HOUSING AUTHORITY FOR LASALLE COUNTY

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# ADMISSIONS AND OCCUPANCY PLAN

**Effective April 1, 2015**
Approved by
the Housing Authority's
Board of Commissioners

Resolution No. 1906

Date March 11, 2015

Changes to Admission and Occupancy Plan effective April 1, 2015

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# 1. STATEMENT OF POLICIES AND OBJECTIVES

The Administration of the Public Housing Program and all policies and objectives are designed to comply with the mission of the Housing Authority for LaSalle County. The mission of the Housing Authority for Lasalle County is to seek to strengthen the community by creating opportunities for diverse housing options. In addition, the Housing Authority is committed to maintaining affordable housing and offers rents based upon income.

## A. PURPOSE OF THE PLAN

The purpose of the Admissions and Occupancy Plan is to establish policies for items which are not covered or which allow discretion under Federal Regulations for the Low Rent Public Housing Program.

Changes to the Plan will be approved by the Board of Commissioners of the Housing Authority.

The Housing Authority is responsible for complying with all subsequent changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence.

## B. FAIR HOUSING POLICY

It is the policy of the Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and in employment.

Specifically, the PHA shall not on account of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability deny any family or individual the opportunity to apply for or receive assistance under HUD's Public Housing Program. Each applicant will be treated as an individual based on his or her attributes and behavior.

To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide information regarding discrimination and recourse available if persons feel they have been a victim of discrimination, assure that all staff are familiar with the nondiscrimination policies and procedures, prominently display fair housing information at all sites and offices, make reasonable accommodations for handicapped individuals in accordance with HUD requirements.

The HA will provide individuals with disabilities access to its programs services and activities including, common areas and public spaces.

Facilities and programs will be usable by persons with a full range of disabilities. The HA's Administrative office is wheelchair accessible by entry through the east door. Telephone accessibility for the hearing impaired is provided by a TDD telephone at (815) 434-0929. Accessible documents will be provided for those with vision or hearing impairments. Documents will be written simply and clearly to enable applicants with learning and cognitive disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated into languages other than English. The HA will present examples to help applicants and residents understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance. In writing materials for applicants and residents, the HA staff will be prepared to explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand.

When the HA has initial contact with the applicant, the applicant will be given the opportunity to request reasonable accommodation or alternate form of communication. Examples of alternate forms of communication might include, but are not limited to: a qualified sign language interpreter provided and paid for by the HA, having written materials explained orally by staff either in person or by telephone; provision of written materials in large/bold font; information on audiocassette; permitting applicants to file applications by mail; and permitting an alternative site for the receipt of application. In addition, the HA's obligation to provide alternative forms of communication to persons with disabilities does not preclude an individual's right to have a friend, relative or advocate accompany him//her for purpose of conducting business with the HA.

Applicants may not be able to read (or to read English), so intake staff will be prepared to read and explain anything that they would normally hand to an applicant to read or have filled out. Applicants who read or understand little English may furnish an interpreter who can explain what is going on and translate any instructions. The HA is not required to pay the costs associated with having a foreign language interpreters for day to day operations. The HA will provide a bilingual interpreter at

hearings/reviews at the request of the applicant or participant.
The HA will correct situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the HA's housing programs and non-housing programs, in accordance with Section 504, and the Fair Housing Amendments Act of 1988, there are requirements, optional actions and prohibitions:

(a) the HA must, upon request by an applicant or resident with a disability, make structural modifications to its housing and non-housing facilities and make reasonable accommodations in its procedures or practices unless such structural modifications or reasonable accommodations would result in undue financial and administrative burden on the Authority or would result in a fundamental alteration in the nature of the program;

(b) In making structural modifications to "existing housing programs" or in carrying out "Other Alterations" for otherwise qualified persons with disabilities, the HA may, but is not required to, make each of its existing facilities accessible; or make structural alterations when other methods can be demonstrated to achieve the same effect, make structural alterations that require the removal or altering of a load-bearing structural member, provide an elevator in any multifamily project solely for the purpose of locating accessible units above or below the grade level;

(c) When the HA is making "substantial alterations" to an existing housing facility the HA may, but is not required to provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level; make structural alterations that require the removal or altering of a load-bearing structural member; or make structural alterations to meet minimum accessibility requirements where it is structurally impracticable.

## C. PRIVACY RIGHTS

Applicants/residents will be required to sign the Federal Privacy Act Statement/HUD Authorization for Release of Information, in conjunction with application and the required submission of HUD form 50058, which states under what conditions HUD will release applicant, resident and owner information. They will also sign form 92006 Permission to Contact.

The PHA's policy regarding release of information is in accordance with this document, individual family-authorized verification forms, and the Freedom of Information Act. All requests for program statistics and general information must be requested in writing.

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

Applicants/residents may view information contained in their file upon request. Verification of rent amounts paid will be provided at no cost. If other releasable information is requested, they must complete a written request for records. A photocopying charge of $1.00 per document will be assessed. Information requested will be made available two (2) business days after the request is received.

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

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

## D. STATEMENT OF LOCAL OBJECTIVES

There is an undeniable need for low-income housing assistance within the jurisdiction of the PHA, as evidenced by waiting lists for various housing programs.

The PHA attempts to meet these needs through housing programs made available through funds allocated by the Department of Housing and Urban Development.

The Housing Authority approaches the administration of the program with a positive attitude. The Housing Authority establishes realistic and attainable goals and has given particular thought to the numbers of families who would be expected to need and want to move to better quality and more affordable housing.

## E. RULES AND REGULATIONS

All issues related to families and not addressed in this document are governed by Federal Regulations, HUD Memos, Notices and guidelines, or other applicable law.

## F. REFERENCE

The Housing Authority for Lasalle County is referred to as "PHA" "HA" or "Housing Authority" throughout this document.
The Department of Housing and Urban Development will be referred to as "HUD".

# 2. ABOUT THE AUTHORITY

The PHA was established in 1937 pursuant to State Legislation.

The PHA currently administers its public housing developments under an Annual Contributions Contract executed with HUD.

Cooperation agreements were signed with each local city prior to construction of each development.

## A. ORGANIZATIONAL SETUP

Under the direction of the Housing Authority for Lasalle County Board of Commissioners, the public housing program's day-to-day operations are administered by staff of the PHA. The daily activities are performed in accordance with the goals and objectives specified in the Housing Authorities Operations Plan.

Under the supervision of the Executive Director, the responsibility for administering the public housing program is shared jointly by the Property Management, Intake, Certification and Occupancy, Finance, and Technical Services Departments.

Areas of responsibility include:

1. Property Management

Supervises and conducts management operations for property owned by the PHA. This includes resident selection, marketing, lease execution and enforcement, unit and site inspections, and resident services. Also responsible for overall maintenance of facilities in good condition by performance of preventative and on-going maintenance and by completing work order requests.

2. Intake, Certification, and Occupancy

Responsible for determination of program income eligibility, processing of applications, maintenance of waiting lists, income verification, and rent calculation processes. This department completes residents interim and annual re-certifications and prepares lease documents.

3. Finance

Supervises fiscal operations of the public housing program. This includes budgeting, collections of rent and other charges and negotiation of delinquent accounts.

4. Technical Services

Coordinate completion of UPCS inspections at least annually. Responsible for modernization of facilities, general contracting and purchasing.

The staff person assigned as a Director in each of these departments will be responsible for ensuring that all employees under their supervision are consistently updated on policies, procedures and federal regulations.

## B. DESCRIPTION OF PROGRAMS OFFERED

The PHA administers the following programs:

Public Housing

Section 8 Housing Choice Voucher Program

Contract Administrator for Section 8 New Construction

Family Self Sufficiency

Rural Development programs

C. LEGAL JURISDICTION

The Housing Authority will administer programs only in areas within their legal jurisdiction as defined by State law.

# 3. OUTREACH PROCEDURES

## A. FAMILY OUTREACH

The PHA continues to publicize and disseminate information, as needed, concerning the availability and nature of housing assistance for low-income families. When the HA's waiting lists indicate a need for additional families, the PHA will make known to the public through publication in newspapers of general circulation, any available minority media, and other suitable means the availability and nature of housing for low income families, unless application-taking has been suspended according to HUD regulations. The HA will conduct affirmative marketing as needed so that the waiting list includes a mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the waiting list. The HA will review these factors regularly to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least like to apply.

