the applicant's name shall be put at "the bottom of the waiting list."
- C. When an applicant's name has been put at "the bottom of the waiting list," it means the applicant is given a new "date and time of application."
- D. As the Housing Authority recognizes that it may be a severe hardship on certain applicants to be housed in different locations or in different unit types, there are some acceptable good cause reasons for applicants to reject offers of available units. The applicant is required to complete a "Certification of Hardship and Good Cause Reason for Unit Turn-Down" form and provide documentation to verify or support the claim. Once the verification or documentation is received, the Housing Authority will not count a unit turn-down in any location or unit type where it would create an extreme hardship on the family under the one offer plan detailed in item B above. The good cause reasons must generally be related to:
1. Medical needs/transportation,
 2. Employment/transportation, or
 3. Special dwelling needs.

If the Housing Authority has a vacancy in a location or unit type which the family lists as a hardship explained above, the Housing Authority will go past their application on the waiting list and will not count this vacancy as a unit turndown. This will be done in order to fill vacancies in a timely manner while adhering to the requirements explained in item A.

- E. Occasionally, an applicant will have a "good cause" reason, as determined by the Housing Authority, to turn down an offer which is not related to the location or type of unit. These "good cause" reasons will be documented in the applicant file and the turn-down will not count under the one offer plan. Examples of such "good cause" reasons are, but not limited to:
1. The unit is not of the proper size or type and the applicant would be able to reside there only temporarily (e.g. a specially designed unit that is awaiting a handicapped applicant needing such a unit).
 2. The applicant has recently undergone major surgery and needs a period to recuperate before being able to move.

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SECTION VII. ESTABLISHING A WAITING LIST, RECEIPT OF APPLICATIONS, VERIFICATION PROCEDURES, APPLICANT DENIALS, AND INFORMAL REVIEWS

A. Establishing and Maintaining a Waiting List

1. Applications shall be accepted from all applicants in accordance with the criteria enumerated in Section II.
2. Applicants are advised at the point of application about the additional eligibility determination required which is based on their suitability for tenancy. They are advised of the reference requirements and the screening procedures as outlined in Section III. If they were unable to complete the application form detailing present or prior landlords or professional references, they will be advised to supply such information as soon as possible. They are also advised to check back with the Housing Authority periodically to see if all the required references have been received as they are not placed upon the active waiting list until the suitability for tenancy determination is made.
3. All applicants are asked on the application form whether they have a disability which requires an auxiliary aid and, if yes, what auxiliary aid(s) the applicant requires for their disability. They all are also asked if anyone in their family has a disability which requires a unit with special features and, if yes, what unit features are required. These questions are used to provide the Housing Authority with the means to determine a prospective tenant's need for an accessible unit and/or auxiliary aids.
4. All Single Person applicants are asked if they are: Elderly (age 62 or older); Disabled; Displaced by government action; pregnant; or in the process of securing legal custody of any individual who has not attained the age of 18 years. This question is used to assist the Housing Authority in determining the correct waiting list placement of Single Person applicants.
5. If the applicant is found to appear eligible, but the Housing Authority cannot immediately house the applicant, the application shall be placed on the community-wide waiting list and they shall be notified of this fact with the approximate length of the wait for a dwelling insofar as such can reasonably be estimated.
6. The pool of active applications shall be kept current by requesting that each applicant inform the Authority of any changes in family composition, income, and/or mailing address. Periodically, the Authority will send out waiting list updates. Applicants shall respond to inquiries concerning their continued interest in housing. Applicants not responding to Authority inquiries or failing to inform the Authority of a new mailing address may be withdrawn from the applicant waiting list.
7. Applications will continue to be accepted until the number of applicants, by bedroom size, indicates that future applicants for housing would be unable to be offered a unit by the Authority within a one year period. After such time, the application acceptance shall be suspended and the waiting list "closed." Such closing of the waiting list and any subsequent "opening" shall be advertised and announced throughout Polk County and the neighboring areas.
8. If, while on the waiting list, the family composition changes such that the family needs a different bedroom size, their application will simply be transferred to the

appropriate waiting list. The corresponding placement on the new waiting list will be in accordance with their original application date and time.

9. Should an applicant, whose application was withdrawn due to "loss of contact", notify the Housing Authority within three months that they wish to have their application reopened, the Housing Authority will reopen the application, but only with a new application date. If it is beyond the first three months since the application was withdrawn, the applicant will be required to complete a full new application.

B. Receipt of Applications

1. Each application shall reflect the date and time received. The application, together with all other materials relating to the family's eligibility, shall be maintained in an application file. Ineligible or withdrawn applications will be maintained separately. Applications will be kept in a pending status until they have been accepted through the screening process contained in Section III. Suitability For Tenancy.
2. Every applicant for housing assistance shall complete and sign the designated form of application.
3. If, during the application interview, it appears that the applicant is definitely not eligible, the applicant is to be so informed in accordance with Section II, and the application classified as ineligible. In such instances, sufficient information is to be entered on the application form to establish the ineligibility.
4. All applicants are asked on the application if they have a disability which requires an auxiliary aid and if they have a disability which requires a unit with special features. If an applicant indicates that they do need an auxiliary aid, such auxiliary aid will be provided to accommodate the applicant in the application process. Examples of such auxiliary aids are listed in Section I.