Marketing and informational materials will:

1. Comply with Fair Housing Act requirements on wording, logo, size of type, etc.;

2. Describe the housing units, application process, waiting list, and preference structure accurately;

3. Use clear and easy to understand terms and more than strictly English language print media if determined by need;

4. Contact agencies that serve potentially qualified applicants least likely to apply to ensure that accessible/adaptable units are offered to applicants who need their features;

5. Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and

6. Be clear about HA’s responsibility to provide reasonable accommodations to people with disabilities.

In addition the notice will:

1. Advise families how and where applications will be taken, including the dates and times applications will be accepted;

2. State that applicants must specifically apply for the public housing program and that this application will not effect any eligibility for or participation in the Section 8 program.

# 4. ELIGIBILITY FOR ADMISSION

To be eligible for admission, an applicant must meet HUD's criteria for eligibility, as well as any additional criteria established by the PHA.

HUD basic eligibility requires that at a minimum, the applicant must be a family, as defined by the HA in this policy, and must be income eligible. Additionally, applicants must disclose and submit documentation to verify their Social Security numbers. The HA is prohibited by Section 214 of the Housing and Community Development Act of 1980 from making assistance available to persons who are not in eligible status with respect to citizenship or noncitizen immigration status.

The applicant's initial eligibility for placement on the waiting list will be made in accordance with the following factors and will be verified upon application.

## A. INCOME LIMITATIONS

Applicable income limits are published annually for the Public Housing Program. No family other than a low income family is eligible for admission to the HA's public housing program.

Lower Income Limits - set at 80% of median income for the area as determined by HUD and published annually in the Federal Register.

Very Low Income Limits - set at 50% of median income for the area as determined by HUD and published annually in the Federal Register.

Extremely Low Income Limits - set at greater of federal poverty level or 30% of median income for the area as determined by HUD and published annually in the Federal Register.

Initial eligibility for admission is based on the Low Income Limits.

At least 40% of all public housing admissions for each fiscal year must be applicants with income at or below Extremely Low Income Limits.

Annual income (anticipated gross income prior to deductions) is used to compare to the income limits. Changes in income or income limits that occur prior to offer of a unit will affect eligibility for housing.

Income limits are only applied at the time of initial admission and do not effect transfers within the public housing program or the execution of a new lease. Transfers from other programs or other HA's are treated as new admissions.

## B. MANDATORY SOCIAL SECURITY NUMBERS

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

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

## C. VERIFICATION OF CITIZENSHIP/ELIGIBLE IMMIGRANT STATUS

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied or terminated while verification of status is pending except that assistance to applicants may be delayed while the HA hearing is pending.

(a) Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

(b) Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

(c) Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The HA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the HA must request within ten days that the INS conduct a manual search.

(d) Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

(e) Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration. They are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification. For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated.

Extensions of Time to Provide Documents. Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances. The HA will generally allow up to 30 days to provide the document or a receipt issued by the INS for issuance of replacement documents.

Acceptable Documents of Eligible Immigration. The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)

Alien Registration Receipt Card (I-151)

Arrival-Departure Record (I-94)

Temporary Resident Card (I-688)

Employment Authorization Card (I-688B)

Receipt issued by the INS for issuance or replacement of any of the above documents that shows the individual's entitlement has been verified.

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years after tenancy.

The staff of the Housing Authority will confirm validity of documents provided by verification through the automated systems of the Department of Homeland Security SAVE system.

## D. ELIGIBLE FAMILY STATUS

The applicant must qualify as a family. Equal access to housing assistance shall be providing regardless of sexual orientation, gender identity or marital status.

A family is either a single person or a group of persons and includes:

A household of two or more persons intending to share residency whose income and resources are available to meet the family's

needs. The household may be with or without children. A child who is temporarily (as defined by HALC) away from home due to placement in foster care should be considered a member of the family.

An elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 62 years of age; or two or more persons, each of whom are at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.

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

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

A remaining member of a family is a member of an assisted family who remains in the unit when other members of the family have left the unit.

Any other single person.

**Head of Household**

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter a lease under State/local law. Emancipated minors in accordance with state law, married individuals, and current or former members of the armed forces may also be recognized as head of household.

If the family designates an elderly or disabled family member as head, the household will qualify as an Elderly Household, provided that the person is at least partially responsible for paying the rent.

**Co-Head**

A co-head is an individual in the household designated by the family who is equally entitled to the application for assistance and is jointly responsible for the lease with the Head of Household. A co-head may not qualify as a dependent.

**Spouse of Head**

Spouse means the legal husband or wife of the head as a result of marriage or civil union.

In accordance with the Non-citizens Rule, the definition of spouse is: the marriage partner whom, in order to dissolve the relationship, would have to be divorced. The term "spouse" does not automatically apply to co-heads or apply to boyfriends, girlfriends, or significant others.

**Live-In Attendants**

A Family may include a live-in aide provided that such live-in aide:

Is determined by a medical professional to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disability(ies),

Is not obligated for the support of the person(s), and

Would not be living in the unit except to provide care for the person(s).

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

1. Income of the aide will not be counted in determining eligibility or amount of assistance

2. Aides are not subject to Non-Citizen Rule requirements.

3. Aides may not be considered as a remaining member of the family.

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

Family members of an aide may also reside in the unit providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of family members does not overcrowd the unit.

A Live-in Aide may only reside in the unit with the approval of the HA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61 yrs), or disabled. The verification must include the anticipated length of time care will be needed and the hours care would be provided.

The HA has the right to disapprove a request for a live-in aide based on the "Other Criteria" described in this Chapter.

**Split Household Prior to Lease Execution**

When a family who is on the waiting list or has been offered a unit with an application as co-heads splits into two otherwise eligible families, the HA will require completion of a new pre-application(s) unless the unit size eligibility is not effected and :

Verified domestic violence played a role in the split and the family unit headed by one co-head retains all dependent members of the household; or

a court determination awards the application rights solely to one co-head; or

one co-head has submitted a new pre-application subject to current ranking confirming they have changed households which shall allow the other co-head rights to the prior application; or

retention rights to the application are provided by written notice of household change signed by all original co-heads and accompanied by verification of identity of signators

Documentation of these factors is the responsibility of the applicant families. If either or both of the families fail to provide requested documentation, they may be denied for failure to supply information requested by the HA. The standard used for verification of domestic violence will be a current order of protection or certification by a social service agency which provides counseling to domestic violence victims.

**Multiple Families in the Same Household**

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own children), they will be treated as one family unit.

**Joint Custody of Children**

Children who are subject to a joint custody agreement, must reside in the household at least 50% of the time to be considered as members of the household for the purpose of occupancy standards and dependent allowances. '50% of the time" is defined as 182 days of the year, which do not have to run consecutively.

**Children Not Under Legal Custody**

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

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

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

**Remaining Member**

Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

A child may be the remaining member if the HA permits an adult to move in as the new head of household. The new head of household shall be subject to screening criteria.

If the remaining member is a signatory to the lease, the person may continue in the program under the lease.

If the remaining member is named on the lease but did not sign it, the HA will determine eligibility subject to screening criteria. If the member is eligible, the HA will enter into a new lease agreement with the member as signatory.

E. OTHER CRITERIA FOR ADMISSION

(1) All applicants/additions to households in occupancy shall be screened in accordance with HUD regulations and sound management practices. During screening , the HA will require demonstration of ability to comply with essential provisions of the lease as summarized below

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

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

c. to use facilities and equipment in a reasonable way;

d. to create no health, or safety hazards, and to report maintenance needs timely;

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

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

g. to comply with necessary and reasonable rules and program requirements of HUD and the HA; and

h. to have legal capacity to execute and be bound to terms of the lease.

(2) All applicants/additions to a household in occupancy will be rejected, if any screening activity suggests that any of the following activities occurred:

a. With greatest consideration given to financial obligations of rent and housing costs as result of tenancy in an assisted housing unit, a pattern of poor performance in meeting financial obligations.

b. A record 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 residents;

c. A history of criminal activity which would adversely affect the health, safety or welfare of other residents or neighbors.

d. A record that fraud was committed in connection with any federal housing assistance program. A determination of fraud will apply if information which would affect eligibility or rent calculations is misrepresented or omitted.

e. Amounts owed to HALC or any other PHA in connection with the Public Housing or Section 8 Housing

Assistance Programs.

f. Evicted for cause in a previous occupancy of a public housing unit.

g. A history of alcohol abuse or use of controlled substances with no evidence of rehabilitation

h. Recent evaluation from mental health professionals stating that conditions relating to unsuitability have not been rehabilitated.

i. A history of non payment of utilities that shall result in inability to secure service for tenant provided utilities required under lease with the HA.