C. Verification Procedures

Applicants shall be required to furnish complete and accurate proof of their statements as required by the Housing Authority.

1. At the point of application and the initial eligibility determination, the applicant must provide verification of the following:
 - a. For all applicants over the age of five who have been issued a social security number, they must provide either: the valid social security card; a Social Security Administration verification form; or a Benefit Award Letter or some other acceptable verification as determined by the Housing Authority.
 - b. The Authority shall verify and document that the applicant is a displacee, or to be displaced, by obtaining verification from the displacing agency, i.e., a letter from the appropriate agency.
 - c. For those applicants claiming disability but who are not receiving Social Security benefits or Supplemental Security Income, verification that the applicant has a disability, as defined in Appendix A, shall be required. Such verification can include proof of residence in an institution for the disabled, documents showing hospitalization for such disability or verification by a health or service professional.

- d. Certification by applicants will normally be considered sufficient verification of family composition. Certification is provided by the applicant's signature on the application form. Should the Authority have reason to question the family composition, additional verification may be required.
 - e. Landlord or professional references in accordance with Section III must be provided and documented in order to permit a suitability determination.
 2. All income and asset verification will be postponed until a unit is available, offered, and accepted unless there is a question as to the applicant's eligibility regarding the appropriate income limit. When the income and any assets are verified, the following types of verification will be required:
 - a. All earned income shall be verified through employers, W-2 forms, check stubs, or other means to assure accuracy.
 - b. The Authority will require persons who are self-employed and/or have irregular incomes to submit statements, sworn before a Notary that set forth gross receipts, itemized expenses, and net income.
 - c. Unearned income shall be verified by viewing checks, certificates of award, or other means to assure accuracy.
 - d. Families with assets are required to report all assets annually. All assets shall be verified by photocopies, written documents, or other means to assure accuracy unless the family declares to have assets of less than \$5,000. In accordance with a HUD-approved waiver, the PHA will accept self-declaration in lieu of verification when the total assets are less than \$5,000. The amount of interest earned on those assets is included as income used to calculate the tenant's rent obligation. The PHA's application and reexamination documentation, which is signed by all adult family members, can serve as the self-declaration.
 3. Third-party verification must be used whenever possible, since it normally provides the most reliable results. This verification process shall include a certification of asset disposition for less than fair market value. In addition, the applicant or tenant will be required to sign such "Authorization Release Form" as designated by the Authority to be used in obtaining verification of any and all sources of income and assets, which includes wage information from the Oregon Employment Development Department. If deemed necessary to audit or double check any information provided by an applicant or tenant, and upon a random selection process to decrease the incidence of fraud, waste, and abuse, applicants and tenants will be required to sign an "IRS Tax Form 4506" authorizing the Authority to obtain copies of the applicant's or tenant's federal income tax records for specified years.
 4. Prior to a placement occurring, all verified data used in determining an applicant's eligibility, rent to be charged, and size of dwelling are to be rechecked for change if the data is older than 90 days. If changes are reported which may affect eligibility, rent or unit size required, they will be verified.
- D. If the Housing Authority denies assistance to an applicant, the Housing Authority will notify the applicant of the determination in writing.

The notice shall:

1. Include a brief statement of the reasons for the determination;

2. Advise the applicant of their right to request an informal review if they disagree with the determination; and,
 3. Specify that the request for a review must be submitted in writing within 10 days of the date of said notice.
 4. Provide Violence Against Womens Act information per HUD requirements.
- E. Informal reviews for applicants will be conducted in accordance with the following rules:
1. The review may be conducted by any person designated by the Housing Authority, other than the person who made or approved the decision under review, or a subordinate of such person.
 2. The applicant's objections to the determination may be presented either in writing or in person.
 3. The person conducting the review must provide the applicant with a prompt written decision, briefly stating the reason(s) for the decision.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

SECTION VIII. COMPUTATION OF ANNUAL INCOME, ADJUSTED INCOME, TOTAL TENANT PAYMENT, AND TENANT RENT

The Housing Authority shall compute the "annual income," "adjusted income," and "total tenant payment" of applicants in accordance with federal regulations. If it is not feasible to anticipate the level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period, if necessary.

Imputed Asset Income when Assets Exceed \$5,000: The Housing Authority will review its established passbook rate annually to insure it is within 75 basis points (plus or minus .75 percent) of the Savings National Rate in effect at the time of review.

Items to be included as income:

- A. Except as required in paragraph B. of this section, the anticipated total income from all sources received by the family head(s) or spouse (even if temporarily absent) and by each additional family member. Income shall include, but is not limited to:
1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, and bonuses, and other compensation for personal services;
 2. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family;
 3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized in paragraph 2. of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the family has net family assets in excess of \$5,000.00, annual income shall include 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.
 4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment, except if the lump sum is from SSI or Social Security. In that case it is not included in annual income.
 5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay.
 6. Welfare assistance.

- a. 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 costs of shelter and utilities, the amount of Welfare Assistance income to be included as income shall consist of:
 - (1) The amount of the allowance or grant exclusive of the amount specifically designed for shelter or utilities; plus
 - (2) The maximum amount that the Welfare Assistance agency could in fact allow the family for shelter and utilities. If the family's Welfare Assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;
- b. When welfare assistance is reduced, the reason for such reduction will be verified with Adult and Family Services prior to final determination being made regarding a reduction of income and/or rent.
 - (1) Rent will not be reduced if welfare assistance has been reduced due to:
 - (i) Fraud; or
 - (ii) Failure to participate in economic self-sufficiency program; or
 - (iii) Failure to comply with work activities requirement.
 - (2) The policy in item Section VIII. A. 6. b. (1) is not applicable if welfare assistance is reduced due to the following:
 - (i) Lifetime limit on receiving benefits has expired; or
 - (ii) The family has complied with welfare requirements but cannot find a job.
- 7. Periodic and determinable allowances, such as alimony and child support payments, and **REGULAR CONTRIBUTIONS OR GIFTS FROM PERSONS NOT RESIDING IN THE DWELLING;**
- 8. All regular pay, special pay, and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is the head of the family, spouse, or other person whose dependents are residing in the unit;
- 9. Relocation payments.

Items not to be included as income:

- B. The following items shall not be considered as income:
 - 1. Temporary, nonrecurring, or sporadic income (including gifts);
 - 2. Amounts that are specifically for or in reimbursement of the cost of medical expenses for any family member;
 - 3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, worker's compensation, SSI and social security), capital gains, and settlement for personal or property losses;

4. The full amount of student financial assistance paid directly to the student or to the educational institution;
5. The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
6. Income from employment of children (including foster children) under the age of 18 years;
7. Payments received for the care of foster children or foster adults;
8. Income of a live-in aide, as defined in 24 CFR Part 5;
9.
 - (a) Amounts received under training programs funded by HUD;
 - (b) Amounts received by a Disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); or
 - (c) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
 - (d) A resident service stipend (not to exceed \$200 per month);
 - (e) Compensation from state or local employment training programs and training of a family member as resident management staff;
10. Reparation payments made by foreign governments in connection with the Holocaust (for all initial determinations and reexaminations carried out on or after April 23, 1993);
11. Earnings in excess of \$480 for each full-time student 18 years or older (excluding head or spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. Deferred periodic payments of Supplemental Security income and Social Security benefits that are received in a lump-sum payment;
14. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
15. Amounts paid by 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 disabled family member at home; or
16. Amounts specifically excluded by any other federal statute 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 in the Federal Register and distributed identifying the benefits that qualify for this exclusion. Updates will be published when necessary. The following types of income are subject to such exclusion:

- a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b. Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
- c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian Tribes (25 U.S.C. 459e);
- e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931));
- g. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-2504);
- h. The first \$2,000 of per capita shares received from the 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 \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-08);
- i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal Work-Study Program or under the Bureau of Indian Affairs student assistant programs. (20 U.S.C. 1087uu);
- j. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
- k. Payments received on or after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent-product liability litigation*, M.D.L. No. 381 (E.D.N.Y);
- l. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- n. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32 (j));
- o. 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);

- p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
 - q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
 - r. 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); and
 - s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).
20. Increases in annual income for qualified families as defined fewer than 24 CFR 960.255 *Self-sufficiency incentives for persons with disabilities-Disallowance of increase in annual income*. This disallowance exclusion will be applied in accordance with 24 CFR 960.255 and 5.617.

C. Computation of Adjusted Income

The adjusted income shall be determined in accordance with 24 CFR 5.611 for the Authority-owned (Public) Housing.

D. Computation of Total Tenant Payment (TTP) and the Income-Based Rent

For eligible families participating in the Authority-owned (Public) Housing Program, the computation of the Total Tenant Payment and the income-based rent shall be the greatest of:

- 1. 30 percent of family monthly adjusted income;
- 2. 10 percent of family monthly income;
- 3. Welfare rent in as-paid states; or
- 4. \$50.00 as the minimum rent.

For eligible mixed families participating in the Authority-owned (Public) Housing Program, the computation of the Total Tenant Payment and the income-based rent shall be calculated in accordance with the regulations set forth in 24 CFR 5.520(d).E.

E. Flat Rents

The flat rent is based on the market rent charged for comparable units in the private market. It is equal to the estimated rent for which WVHA could promptly lease the public housing unit after preparation for occupancy. See Appendix C for the specific Schedule of Flat Rents.

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

2. Families who opt for the flat rent may request to have a reexamination and return to the income based method at any time for any of the following reasons:
 - a. The family's income has decreased.
 - b. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
 - c. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.
3. WVHA expects to review the amount of the flat rents annually to coincide with the beginning of WVHA's fiscal year.
4. The family must sign a certification annually indicating whether the family chooses their rent to be the Income-Based Rent or the Flat Rent.