(3) Evaluation of the above stated criteria will be conducted, utilizing all reasonable methods of verification, including but not limited to the following:

a. Solicitation of reference from current or previous landlords.

b. Completion of a credit check from an authorized credit bureau.

c. Completion of an interview to determine ability to maintain the offered unit in accordance with Housing Authority standards of cleanliness, order, and maintenance.

d. Review of criminal records from departments of law enforcement in the locations of applicants previous residence(s).

e. Request for information from other federal, state and local agencies.

f. Approval from the relevant utility company regarding the applicant's ability to receive utility service in the name of an adult household member at the assisted unit.

g. Review of assisted tenancy history through HUD EIV system.

Consideration will be given to the time, nature and extent of the applicant's conduct. Admission will be prohibited if a member of the applicant's household has engaged in activity recently enough to justify a determination that the behavior is current. A determination that behavior is current will be made in the following situations:

participation in drug related criminal activity other than personal use or possession, or any other criminal activity which would adversely affect the health, safety and welfare of other residents that occurred within 3 years prior to formal application; or

incarceration, parole, court ordered probation or rehabilitation, or registration as a sex offender occurring within 12 months prior to formal application, or, currently under supervision or conditional discharge as a result of drug-related criminal activity or any other criminal activity which would adversely affect the health, safety and welfare of other residents; or

a crime which resulted in a lifetime registration under a state sex offender program; or

an activity which resulted in a conviction for methamphetamine production on the premises of federally assisted housing; or

an activity that resulted in an eviction from any federally assisted housing and the eviction occurred within 3 years from the date of application and the eviction was not the result of a conviction for methamphetamine production on the premises of federally assisted housing; or

participation in activities which would adversely affect the health, safety and welfare of other residents that occur in an on-going pattern of behavior.

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

In the event of a denial based on the receipt of unfavorable information, at the applicant's request for a review of the denial based on mitigating circumstances, consideration may be given to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. For example, if the applicant provides evidence of:

1. Successful rehabilitation;

2. Applicant family's participation in a social service or other appropriate counseling service program;

3. Willingness to attempt to increase family income and the availability of training or employment programs in the locality; or

4. Evidence of successful and sustained modification of previous disqualifying behavior

5. Removal of the member who participated in the behavior from the application.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission The HA will consider such circumstances in light of the applicant's ability to verify the mitigating circumstances and prospects for improved future behavior; the applicant's overall performance with respect to all screening requirements, and the nature and seriousness of the criminal activity, especially violent or drug related criminal activity.

Past conduct will be reviewed as an indicator of future conduct. Of special note will be activity that involves continuous patterns of behavior.

In accordance with 42 USC 1437f, an applicant or resident that is or has been a victim of domestic violence, dating violence or stalking shall not be denied program assistance or admission if the applicant otherwise qualifies for assistance or admission. Nothing in this Policy shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence or stalking.

Applicants known to have a disability that are otherwise eligible but fail to meet the Other Criteria for Admission, may present information relative to mitigating circumstances or a request for reasonable accommodation which will make it possible for them to be housed in accordance with the Selection procedures.

Denials of an applicant household will result in the removal of the current application for the household for all lists and sub-lists for the HA's public housing program.

## F. HOUSEHOLDS IN OCCUPANCY

The same standards of resident suitability outlined herein for applicants shall also be applied for persons joining a household already in occupancy. HALC will determine that the person meets its standards utilizing the criteria and evaluation methods defined in this plan prior to adding someone to the dwelling lease.

# 5. APPLYING FOR ADMISSION

## A. GENERAL POLICY

It is the policy of the HA to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the HA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made and so that offers of assistance can be made in accordance with income targeting requirements. Applicants will be placed on the waiting list in accordance with this plan.

## B. APPLICATION TAKING

### 1. HOW TO APPLY

Families who wish to apply for any of the HA's programs must complete a written pre-application form when application taking is open. Applications will be made available in an accessible format upon request from a person with a disability. Applications will be available in person at the administrative office of the Housing Authority and at Property Management site offices. When a fully completed pre-application along with all attachments is returned to the HA's Intake Department, it will establish the family's date of application for placement on the waiting list. Applications will be dated and time stamped when received via in person or mail.

A two-step application process will be utilized. Placement on the waiting list and preliminary eligibility will be determined using basic information obtained relative to a pre-application form.

When the applicant nears the top of the waiting list and a unit vacancy is anticipated the applicant will be contacted to complete a formal application. Formal applications will require an interview. If the applicant is unable to be contacted via telephone, an update letter will be sent to notify the applicant to contact the Intake department to schedule an interview appointment to begin the formal application process. The notice will state that failure to contact the office timely will result in a withdrawal of their application. The interview must be scheduled within 10 calendar days of contact. If an applicant fails to attend the scheduled interview, they will be notified in writing that they must contact the application office within five business days to reschedule the interview. Failure to do so will result in withdrawal of the application. The staff will attempt to interview during normal office hours convenient to the applicant when necessary as a reasonable accommodation to a disability or due to the working or school hours of an applicant. Mail which is returned by the post office at the application or update stage as a result of failure to notify the HA of a correct or changed mailing address will result in withdrawal of the application for all waiting lists and sub-lists for HA programs. Contact or update letters to determine interest that do not identify a specific development or program and result in no response will also result in withdrawal from all waiting lists and sub-lists.

### 2. APPLICATION INTAKE PERIODS

The PHA will take applications subject to open enrollment. If the waiting list is such that additional applicants would not be offered housing within twelve months, the PHA may suspend the acceptance of applications in accordance with HUD requirements.

Any such determination by HALC shall be publicly announced by a notice in newspapers of general circulation and by posting a notice in plain view in the applications office.

If the waiting list was closed and the PHA decides to reopen the waiting list, the PHA shall publicly announce the opening and define the criteria of who may apply. The announcement will contain:

The dates, times, and the location where family may apply.

The programs for which applications will be taken.

A brief description of the program.
Limitation, if any, on who may apply.

The notices will be made in accessible format if requested. They will provide potential applicants with information that includes the HA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of preferences. Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application in cases when assistance with the application process is needed.

C. APPLICATION PROCEDURES

The HALC will utilize written application forms. The information is to be filled out directly by the applicant whenever possible. If requested as a verified reasonable accommodation to a person with a disability, the information may be completed by a staff person over the telephone and sent to the applicant for signature prior to placement on the waiting list or forms may be mailed to the applicant.

The purpose of the pre-application is to permit the HA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. Information on household composition, household income, and preference status will be requested. Verification of identity will be required for the head and co-head.

The formal application will contain questions designed to obtain the following information:

The application will contain this basic type of information:

Names and birthdates of all household members;

Sex and relationship of members;

Current Street Address and Phone number;

Mailing address (if different)

Amount(s) and source(s) of income/assets received by household members;

Optional information regarding disabilities relating to deductions or the benefits of an accessible unit;

Information related to qualification for preferences;

Social Security Numbers;

Race/Ethnicity;

Citizenship/eligible immigration status;

Participation in Criminal Activity;

Pattern of Alcohol abuse;

Previous address; and

Information of previous participation in HUD programs.

Ineligible families will not be placed on the waiting list. They may reapply at the time that their situation changes. Incomplete pre-applications will not be processed. The incomplete pre-application will be returned to the applicant one time with missing information notated. The pre-application will be processed only upon return as fully complete with all required attachments and the new date will apply for placement on the waiting list. If the application is returned as

incomplete a second time, the applicant must reapply on a new application form. Placement will be subject to open application dates.

Applicants are required to inform the HA in writing of changes in family composition, income, and address as well as changes which might effect preference status. Changes which result in a requested change for placement on an alternate sub list or require a change in bedroom size due to Housing Quality standards requirements will result in placement on the new sub list with a new application date. The new application date will equal the date of the reported change. Applicants must contact the HA within ten calendar days of the date the change occurs.

Applicants are also required to respond to requests from the HA to update information on their application, or to determine their continued interest in housing. Failure to provide information in a timely manner or to respond to mailings will result in the applicant being removed from the waiting lists. Failure to respond shall be considered voluntary withdrawal and no right to review or hearing shall be required. All notices of continued interest will be mailed with a DO NOT FORWARD designation. Letters returned will also result in withdrawal.

## D. NOTIFICATION OF APPLICANT STATUS

When a unit offer is anticipated, and a formal application is complete following an interview and review of the application based on verified information, it will be determined if the applicant is eligible for their file to be forwarded to the Property Management staff for final determination of eligibility. Verifications will be in accordance with Chapter 9 of this policy. Eligible applicants will be notified in writing, in an accessible format upon request, as a reasonable accommodation, that their formal application is complete and that they will be contacted by the Property Management staff. The notice will contain the approximate date that assistance may be offered, and will further explain that the estimated date is subject to factors such as income targeting and unit turnover. All notices relevant to the applicant will be mailed via first class mail. If the applicant is ineligible, they will receive a written notice of denial offering them the right of review.

If an application was processed for formal application and verifications indicate that the applicant is otherwise eligible for assistance but was pulled out of order due to failure to have continued eligibility for the preference status(es) claimed, or a required change in unit size, the application will be re-coded with proper status and date and placed on the proper sub list.

## E. DENIAL OF APPLICATION

Applications for assistance will be denied placement on the waiting list in the following situations:

1. Anticipated household income exceeds HUD established program limits.

2. The applicant has not cooperated with mandatory provision and verification of social security numbers.

3. The applicant does not qualify as a family as defined by HALC.

4. The applicant household does not contain at least one eligible member with citizenship status.

5. The applicant owes HALC or any other PHA money related to previous participation in federal housing programs.

6. The applicant committed fraud in connection with any federal housing program.

7. The applicant or a member of the applicant's household has a history of drug-related criminal activity, alcohol abuse or participation in activity which may affect the health, safety, and welfare of other residents as defined in Other Criteria for Admission.

8. The applicant household was evicted for cause in a previous occupancy of a public housing unit within 3 years of the formal application date or was evicted for cause involving methamphetamine production on Housing Authority premises.

9. The applicant household contains no member with legal capacity to execute or be bound to terms of the dwelling lease.

However, no applicant shall be denied program assistance or admission using as a basis activity relating to domestic violence, dating violence or stalking as a victim if they otherwise qualify for admission.

## F. RIGHT TO INFORMAL REVIEW

Applicants who are denied placement on the waiting list or who are denied a unit offer are entitled to an informal review of the decision. Ineligible applicants will be sent written notice of their ineligibility within ten (10) business days. The notice will detail their individual status, stating the reason for their ineligibility, and offering them an opportunity for an informal review.

Applicants must submit their request for a review in writing to the assigned review officer at the HALC within ten calendar days from the date of the determination.

The PHA will follow the review policy contained in Chapter 17 of this policy.

## G. VERIFICATION OF APPLICATION INFORMATION

Information provided by the applicant will be verified. This includes information on household composition and identity, income, assets, allowances and deductions, preference status, citizenship status and other factors relating to eligibility. Verifications shall be valid for a maximum 120 days. If unit turnover exceeds anticipated length and an applicant is not offered assistance within 120 days, information required for determination of gross annual income and rental calculations will require re-verification.

## H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

Final eligibility determination for a unit offer is the responsibility of Property Management staff and will be determined based on the Other Criteria for Admission listed in this policy.

When an available unit is anticipated, the Property Management staff will contact the applicant to schedule an interview to determine final eligibility and will verify all admission criteria. A letter requiring the applicant to contact the Property Management staff within five business days will be sent to the applicant unless staff was able to reach the applicant by telephone. If the applicant fails to respond to the contact letter, the application will be withdrawn from all public housing waiting lists.

The interview process must be completed and a final notice of eligibility (denial or scheduled lease date) must be provided to the applicant within ten calendar days of the interview date.

If there is a verified medical reason for the applicant's delay in meeting with the manager or a delay in the receipt of third party verifications requested by the manager, the requirement for notification of final eligibility may be extended a maximum thirty additional calendar days. The unit available will not be held vacant because of the applicant's delay. It will be offered to the next approved applicant. If an applicant has failed to report a change as required while on the waiting list and the change involves the need for verification, it will be considered applicant delay.

The household will not be offered housing until the final determination has been made, even though they may have been preliminarily determined eligible and may have been placed on the waiting list.

# 6. ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

A separate waiting list will be maintained for the Public Housing Program. At the time of application the PHA will offer applications for all waiting lists administered by the PHA that are open (including Section 8). Separate applications shall be required.

## A. WAITING LISTS

Public housing waiting lists will be maintained in accordance with the following factors:

1. The pre-application for public housing will be maintained in one master public housing applicant file.

2. Separate waiting lists will be maintained for each community within the jurisdiction of the HALC that has public housing developments (i.e., Lasalle, Marseilles, Mendota, Oglesby, Ottawa, Peru, Seneca, Streator). The following exceptions to community waiting lists will apply:

    a. The congregate facility (14-26) with meal service available will have a separate waiting list.

    b. The Scattered Site Single Family homes (14-27) with multiple community sites will be a separate waiting list.

3. The applicant may be placed on multiple waiting lists. Placement will be based on applicant choice.

4. Community lists will be divided into sub-lists by type and size of unit.

    a. Subject to HALC Occupancy Standards, applicants will be placed on type and bedroom size sub-lists in accordance with choices made at the time of application

## B. PREFERENCES

Local Preferences:

Preferences will be used to rank applicants within sub-lists for order of selection. The following preferences shall apply:

Residency – 20 preference points assigned

Preference will be given to applicants (head, co-head or spouse) who at the time of application and continuing through to anticipated unit offer (date contacted to update file and complete formal application) have established primary residency, work, or are hired to work in Lasalle County, IL.

This preference is subject to the following restrictions:

For an applicant who does not have primary residency within the County, qualification for the preference will be limited to employment resulting in income equal to or exceeding an amount calculated by averaging 20 hour hours per week at an hourly rate of the IL state minimum wage.

Applicants who are in a temporary verified non-work period (unemployment, workmen's compensation, worker's disability) must have an anticipated return to the same in-county employer to qualify for the local preference.

Work is defined as receiving earned income from an employer or rendering services to an individual. Provision of a tax identification or social security number is required to the individual receiving the services.

Consideration will be given to applicants who have permanent physical employment within county borders regardless of address used for company or corporate headquarters. For applicants working on temporary employment assignments under a placement agency, qualification will be based on the physical location of the office from which they receive the work assignment.

Natural Disaster – 15 preference points assigned

Preference will be given to applicants who have been displaced from their unit within a current 60 day time period as a result of a state or federally declared natural disaster.

Non-Assisted Housing – 5 preference points assigned

Applicants who are permanently residing as management approved household members in a unit that is NOT assisted through the Housing Authority for Lasalle County Housing Choice Voucher program. The time period under consideration in determining eligibility for the preference shall be the most recent 45 calendar day period.

Individuals transitioning from institutions as a participant of the Money Follows the Person grant program shall be entitled and awarded points equal to this preference.

Border county – 1 preference point assigned

Applicants who do not qualify for residency preference but who reside in a county which borders Lasalle County shall have preference over other non-residency preference applicants.

Money Follows Person Participation – 1 preference point assigned

Applicants participating in the Money Follows the Person (MFP) grant program shall be granted preference over other applicants applying for efficiency sized units (in addition to the non-assisted housing preference).

Elderly/Near Elderly – 2 preference points assigned

Applicant families whose head, co-head or spouse is elderly (62+), near elderly (50+), disabled or handicapped shall be given a preference over other applicants for high rise or walk up apartments.

Veteran Status – 2 preference points assigned

Applicant families whose head, co-head or spouse is a former member of the Armed Forces of the United States who served on active duty and was discharged under conditions, which were other than dishonorable shall be given a preference over other applicants.

Non dependent households – Negative 100 points assigned

Single Persons and multi-person households with no dependents whose head, co-head or spouse is not elderly, near elderly, disabled or handicapped shall be assigned negative 100 preference points on all sub lists.

C. PREFERENCE ELIGIBILITY

Applicants will be placed on the waiting list according to information provided by them as to their qualification for preference. Claims will be verified at the time of formal application unless other applications, mail or documents provided indicate irregularities in preference claims.

An applicant with a verified pregnancy will receive consideration as a household with dependents.

Applicant circumstances may change while waiting for an available unit offer. Preferences adopted by the HA may change while the applicant is waiting for an offer. These changes may affect entitlement to a preference. Applicants are required to notify the PHA in writing when their circumstances change and the Housing Authority will review the applicants waiting list placement.

Local preferences will not be retroactive to original application date. Points will be awarded based on the date the applicant confirms the reported change or the date a change is adopted by the HA. Applicants equal in point totals as a result of the adoption of revised preference statuses by the HA will be additionally ranked by their pre-revision status date and time.