F. Family Choice of Rent - Annually

At admission and once each year in preparation for their annual re-examination, each family is given the choice of having their rent determined under the income-based rent method or having their rent set at the Flat Rent amount. The family may not be offered this choice more than once a year.

G. Financial Hardship Exemption from Minimum Rent (24 CFR 5.630)

HUD has defined circumstances under which a hardship exception could be claimed for families to be relieved of paying the minimum rent.

1. Criteria for Hardship Exception – In order for a family to qualify for a hardship exception the family's circumstances must fall under one of the following HUD hardship criteria:
 - a. The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance, including a family with a member who is a non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act, and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996. Loss of TANF due to sanctions will not be considered under this provision as a reason for a hardship exception.
 - 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 circumstances, including loss of employment, death in the family, or other changed circumstances as determined by WVHA or HUD.
2. WVHA Notification to Families of Right to Hardship Exception

WVHA will notify all families subject to minimum rents of their right to request a minimum rent hardship exception. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the greatest of 30% of monthly adjusted income, 10% of monthly income, minimum rent or welfare rent. The notice of rent choice and the rent change amendment includes a notice regarding the

family's right to request a hardship exception and advises the family to request the form from their caseworker or other staff representative.

- a. The notification will advise families that hardship exception determinations are subject to WVHA review and hearing procedures.
- b. The Asset Manager or such designee will review all family requests for exception from the minimum rent due to financial hardships.
- c. All requests for minimum rent hardship exceptions are required to be in writing.
- d. WVHA will use its standard verification procedures to verify circumstances which have resulted in financial hardship.
- e. Requests for minimum rent exception must include a statement of the family hardship that qualify the family for an exception.

3. Suspension of Minimum Rent

WVHA will grant the suspension of the minimum rent to all families who request it effective the first of the following month.

- a. The minimum rent will be suspended until WVHA determines whether the hardship is:
 - (1) Covered by statute
 - (2) Temporary or long term
- b. "Suspension" means that WVHA must not use the minimum rent calculation until WVHA has made this decision.
- c. During the minimum rent suspension period, the family will not be required to pay a minimum rent.
- d. If WVHA determines that the minimum rent hardship exception is not covered by statute, WVHA will impose a minimum rent back from the time of the suspension.

4. Temporary Hardship

If WVHA determines that the hardship is temporary, a minimum rent will not be imposed for a period of up to 90 days from the date of the family's request. At the end of the temporary suspension period, a minimum rent will be imposed retroactively to the time of the suspension. WVHA will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period.

5. Long-Term Duration Hardships

If WVHA determines that there is a qualifying long-term financial hardship, WVHA must exempt the family from the minimum rent requirements for as long as the hardship continues. The exemption from minimum rent shall apply from the first day of the month following the family's request for exemption.

6. Retroactive Determination

WVHA will reimburse the family for any minimum rent charges which took effect after October 21, 1998 that qualified for one of the mandatory exceptions. If the family is owed a retroactive payment, WVHA will provide reimbursement in the form of a credit to the rent account or a cash refund to the family, per the family's request. WVHA's definition of a cash refund is a check made out to the family.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

SECTION IX. LEASING

- A. Prior to admission, a lease shall be signed by the family head, spouse, if applicable, and any adult member of the family, which is then executed by the Authority. The head of a family is the responsible person of the family who is legally and morally responsible for the group and who is actually looked to and held accountable for the family's needs. All prorated rent due or the first full month's rent due must be paid at the signing of the initial lease.
- B. The term of the lease shall be for twelve (12) months, with a commencement date indicated on the lease, and shall be renewed automatically for all purposes for the same period thereafter, unless said lease has previously been terminated in accordance with the provisions of the lease.
- C. The lease is to be current at all times and must be compatible with the Authority Policies, HUD regulations, and State and Federal law.
- D. Notices of Rent Adjustment which are issued to amend the dwelling lease need only be signed by the Authority.
- E. If, for any cause, a signer of the lease ceases to be a member of the family, the old lease shall be voided and a new lease signed, provided that the family is still eligible for housing.
- F. If at any time during the life of the lease there are changes in the family status or the Authority wishes to amend the lease, the lease is to be cancelled and a new one executed, or changes shall be effected through the use of rider and made part of the existing lease.
- G. Termination of a tenant's lease agreement is to be in accordance with the provisions contained within the lease agreement and in compliance with all pertinent federal, state and local laws and regulations, including the "Housing Opportunity Program Extension Act of 1996." Evictions will be issued within the provisions of HUD regulations (i.e., eviction for failure to provide the Housing Authority a copy of any letters received from HUD regarding the amount or verification of income), Oregon state law, and the tenant's lease agreement.
- H. Failure of a family member to comply with service requirement provisions of 24 CFR Part 960, subpart F, is grounds only for non-renewal of the lease and termination of tenancy at the end of the twelve month lease term.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

SECTION X. SECURITY DEPOSITS

- A. Each tenant is required to pay a security deposit in an amount determined by the Authority. Such payments must be made prior to occupancy, unless other arrangements are made with the management.

- B. The security deposit will be held until the tenant moves out and will be returned in accordance with the Oregon Tenant/Landlord Law. A full refund is possible, if the following conditions are met:
 - 1. There is no unpaid rent or other charges for which the tenant is liable.
 - 2. The unit and all equipment are left similarly clean as it was received upon move in and all trash and debris has been removed by the tenant.
 - 3. There is no breakage or damage which is not due to normal wear.
 - 4. All keys issued to the tenant are turned in to the Management Office when the tenant vacates the unit.

- C. The security deposit may not be used to pay charges during occupancy.

- D. The amount of security deposit required is: \$100 for studios and one-bedroom units; \$150 for two-bedroom units; \$200 for three-bedroom units; and, \$250 for four-bedroom units.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

SECTION XI. ADJUSTMENT OF UTILITY ALLOWANCE AND INDIVIDUAL RELIEF FROM SURCHARGES

- A. At least annually, the Housing Authority shall determine whether there has been a substantial change in utility rates that were used to calculate allowances. The utility allowance will be adjusted to reflect rate changes.
- B. The following criteria will be used to allow for relief from surcharges upon petition by a tenant:
 - 1. Special needs of the elderly, ill, or handicapped tenants (a) requiring necessary medical equipment which require excessive amounts of electricity, or (b) where temperatures of the unit are required to be either above or below seasonal norms. Verification must be submitted in writing from the attending physician.
 - 2. Special factors affecting utility usage not within the control of the tenant such as meter malfunctions or leakage. Verification from the utility company or Housing Authority Maintenance Department is required.
- C. Individuals requesting relief should follow adopted tenant grievance procedures.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

SECTION XII. RE-EXAMINATION OF FAMILY INCOME AND CIRCUMSTANCES

Periodically it is necessary to review the income, family composition, and other circumstances of tenants in order to comply with HUD guidelines and to have tenant rents are fair and equitable based on changes to the family's income, composition, or other relevant circumstances. Specific types of reviews, when they are required, and what shall be the associated impacts on participants are explained below.

NOTE: If, at the time of move-in or at any subsequent re-examination, it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized. Those families, who work at seasonal employment and may or may not collect unemployment for part of the year, will have their anticipated annual income based upon the prior year's income according to their federal income tax records and/or the associated W-2's, 1099 Forms, etc. Interim Re-Examinations will not be made based upon the layoff of seasonal workers as the family's annual income has already taken those layoff periods into account. If the family does not do seasonal work and has no income, they will be required to complete monthly income reports until they have a stable income source. At that time they will be required to complete an Interim Re-Examination as noted in Section XII. B.2. below. Such Interim Re-Examination will have an effective date as stated in Section XII. E.2.b.

A. Regular Re-Examinations

The tenant family must supply all verifications as required by WVHA.

1. For families who pay an income-based rent, WVHA must conduct a reexamination of family income and composition at least annually and must make appropriate adjustments in the rent after consultation with the family and verification of the information, including income, medical expenses, child care expenses, handicapped assistance expenses, etc.
2. For families who choose flat rents, WVHA must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every three years.
3. For Families certain fixed incomes such as Social Security Benefits, retirement pensions, etc., WVHA must conduct a reexamination of family composition at least annually and must conduct a reexamination of family income at least once every three years.

B. Interim Re-Examinations

Whenever the family has a change in income, family composition (including family member declarations of citizen or noncitizen status in accordance with 24 CFR Part 5), or other circumstances as explained below, their eligibility and tenant rent shall be re-examined.

1. All tenant families must report all changes in family composition. The family's eligibility and tenant rent must be re-established whenever the change is the addition or deletion of an adult (18 years of age or older). The addition of family members always requires the Authority's approval.
2. All tenant families with tenant rent equal to zero must report all changes in income and complete an Interim Re-Examination within 30 days of a change in their income.

(Examples would be: to begin work; to begin to receive child support; or, to begin to receive welfare, etc.)