To be finally determined eligible, applicants must still meet the preference category(ies) cited at the time that a unit is expected to be available and their file has been pulled for completion of formal application.

If the applicant's preference cannot be verified, the applicant will be notified of the preference denial and given the opportunity for an informal meeting to discuss the determination.

Preference eligibility will be limited to the initial offer of assistance. Applicants who refuse a unit offer at any time following the issuance of the letter sent by the HA to verify completion of the verified formal application file or who fail to timely execute the lease will be categorized as a non-preference applicant with all positive preference point categories removed for determination of all remaining current public housing waiting list placements. Applicants may choose to withdraw an application for a waiting list prior to final completion of the formal application to avoid loss of preference on other public housing waiting lists.

## D. PREFERENCE DENIAL

If the PHA denies a preference claimed by the applicant, the PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review in accordance with this plan.

## E. ORDER OF SELECTION

Selection from the waiting list will be made without regard to race, color, creed, religion, sex, handicap or disability, national origin, familial status, marital status, or source of income.

Using the community list and subject to income targeting requirements and unit restrictions units will be offered in order of preference point total sorted by sub-list and date and time of qualification for preference.

Families that include persons that would benefit from features of a mobility or audio accessible unit will have preference exceeding that of local preference applicants for units with those accessible features. Local preferences and date and time of application may be further applied if multiple applicants for an accessible unit are received.

Income targeting regulations require that not less than 40% of new admissions to the program each fiscal year must have income at or below 30% of area median income.

Unit restrictions may apply and unit offers may be limited to applicants willing to accept tenancy restrictions. An example of a tenancy restriction is a unit where smoking is prohibited by the resident and their guests. A unit turned down by the applicant because of unit restrictions will not result in waiting list placement being adjusted or be counted as a refusal.

## F. DECONCENTRATION

The HALC has no developments in excess of 100 units that would be covered by the deconcentration requirements established by the Department of Housing and Urban Development.

## G. CLOSING/REOPENING OF WAITING LIST

If the PHA anticipates that there are enough preference applicants on the community waiting list for a 12-month period , the waiting list will be closed. Public notice will be given prior to the closing or re-opening of the waiting list.

## H. MAINTAINING THE WAITING LIST

After the preliminary eligibility determination has been made, applicants are placed on the appropriate waiting list in order of preference. The PHA will maintain an accurate waiting list that conforms to HUD requirements.

The waiting list will provide the following information on apparently eligible households who have an active application:

1. Name of head of household

2. Date and time the application was ranked.

3. Unit size and type chosen by applicant.

4. Preference status codes

5. Race and ethnic designation of head of household

6. Income category of applicant household

7. Special housing needs, if applicable.

The waiting list will be re-ranked on the first of each month based on new applications received and changes in application status. The newly-ranked list will be used as a basis for contacting applicants to begin the formal application and offer of assistance processes. The waiting list may be re-ranked during the month if there is a lack of preference applicants at the time of initial ranking.

Changes may occur in household size or other circumstances while the applicant is waiting. Applicants are required to report all changes to the application in writing within 10 calendar days. Changes, particularly changes in anticipated household size may effect placement on the waiting list. If the applicant chooses or is required to move from one sub list to another, the application for assistance will be re-ranked with a new date equal to the date the written change was received by the HA.

Applicants who initially apply as co-heads are equally entitled to rights to the application. If the applicant household splits prior to execution of a lease and the co-heads do not agree on retention of the application, a written court order awarding rights to the application will be required to retain the ranking status of the original application unless domestic violence is a factor in the split. In cases of domestic violence, the victim will assume rights to the application. Unless verification of the court order, domestic violence, or agreement on retention is submitted the applicant must re-apply as a new applicant household subject to new ranking factors.

## I. Duplicate Applications

Applications received as duplicates will be reviewed. If the most recent applicant information does not result in placement on a new sub list or additional waiting list preference, the application will be placed in the master applicant file and no re-ranking will apply. If the duplicate application results in new placement or additional preference, re-ranking shall apply and the prior application will be placed in the inactive file.

If an application is received with adult household members who are currently on the waiting list as either co-head, spouse or other adult on an application submitted with another head of household, the signature on the most recent pre-application will be considered verification of changed household and will result in the withdrawal of the member's name from prior submitted applications. The original applicant will be subject to re-ranking if required due to changed household.

If an application is received for dependents currently on the waiting list as members of another household, the application will be processed. Verification of eligibility of the children for assistance will be reviewed at the time of formal application.

## J. UPDATING THE WAITING LIST

The PHA will periodically update the waiting list to ensure that it is current and accurate. Persons with active applications will be contacted to verify continued interest.

The PHA will mail a letter to the applicant's last reported address, requesting information regarding their continued interest in maintaining a place on the waiting list.

If the applicant did not provide written notification to the PHA of a move as required, the PHA will not be responsible for the applicant's failure to receive the update request.

The request letter will include a deadline date by which applicants must inform the PHA of their continued interest by mail or in person in writing. If the PHA fails to receive the applicant's notice of continued interest by the deadline date the applicant's name will be removed

from the waiting list(s) as identified in the interest letter. If a letter is returned due to an invalid address, the applicant's name will be removed from all HA program waiting lists.

Applicants will be given a minimum ten calendar days to return the notice of continued interest. The PHA does not accept responsibility for mail delays.

If an applicant contacts the HA after the deadline date but within 30 days, if the waiting list is currently open , the applicant will be returned to active waiting list status with a ranking based on the contact date, no new pre-application form will be required.

## K. OFFER OF UNITS

Applicants shall be offered a dwelling unit in the order of selection stated above. No unit will be offered until the full application and interview processes are complete in accordance with Chapter 5 of this Plan. Following completion of a full application and the verification process, Housing Management staff will contact the applicant to offer a unit and the applicant will be informed that they shall have three business days in which to accept the unit offered. If the staff is unable to reach the applicant by telephone to offer the unit, a notice will be sent in writing requiring the applicant to contact the office within five working days.

If an applicant has requested placement on more than one community list for public housing assistance, when they are admitted to public housing the initial application will be removed from all public housing waiting lists.

Requests by residents to move to a different development will be limited under the Transfer section of this policy. A tenant ineligible for a move to a different unit under the transfer section of this policy may apply for placement on the waiting list for other sub lists or other communities. The application shall be subject to the eligibility requirements and preference points in accordance with this policy. The tenant shall be subject to providing proper notice of intent to vacate the original public housing unit in accordance with the lease and paying all monies due in accordance with the required intent to vacate time period. This may be in addition to rental and deposit amounts due on a new unit.

If an applicant refuses to complete a formal application, or to a accept a unit, or fails to timely execute a lease they, at their request, shall be returned to the waiting list for the community offered subject to a new ranking date that shall be equal to the offer refusal date. Ranking dates for other community lists will not be effected. Positive preference point status will be removed for all waiting list placements if the refusal follows completion of the full formal application. The applicant may maintain placement on the public housing waiting lists for two unit offers (HA wide). Upon refusal of the third offer, they shall be removed from all public housing waiting lists.

Offers by the Housing Authority shall be made based on the next available unit ready for occupancy.

Applicants not requiring special unit features or applicants unwilling to comply with lease restrictions who choose to refuse the unit offer of an accessible/restricted unit will not be charged with a unit refusal.

# 7. OCCUPANCY STANDARDS

Community, type and size of unit will be the choice of the family at time of pre-application for placement on the waiting list(s) but will be subject to minimum and maximum occupancy standards adopted by the HA within this policy. The intent of Occupancy standards is not to limit the choice of the family but to apply size limits in order to maintain usefulness of the units, to preserve them from excessive wear, and to avoid underutilization.

Generally two people will be expected to share each bedroom, except that other unit sizes may be selected at the request of the applicant in accordance with the following principles:

Selection of A Unit Larger than determined by two persons per bedroom guideline

Two adults, other than co-habitants are not required to share a bedroom.

Household members of different generations (age difference of 18 or more years) are not required to share a bedroom.

Two dependents of the opposite sex are not required to share a bedroom.

An expected child may be counted as a person in determining unit size. This determination may result in an additional bedroom if the applicant is a single adult expecting a child or a family that would exceed the two persons per bedroom guidelines after the arrival of the child.

A parent will not be required to share a bedroom with his/her child.

A live-in aide shall be assigned a bedroom.

Foster children will be considered in unit size eligibility.

Selection of A Unit Smaller than determined by the two persons per bedroom guideline

At the request of the family, the use of the living room as a sleeping area for up to two persons will be allowed for row-house, duplex, or scattered site units.

Exceptions

Exceptions to unit size may be made in case of reasonable accommodations for a person with disabilities.

Children subject to permanent legal custody arrangements who will be in the unit at least 50% of the time will be considered when determining occupancy standards.

A child who is away at school but who lives with the family during school recesses may be considered when determining occupancy standards, determination is at the discretion of the family and may effect rental calculations.

A family member (except spouse, children subject to joint custody or full-time students) who will be absent more than thirty days per year will not be considered in determining occupancy standards. This will include members in the military.

Exceptions will granted to the Occupancy Standards, if vacant units exist and there are no appropriate sized households on the sub list. Applicants at the top of the sub list for the next smallest size unit of the same type within the same community will be first offered the anticipated vacancy. If there are no applicants accepting the larger unit, the unit will then be offered to applicants at the top of the waiting list for the next largest unit size. Turning down a unit of a smaller/larger unit size offered because of a lack of waiting list shall not be charged as a refusal.

If an applicant accepts a unit size exception, they will be eligible for transfer only upon an approved change in family composition resulting in household composition under minimum or over maximum size for occupancy standards of their current unit and they shall be subject to transfer requirements in accordance with this policy.

The Occupancy Standards utilized by the HA result in the following minimum/maximum sizes:

| UNIT SIZE | MINIMUM FAMILY SIZE | MAXIMUM FAMILY SIZE |
|---|---|---|
| Rowhouse,Duplex, or Scattered Site Units Developments 1, 2, 3, 4, 5, 6, 7, 9, 18, 27, 29 | | |
| 1 | 1 | 4 |
| 2 | 2 | 6 |
| 3 | 3 | 8 |
| 4 | 4 | 10 |
| 5 | 5 | 12 |
| High-rise or Walkup Units Developments 8, 10, 11, 12, 13, 14, 15, 16, 17, 26 | | |
| 0 | 1 | 2 |
| 1/Mod | 1 | 2 |
| 2 | 2 | 4 |

Applicant families may qualify for more than one unit size. Waiting sub lists of different sizes or unit types will progress at different paces. At the time of application, families will be informed of unit size standards and be given the opportunity to declare the community sub lists on which they wish to be placed. The family may choose to be added to or change their sub list placement by informing the HA at any time by written request while they are on the waiting list. The addition or change in size shall result in re-ranking with an application date equal to the date the written request for change is received.

Occupancy standards for Residents

The minimum and maximum family size guidelines listed above shall apply. Residents will be ineligible for transfer after initial admission unless family size changes are approved which result in family sizes outside the minimum/maximum household guidelines of two persons per living/sleeping area, if allowed by Occupancy standards in this plan. Residents may apply for placement on waiting sub lists for units in a different community or of a different size or type.

# 8. INCOME CONSIDERATION AND TOTAL TENANT PAYMENT

## A. GENERAL POLICY

Income and the Total Tenant Payment are calculated in accordance with federal regulations, HUD notices and legislative actions.

To determine eligibility, Gross Annual Income is used to determine whether the family is within the Income Limits. Gross annual income is the income anticipated to be received for the 12 month period following admission or certification.

Rent is based on adjusted income. Adjusted income is annual less the following HUD mandated deductions and exemptions: child care expenses, dependent deductions, work-related disability expenses, medical expense deductions for elderly or disabled families, and an elderly/disabled household exemption.

HUD requires exclusion of wage income in certain situations. Income funded under employment and supportive service programs operated by public agencies to assist participants in acquiring employment skills and wages funded or subsidized through Title V of the Older American Act or Federal Work Study programs are excluded. Earned income for previously unemployed persons is subject to initial exclusion and followed by a phase-in.

Both Annual and Adjusted Income figure into the rent calculations.

Annual Income means all amounts, monetary or not, that go to or are on behalf of, the family head or spouse (even if temporarily absent) or to any other family member, or all amounts anticipated to be received from a source outside the family during the 12-month period following admission or reexamination effective date. Exhibit 1 to this policy, Income Inclusions, is the complete definition of annual income as published in the regulations and Federal Register notices. Annual income means all amounts that are not specifically excluded by regulation. Annual Income is used to determine whether or not applicants are within the applicable income limits. Income for residents will be computed at least annually unless a flat rent option has been chosen.

Income of persons permanently absent will not be counted.

Income is defined by HUD regulations and is further interpreted in HUD Notices, Memos and Addendum. Those rules must be followed. However, there are policy decisions which are needed in order to assure consistent interpretation of the HUD rules.

The following policies shall apply when calculating rent:

## B. DEFINITION OF TEMPORARILY ABSENT

### 1. FAMILY

To be considered temporarily absent, the family may not leave the unit for more than 30 consecutive calendar days. After an absence exceeding 30 consecutive days, the unit will not be considered to be their principal place of residence, and action will be taken to terminate the dwelling lease.

### 2. SOLE MEMBER

If the sole member of the household has to leave the unit because of a medical reason, they will be considered temporarily absent for an absence of up to three months. Rent must continue to be paid. If they do not return to the unit within three months, the unit will not be considered to be their principal place of residence unless the resident requests an extension by submitting documentation from a reliable medical source that he/she will return within a total of six months (three additional months) and tenant rent continues to be paid timely.

### 3. SPOUSE OR ADULT HOUSEHOLD MEMBER

The family must report the change in family composition to the Property Management Department. A household member is considered temporarily absent for a period of six months unless verification in accordance with Chapter 9 of this policy is

provided. The six months specified in this section starts from the time the remaining household member reports the change or the date the absence actually occurs, whichever is later. The Property Management staff will contact the Occupancy Department to notify them of the absence and to determine whether the member is permanently or temporarily absent.

The income of the household member will continue to be included during the time of temporary absence unless verification of permanent absence is received. The family will be advised to contact the PHA to request an interim reexamination following the completion of the six month time period. The family will be required to document the absence in writing by completion of a personal declaration form.

If a permanent absence reported on an interim basis results in the need for a mandatory transfer due to unit size, it will not be required until the next annual reexamination.

4. MINOR CHILDREN

If the children are removed from the household because of a change in custody or due to abuse or neglect and they remain absent thirty days prior to the annual reexamination date, they will be determined permanently absent and the rent and unit size required will be adjusted, unless the parent can provide verification (See Chapter 9) that the children will return within ninety days following the anniversary date.

5. ADULT CHILD

If an adult child goes into the military and leaves the household, they will be determined permanently absent. A family with a student who resided with the family prior to attending school away from home and lives with the family during school recesses, which are less than 182 days per year, will be encouraged to include the household member as temporarily absent. The final decision as to whether absence is permanent or temporary will be the family's choice.

6. CUSTODY OF CHILDREN

If children are a part of an assisted household pursuant to a court order joint custody agreement, a document from the court indicating the nature of the custody should be submitted. Permanent custody is required.

Children who are subject to a joint custody agreement must live in the unit at least 50% of the time to be considered members of the household. (50% of the time is defined as 182 days of the year, which do not have to run consecutively)

If both families are on the program, the child may be claimed by only one parent. If not addressed by court order, the parents will be encouraged to make a decision as to which parent claims the child as a family member. If the parents fail to agree, the address used for the receipt of benefits such as TANF, food stamps, medical aid or social security will be used to determine primary residence. If the household receives no benefits for the child, the address used for school records or on the most recent medical records will be used.

7. VISITORS

Visitors over age 12 who will be in the dwelling unit after 10:00 p.m. must be issued a guest pass by the Property Management Staff of the development. Guest passes must be requested 24 hours in advance and are valid for a maximum of 14 days.

Visitors beyond 14 days or without a guest pass will be considered boarders or lodgers. Minors (other than those subject to custody visitations) may visit for up to 30 days without being considered a member of the household.

The following persons will be barred from HALC properties and the Property Management Staff will deny guest passes:

persons who past behavior includes:

criminal activity or disturbances to persons or property, or participation in drug activity or alcohol abuse resulting in a public housing eviction or Section 8 termination.

If mail is received by the visitor at the dwelling unit, or the address is used for the visitors employment, school, vehicle or police records, that will determine establishment of the unit as their primary residence and they will be considered a boarder/lodger.

The requirements of the Violence Against Women's Act will be considered in determining violations of the visitor's and guest pass policies.

8. ABSENCE DUE TO INCARCERATION

If the sole member or only adult member of the family is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member or only adult member of the family will be considered permanently absent if s/he is incarcerated for six consecutive months. The HA will review the reasons for incarceration to determine if termination of tenancy is needed.