3. If the family has had a loss of income or a reduction to their income or an increase to their allowable expenses (i.e., medical, child care, or handicapped assistance expenses), they may request an interim re-examination. If the interim re-examination, requested by the family, actually would result in an increase in their rent amount, the family can choose to withdraw their request for an interim re-examination.
- C. Tenants whose tenant rent is greater than zero are not required to report increases in income between annual re-exams, unless such increase is due to the addition or deletion of adult family members as noted in Section XII. B.1. Increases not required to be reported will be included at the next annual re-exam.
- D. Failure to report changes as required in item B. 1. or B. 2. of this section is cause for termination of the family's tenancy or at a minimum, a retroactive rent charge, as determined by the Housing Authority.
- E. Effective dates for increases or decreases in tenant rent as a result of re-examinations shall be as follows:
1. Changes in the tenant rent resulting from annual re-examinations, regardless of whether the change is an increase or a decrease, are to be made effective the first of the month for which the annual re-examination was scheduled to be effective.
 2. Changes in the tenant rent resulting from interim re-examinations are to be effective as follows:
 - a. If the change is a decrease in the tenant rent the change shall be effective the first of the month following when the change was reported.
 - b. If the change results in an increase in the tenant rent the change shall be effective the first day of the second month following that in which the change occurred. (Example: The change occurred in June, the increase shall be effective August 1.)
- NOTE: Failure to report as required in items B. 1. or B. 2. of this section will result in retroactive increases and are subject to determinations as explained in item D. above.
- F. If, upon re-examination, it is found that the size or composition of a family has changed so that the unit occupied by the family is no longer appropriate for the family, the Housing Authority shall advise the family that they may be required to transfer to an appropriate sized unit in accordance with Section IV. Occupancy Standards and Section V. Tenant Selection/Prioritization of Applicants, item G. If the Housing Authority determines that no appropriate dwellings are either among the inventory of Authority-owned units or can be expected to become available within a one year time period, the family may be offered a Section 8 Housing Choice Voucher in order to accommodate the family's needs. This option will be used to the extent of the Authority's capability within the Section 8 Housing Choice Voucher program guidelines. Overhoused families will not be required to move if there are no applicant families on the waiting list who are in need of the type and size of unit currently occupied by the overhoused tenant.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

SECTION XIII. MISREPRESENTATIONS AND POLICY CONFLICT

A. Misrepresentations

Any family that the Housing Authority determines to have misrepresented family income, assets, composition, or allowances; or to have failed to report a change in family composition or income, as defined in Section XII. B. 1. and B. 2. of this policy, may have their tenancy terminated and/or may be required to pay all monies due the Housing Authority from the retroactive rent charge, as calculated by the Housing Authority. The determination of which action or whether a combined action is appropriate shall be the decision of the Housing Authority. The Housing Authority will take the following into consideration for the determination of action to be taken:

1. Whether this is a first occurrence for such misrepresentation or failure to report;
2. The length of time over which the under-charge of rent occurred;
3. Whether the family declared the unreported change at the next re-exam interview;
4. Whether the family failed to disclose income or assets or purposely claimed allowances to which they were not entitled, at one or more re-exam interviews; and
5. The Housing Authority's method of discovery (examples: family member came forward and made self declaration or the discovery was via another non-family member or an outside party).

Any such family being evicted or being required to pay a retroactive rent charge will be afforded their hearing rights as per the adopted grievance procedures.

B. Policy Conflict

If any part of this policy is in conflict with HUD regulations, HUD regulations will prevail.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

SECTION XIV. POLICY FOR ADMINISTRATION OF THE COMMUNITY SERVICE AND ECONOMIC SELF-SUFFICIENCY REQUIREMENTS FOR PUBLIC HOUSING RESIDENTS

A. General Conditions

In order to be eligible for continued occupancy, each adult family member (unless an exempt individual as specified in Section XIV. B.), must either (1) contribute eight hours per month of community service (not including political activities) within the local community; (2) participate in an economic self-sufficiency program for eight hours per month; or (3) perform eight hours per month of combined activities as described in (1) and (2) of this paragraph.

B. Exempt Individuals

An exempt individual is an adult who:

1. Is 62 years of age or older; or
2. (i) Is a blind or a disabled individual, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1)); 1382c), and who certifies that because of this disability she or he is unable to comply with the service provisions of 24 CFR 960 Subpart F; or
(ii) Is a primary caretaker of such individual as listed above in (i); or
3. Is engaged in work activities; or
4. Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) Or under any other welfare program of the State of Oregon, including a welfare-to-work program; or
5. Is a member of a family receiving assistance, benefits or services under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) Or under any other welfare program of the State of Oregon, including a welfare-to-work program and has not been found by the State to be in non-compliance with such a program.

C. Notification of the Requirement

The Housing Authority shall identify all adult family members who are apparently not exempt from the community service requirement from periodic computer generated reports. All those adult family members identified who are apparently not exempt are sent a notification of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The notification will also offer an appointment with the Property Manager or Occupancy Specialist to assist them with the Community Service requirement information and offer to refer them to volunteer coordinators. The adult family member claiming an exempt status shall provide the Housing Authority with acceptable verification, as determined by the Housing Authority. The notification will advise families that their community service obligation is in effect upon receipt of the notification and that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual re-examination.

D. Volunteer Opportunities

Community service includes performing 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. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (including a substance abuse or mental health treatment program).

The Housing Authority will coordinate with social service agencies, local schools, local charitable non-profit organizations, local assisted living facilities, and the local County volunteer coordinator program to identify available volunteer community service opportunities. Referrals will be made based upon the assessment of individual capabilities and desires.