9. APPROVAL

The family must declare a member as permanently or temporarily absent in writing to the Housing Authority. The family will be advised what their options are and how it might affect the Total Tenant Payment.

10. INCOME

If the spouse or other adult household member is temporarily absent his/her entire income is counted, whether or not she/he is on the lease. A household member is temporarily absent if they have joint financial arrangements with a household member.

If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay) is counted as income.

## C. SPECIAL FAMILY CIRCUMSTANCES

If all adults have left the household and another adult is to be brought into the assisted unit with responsibility of care for the children for an indefinite period, then the PHA will treat that adult as a visitor for sixty days. After that period, the PHA will determine whether court-awarded custody or legal guardianship has been granted to the caretaker. If so, the dwelling lease may be transferred to the caretaker upon approval of the caretaker as a resident by Property Management staff. subject to meeting the requirements of the tenant selection and screening process.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the PHA will secure verification from the appropriate social service agency or attorney as to the status. The caretaker will be allowed to remain in the unit as a visitor until a determination of custody is made.

The PHA will work with the appropriate service agencies to provide a smooth transition of the process(es) involved in these cases.

## D. CALCULATING INCOME

HUD regulations and notices determine calculation of annual income. For families whose income fluctuates from month to month, the HA will average known sources using the required income verification processes using verification in accordance with verification hierarchy. The total tenant payment will not change month to month unless there is a substantial difference or change in the sources of income.

For seasonal employees or employees with sporadic income and non-income periods, income used for calculations will be based on the most recently verified twelve month period which was prior to the date the calculations are processed.

The following conditions shall apply in determining income for calculations:

Income from employment calculated using pay stubs or using Work Number verification with year to date gross wages available for more than sixty days and a hire date available shall be averaged using the most recent year to date gross wages and number of periods worked year to date.

Income calculated using pay stubs or Work Number verification absent of gross wages for more than sixty days or with no hire date available shall be averaged using the gross amount of each period pay and shall be multiplied by the number of pay periods anticipated in a year.

Income that is based on the school calendar will be anticipated at 35 weeks per year.

Income for employees whose hourly wage is less than the current minimum wage (greater of federal mandated or state established) because of anticipated tips or bonuses will be calculated using a minimum of the number of hours worked multiplied by the current minimum wage.

Income for employees verified via third party verification at the time of initial admission or annual certification will be calculated based on the year to date gross wages earned and averaged, if information is available for more than sixty days and hire date is provided. On an interim basis, for an employee who reports a non-seasonal change, or for calculations lacking sixty day history or verified hire date, the amounts the employer indicates as the applicable pay rate shall be multiplied by the number of hours that the employee is scheduled to work as indicated by the employer.

Income for sporadically paid child support that is paid through an enforcement agency such as the circuit court clerk or child support enforcement may be averaged if the 12 month history indicates irregular payments have been made.

## E. MINIMUM INCOME

There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there actually is income, but it is not being reported. Families may not be required to apply for benefit income, but it may be suggested to them.

Families who report zero income will be required to complete a review which may include an interview and submission of certification documents every ninety days for the first year at zero income status. If after one year the family is still at zero income, they will be required to complete a review every six months. After the second year, the family will only be required to comply with the annual reexamination because at that point the HALC can reasonably anticipate the zero income status to continue.

The HA shall utilize the EIV system for review of new hires and reported income discrepancies to assist in determining need for income recertification. The availability of data through income matching systems does not relieve families of responsibility to report timely.

## F. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

If a person is permanently confined to the hospital or nursing home, and there is a family member left in the household, the PHA will calculate the Total Tenant Payment, using the following method:

Exclude the income of the person permanently confined to the nursing home and give the resident no medical deductions paid on behalf of the confined family member;

For determination as to whether the person is confined to a nursing home on a temporary or permanent basis, see the definition of Temporarily/Permanently Absent in Section 8.B.

## G. REGULAR CONTRIBUTIONS AND GIFTS

Regular contributions and gifts received from persons outside the household are counted as income for tenant rent calculation purposes if they exceed $1000 per year.

This includes rent and utility payments paid on behalf of the family and other cash or non-cash contributions provided on a regular basis at the time of recertification. Rent and utility payments paid on behalf of the applicant family will not be anticipated to continue at time of admission unless verification indicates otherwise.

This excludes food stamps and food or clothing vouchers from township offices.

It does not include casual contributions or sporadic gifts.

Third party verification will be used where obtainable. If it is not possible, a statement in the form of a personal declaration will be obtained from the client.

Client bank statements will be reviewed for recurring deposits in excess of reported income. If the client is unable to explain the source as

an excluded amount, the deposits will be counted as regular contribution to the family.

## H. ALIMONY AND CHILD SUPPORT INCOME

Periodic payments of alimony and child support are counted as income for tenant rent calculation purposes. The amount used will be the greatest of the amount awarded or the amount paid. Arrearage amounts will also be counted if they are awarded or are being paid on a regular basis unless the family verifies the arrearage amount was already included in previous rent calculations and no reduction was given for non-payment.

If the alimony/child support is not received on a regular basis, the PHA must count the amount awarded by the court unless the family can verify that they are not receiving the full amount and have taken action to collect.

The HA will accept as verification that the family is receiving an amount less than the award if:

The HA receives verification that the payments are collected and paid through the Child Support Enforcement Division, the Circuit Court Clerk, or other agency responsible for enforcement or collection. Previous 12 months may be averaged to anticipate future payments to avoid interim recertification, or

The family certifies that they are receiving less than the amount awarded and provides verification that reasonable effort to collect has been made by: verification of filing with courts, a statement from the agency responsible for enforcing payments, or a written statement from an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree and the most recent alimony or child support order.

Amounts or contributions not awarded by the court but paid on a regular basis will also be included in income.

## I. LUMP-SUM RECEIPTS

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 are not included in income.
Lump-sum payments caused by delays in processing periodic payments (unemployment, welfare assistance) are counted as income.

Treatment of accumulated periodic payments because the income was deferred due to a dispute is handled no differently than periodic payments which are deferred because of processing problems.

HUD allows PHAs to develop a calculation method which calculates retroactively or prospectively, as long as they get the full rent.

The calculation will be done prospectively for families who report the lump-sum amount on a timely basis. A pro-rated amount will be used at the time of annual recertification using the number of months remaining based on the date the lump sum was received.

If the lump sum was not reported in a timely manner, an interim will be processed including the entire lump sum. At the time of the annual review, the lump sum will be prorated based on the number of months remaining.

Prospective Calculation Methodology:

If the lump-sum amount is received and is not timely reported so that it results in an interim adjustment, it will be calculated as follows:

The entire lump-sum payment will be added to the rest of the annual income at the interim;

The PHA will determine the percent of the year the interim represented.

At the next annual reexamination, the PHA will take the remaining percentage of the year not used, apply it to the lump sum and add to the rest of the annual income;

The lump sum will be used in the same method for any interims which occur prior to the next annual reexamination.

If the lump-sum is timely reported, it will be calculated as follows:

The PHA will determine the percent of the year that elapsed between the receipt of to lump sum and the effective date of the annual reexamination. The PHA will take the remaining percentage of the year not used, apply it to the lump sum and add it to the rest of household income.

Attorney Fees:

Attorney fees may be deducted from lump-sum payments when computing annual income when the attorney's efforts have recovered a lump-sum compensation for the wrongful reduction or denial of a periodic payment and the recovery does not include an additional amount in full satisfaction of the attorney fees.

In these situations, the resident does not actually recover the entire amount of the past-due periodic payments because he/she must pay the attorney fees.

This situation does not include those in which an amount is withheld from funds otherwise due the resident to satisfy legitimate financial obligations unrelated to obtaining the income such as:

Withholding from wages to apply to child support, alimony or a judgment creditor;

Garnishment for failure to pay child support, alimony, or a judgment creditor.

The situation does not include those where a resident incurs attorney fees unrelated to asserting a right to a source of income or where no income results from the attorney's actions. These are the financial responsibility of the resident and are not deducted in determining annual income.

## J. CONTRIBUTIONS TO RETIREMENT FUNDS

Contributions to company retirement/pension funds are handled in this manner:

While an individual is employed, the PHA will count as assets only amounts the family can withdraw without retiring or terminating employment.

After retirement or termination of employment, the PHA will count as any asset any amount the employee elects to receive as a lump sum.

## K. STUDENT FINANCIAL ASSISTANCE AND INCOME

The full amount of financial assistance paid directly to the student or educational institution will be excluded.