E. The Process

All adult family members who have been identified as being subject to the community service requirements will be scheduled for an interview appointment by the Property Manager or Occupancy Specialist. The WVHA will assist the individual in determining status as an exempt individual and what verification is needed. The WVHA will make the determination as to whether the individual is an exempt individual and will advise them that when and if their status changes, they will need to advise the Housing Authority for follow-up in documenting the tenant file. The WVHA will offer to provide a list of opportunities to those individuals who are not exempt and will make referrals as needed. The WVHA will provide a volunteer time sheet to the family member and instructions for the time sheet, including completion of the form, date and hours for each period of work, and the required signature by the supervising entity. The WVHA will track the family member's progress and will meet with the family member as needed to best encourage compliance. Thirty (30) days before the family's next lease anniversary date, the Occupancy Specialist will review the file for documentation of all adult family members' exempt status or compliance with the Community Service requirement.

F. Notification of Non-Compliance with Community Service Requirement

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

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

G. Opportunity for Cure

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

current with that current year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

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

If any applicable family member does not accept the terms of the agreement, their lease agreement shall not be renewed and shall be terminated. If any applicable family member does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation to cure under the agreement to perform community service, their lease agreement shall not be renewed and shall be terminated at the next annual anniversary date.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

APPENDIX A "DEFINITION OF TERMS"

A. Annual Income

Income as defined in 24 CFR 5.609. (Summarized as: The anticipated total income from all sources received by the Family, including all net income derived from assets for the 12 month period following the effective date of the initial determination or re-examination of income.)

B. Adjusted Income

As defined in 24 CFR 5.611. (Summarized as: Annual Income less: (1) \$480 for each dependent; (2) \$400 for any elderly family or disabled family; (3) medical expenses in excess of three percent of annual income for elderly or disabled families; (4) Handicapped Assistance Expenses; (5) child care expenses.)

C. Child Care Expenses

Amount anticipated to be paid by the family for the care of children under 13 years of age during the period of which annual income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.

D. Community Service

Community service includes performing 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.

E. Covered Development

The covered developments are La Creole Manor, Arbor Court, and the Scattered Sites. Pioneer Village and Kingwood West are not covered developments.

F. Dependent

A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a disabled person, or is a full-time student. Unborn children are not considered dependents.

G. Disabled Family

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

H. Displaced Family

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

I. Elderly Family

A family whose head or spouse (or sole member) is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

Extremely Low Income

A very low income family whose income does not exceed the higher of 30% of the area median income or the federal poverty level.

J. Family (includes):

1. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size) of two or more persons sharing residency whose income and resources are available to meet all the family members' needs and who give evidence of a stable relationship which has existed over a six month period (or voluntarily sign statements declaring their intention to establish such family relationship);
2. An Elderly Family;
3. A Near-Elderly Family;
4. A Disabled Family;
5. A Displaced Family;
6. The remaining member of a tenant family; and
7. A Single Person who is not an elderly or displaced, or a person with disabilities, or the remaining member of a tenant family.

K. Flat Rent

The flat rent is based on the market rent charged for comparable units in the private market. It is equal to the estimated rent for which WVHA could promptly lease the public housing unit after preparation for occupancy. See Appendix C for the specific Schedule of Flat Rents.

L. Full-Time Student

A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as institution offering a college degree.

M. Handicapped Assistance Expenses

Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Disabled Family member, and that are necessary to enable a Family member (including the Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.

N. HUD

The United States Department of Housing and Urban Development.

O. Live-in Aide

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

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

P. Lower-Income Family

A family whose income does not exceed 80% of the median income, as determined by HUD.

Q. Medical Expenses

Medical expenses which are anticipated during the 12 month period for which Annual Income is computed, and which are not covered by insurance.

R. Mixed Family

A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

S. Monthly Adjusted Income

One-twelfth (1/12) of Adjusted Income.

T. Monthly Income

One-twelfth (1/12) of Annual Income.

U. Near-elderly Family

A family whose head, spouse, or sole member is a person who is at least 50 years or age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

V. Net Family Assets

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and the equity in a housing cooperative unit or in a manufactured home

in which the family resides. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust.) Any income distributed from the trust fund shall be counted when determining Annual Income. In determining Net Family Assets, the Housing Authority shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

W. Person with disabilities

Includes the term Disabled Person and means a person who:

1. Has a disability as defined in section 223¹ of the Social Security Act;
2. Has a physical, mental, or emotional impairment that:
 - (a) Is expected to be of long-continued and indefinite duration;
 - (b) Substantially impedes his or her ability to live independently; and
 - (c) Is of such a nature that such ability could be improved by more suitable housing conditions; or
3. Has a developmental disability as defined in Section 102² of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term "person with disabilities" does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

X. Single Person

A person who lives alone or intends to live alone, and who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Y. Tenant Rent

For the Authority-owned (Public) Housing Program, the tenant rent shall be the amount payable monthly by the family as rent to the Housing Authority and equals Total Tenant Payment (TTP) less any applicable utility allowance for tenant-purchased utilities or the Flat Rent, based upon Family choice.

¹Disabled Person - The term is there defined as "inability to engage in any substantial gainful employment by reason of any medically determined physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months."

²Disabled Person - The term is defined as "... a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary of Health, Education & Welfare to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age 18, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual."

Z. Total Tenant Payment

The Total Tenant Payment shall be the greatest of:

1. 30 percent of family monthly adjusted income;
2. 10 percent of family monthly income;
3. Welfare rent in as-paid states; or
4. \$50.00 as the minimum rent.

AA. Utility Allowance

An amount calculated in accordance with 24 CFR 965, which is deducted from the Total Tenant Payment for tenant-purchased utilities (except telephone). The allowance allowed for each family shall be determined in accordance with the current utility schedules used by the Housing Authority. The allowance is estimated as the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

BB. Utility Reimbursement

The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

CC. Very Low-Income Family

A family who's Annual Income does not exceed 50% of the median income for the area, as determined by HUD.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

APPENDIX "B"

"RESIDENT INITIATIVES POLICY"

The mission of the West Valley Housing Authority is to provide affordable and fair housing opportunities. A major goal in conjunction with that mission is to create an environment which enables clients to live responsibly, with dignity, and support them in their efforts to achieve self-sufficiency. Each year the Authority adopts an agency "Work Plan" which designates specific goals in the area of resident initiatives. Those goals are developed from the agency's commitment as outlined:

- A. **Security** - The Board of Commissioners has adopted policies and directed the agency staff to track crime and crime-related problems in at least 90% of the Housing Authority's public housing developments and to have a cooperative system for tracking and reporting of crime to local police authorities to improve law enforcement and crime prevention. The Board of Commissioners also has adopted policies and directed the agency staff to maintain an aggressive applicant screening policy and an aggressive lease enforcement policy in accordance with HUD guidelines as outlined in Board Resolution No. 973, adopted August 13, 1997.
- B. **Resident Services and Community Building, Resident Economic Uplift and Self-Sufficiency** - The Board of Commissioners has adopted Resolution No. 971 encouraging resident economic uplift and self-sufficiency that includes, but is not limited to (1) Self-sufficiency (defined as counseling and motivation services, job readiness referral and assistance with development of individual family action plans); (2) Lease-To-Own (opportunities provided through joint efforts between the Housing Authority and Polk Community Development Corporation); and (3) Home Ownership (opportunities available through joint efforts between the Housing Authority and Polk Community Development Corporation.)
- C. **Resident Services and Community Building, Formally Recognizing and Encouraging Resident Councils** - The Board of Commissioners adopted Resolution No. 971 to formally recognize, encourage and support resident organizations at all Public Housing developments. The Resident Associations and Resident Councils currently active at Pioneer Village and Kingwood West are formally recognized and will be supported by provision of: use of copying machine; office supplies; use of the community rooms for regular resident meetings and activities; and, WVHA staff assistance, as requested for support, training, etc. The resolution also encourages the organization of resident associations at all other West Valley Housing Authority public housing developments and announces that similar support will be afforded any newly created resident associations.
- D. **Resident Services and Community Building, Resident Involvement** - The Board of Commissioners adopted Resolution No. 972 to provide and encourage resident involvement in planning and evaluation for on-going quality of life and housing management conditions. The Board of Commissioners directed the staff to implement the creation of a Resident Advisory Committee, including representation from all West Valley Housing Authority public housing developments, which is to meet quarterly at a minimum and provide staff and the Board with regular resident input.

PUBLIC HOUSING LEASING AND OCCUPANCY POLICY

APPENDIX "C"

FLAT RENT SCHEDULE

EFFECTIVE 02-1-16

The Flat Rent Schedule reflects the net tenant rent (meaning after any utility allowance for tenant-supplied utilities).

	<u>BR SIZE</u>	<u>Gross Comparable</u>	<u>Utility Allowance</u>	<u>Flat Rent</u>
Pioneer Village	1	\$650	\$0	\$650
Kingwood West	1	\$597	\$0	\$597
Kingwood West	1(remodel)	\$650	\$0	\$650
La Creole Manor	studio	\$514	\$0	\$514
La Creole Manor	1	\$609	\$0	\$609
Dallas Townhouses	2	\$754	\$0	\$754
Dallas Townhouses	3	\$898	\$0	\$918
Dallas Townhouses	4	\$1,091	\$0	\$1,101
Arbor Court	1	\$631	\$0	\$631
Arbor Court	2	\$812	\$0	\$812
Arbor Court	3	\$987	\$0	\$987
Arbor Court	4	\$1,136	\$0	\$1,136
956 Monmouth St.#1,3,4,6 & 7	3	\$922	\$156	\$918
956 Monmouth St.#2, 5 & 8	4	\$1,174	\$183	\$1,101
956 Monmouth St. #9 only	3	\$967	\$163	\$918
<u>Single-Family Houses</u>				
2250 SE Laura Lane	2	\$981	\$129	\$837
395 SE Fir Villa	3	\$1,222	\$135	\$1,087
405 SE Fir Villa	3	\$1,222	\$135	\$1,087
2122 SE Laura Lane	4	\$1,444	\$105	\$1,339