If a family member (student) is attending school away from home, the family may remove the person's name from the lease and exclude that person's income completely, whether from scholarship or any other source.

If the student is not removed from the lease for unit size designation, income exceeding $480 per year will be excluded as long as the student maintains full-time attendance status.

## L. ASSETS DISPOSED OF FOR LESS THAN FAIR VALUE

The PHA must count assets disposed of for less than fair market value during the two years preceding examination or reexamination. The PHA will count the difference between the market value and the actual payment received.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value. Reduction in the value of investment assets will not be considered as disposed of for less than fair market value.

HUD does not specify a minimum threshold for counting assets disposed of for less than Fair Market value but allows PHAs to establish a threshold in the Admissions Plan that will enable them to ignore small amounts such as charitable contributions.

The HALC's minimum threshold for counting assets disposed of for less than Fair Market value is $5000. If the total amount of assets disposed of within a one-year period is less than $5000, they will not be considered an asset for the two-year period.

If the total amount of assets disposed of within a one-year period is more than $5000, all assets disposed of for less than Fair Market value will be counted as assets for two years from the date the asset was disposed of.

## M. CHILD CARE EXPENSES

Reasonable child care expenses anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, are deductible where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education. The deduction will be limited to out-of-pocket expenses only. Reimbursable amounts will not be allowed.

In the case of a child attending private school, only after-hours care can be counted as child care expenses.

Allowability of deductions for child care expenses is based on the following guidelines:

Child care to seek employment: Actively seek employment is defined as a minimum of 3 hours each week involved in the activities limited to completion of applications, interviews, or tests or exams required as a condition of employment.

Child care to enable a family member to be gainfully employed: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care to further education: The number of hours claimed for child care may not exceed the number of hours the family member is attending school (including travel time to and from school) and reasonable study time. Reasonable study time is defined as ten hours per week for students considered full-time and five hours per week for students considered part-time.

Amount of allowable expense: Based on a survey of local child care providers, the HA will allow a maximum of $4.50 per hour per child. If the amount submitted exceeds the maximum allowable, the HA will calculate the allowance using the actual hours care is needed and the maximum hourly charge.

## N. MEDICAL EXPENSES

Allowable expenses include non-reimbursed medical expenses, including health insurance premiums and premiums related to a medicare prescription drug plan which can be anticipated to be incurred during the period for which annual income is computed. Deductible amounts will be that which exceeds three percent of gross annual income. Households eligible for this deduction include those whose head, co-head, or spouse is elderly or disabled.

When HUD rules are unclear as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Medical marijuana costs shall not be an eligible expense for medical deduction. Under federal law, marijuana is categorized as a Schedule 1 substance under the Controlled Substances Act and is a criminal act.

## O. REDUCTION IN BENEFITS

If the family benefits such as TANF are reduced through no fault of the family, the HA will use the net amount of the benefit.

If the family's welfare benefits were reduced specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement, they will not be eligible for a reduction in their contribution to rent based on the benefit reduction.

The gross annual benefit the family is entitled to receive will be counted in anticipated income until a reexamination calculated in accordance with initial, annual or interim requirements is processed to include additional income that exceeds the benefit amount used for rent calculations.

If the household income decreases in the twelve months following the first reexamination that excluded the benefit income, the gross

annual income amount used for rent calculations will be a minimum of the gross benefit amount the family was entitled to prior to the original benefit reduction.

## P. GENERAL ASSISTANCE

The PHA will use the gross amount of General Assistance for which the family is eligible, even if the benefit is reduced due to a lower payment of tenant rent.

## Q. MINIMUM RENT

In accordance with requirements of legislative action, the PHA will calculate a minimum total tenant payment for families assisted under the Public Housing Program. The minimum total tenant payment will be $50. Changes in minimum total tenant payment will occur at the next annual review following adoption.

Residents subject to minimum rent requirements will be notified in their Notice of Rent Adjustment or at lease-up that they may request an exception due to a financial hardship. A written request for exception must be received within ten business days of the notice of rent adjustment/ lease execution.

An exception must be granted in the following circumstances:

1. the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program;

2. the family would be evicted as a result of the imposition of the minimum rent requirement;

3. the income of the family has decreased because of changed circumstance, including loss of employment;

4. a death in the family has occurred; or

5. the family experiences excessive medical expenses which exceed 10% of the families gross annual income.

The PHA may not evict the family for non-payment of rent on the basis of hardship if the hardship is determined to be temporary during the 90-day period beginning upon the date of the family's request for exemption. During this 90-day period, the minimum rent will be suspended and the family must demonstrate that the financial hardship is of a long-term basis. If the family demonstrates that the financial hardship is of a long-term basis, the exemption shall be applied retroactively to the start of the applicability of the minimum rent requirement for the 90-day period. If the hardship is not verified to be long-term, the suspension will be removed and the family must pay minimum rent retroactive to the date of exemption request.

Misrepresenting information that results in approval for hardship exception to which a resident should not have been entitled to shall be considered fraud.

## R. EARNED INCOME DISALLOWANCE

The earned income disallowance is only available for households under lease. It is not applicable at admission. Only adults can qualify for the earned income disallowance. Each person can receive only one 48-month disallowance period during his or her lifetime. There are three categories of individuals who qualify for the earned income disallowance:

**A person whose annual income increases because of employment after having been unemployed for at least 12 months.** A person is considered to have been unemployed if he or she has earned less money in the previous 12 months than would have been earned working 10 hours per week for 50 weeks at the established minimum wage.

**A person whose annual income increases because of new or increased earnings during participation in an economic self-sufficiency or other job-training program.** An individual is eligibility for this category when receiving new or additional earned income while he or she is involved in economic self-sufficiency or job training, not after the completion of such training.

**A person whose annual income increases because of new or increased earning, during or within six months after receiving assistance, benefits or services from a program funded by any state program for Temporary Assistance to Needy Families funded under Part A of Title VI of the Social Security Act.** The assistance is not limited to income maintenance, but also

includes benefits and services such as child care and transportation subsidies and one-time payments, wages subsidies and other amounts and services as long as the value of such benefits or services over a six month period is at least $500. Receipt of Medicaid or food stamps does not qualify under this category. This is the only eligibility category that relates to the type of income received before the earned income. Only persons who have received either cash grants (of any amount) or at least $500 worth of benefits or services from a qualified welfare program in the past six months qualify under this category. Persons who are already employed but who receive increases in income may qualify under this category if they have received welfare income or services in the previous six months.

The initial 12-month exclusion begins on the 1st of the month which follows the date the family member is first employed. The exclusion is limited to an increase in income for that family member. Previous income for the family member is not reduced for purpose of rent calculations. The exclusion is in effect for a cumulative 12 month period. There may be breaks in earned income.

After the 12 month disallowance, there will be a second 12 month exclusion of 50% of any increase in employment income. The second 12 month exclusion is effective on the 1st of the month which follows the end of the 1st cumulative 12 month period. There may be breaks in earned income. Disallowance of increased income and the second 12 month exclusion and phase-in is limited to a lifetime 48 month period. Within the lifetime 48 month period, the full exclusion of increase income cannot be longer than 12 months and the exclusion of 50% of the increased income cannot be longer than 12 months. Exclusion dates may differ from recertification dates which are subject to the HA interim policy.

# 9. VERIFICATION PROCEDURES

## INTRODUCTION

HUD regulations require that factors of eligibility and Total Tenant Payment be verified by the HA. Applicants and program participants must furnish proof of their statements whenever required by the HA, and the information they provide must be true and correct. The HA's verification requirements are designed to maintain program integrity. This Chapter explains the HA's procedures and standards for verification of all relevant information relating to eligibility and program participation. The HA will ensure that proper authorization from the family is always obtained before making verification inquiries. The family will be required to sign an Authorization for the Release of Information/Federal Privacy Act Notice, A Consent for Release of Information, and may be required to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

## A. METHODS OF VERIFICATION AND TIME ALLOWED

The HA will verify information through the following methods in order of verification of hierarchy as follows:

1. HUD income matching program reports (currently EIV), as available, matched to family provided documents
2. Third-party written verification on standardized HA form
3. Income source generated 3rd party written verification
4. Third-party oral
5. Review of documents
6. Certification/Self-Declaration

For applicants, verifications may not be more than 60 days old at the time of Voucher issuance. For participants, they are valid for 120 days from date of receipt.

The verification process shall not be at a cost to the applicant, tenant or HA. If the verification process will incur a cost to any party, the possible incurred fee shall be determined as non-cooperation by the verification source and the HA shall proceed to the next acceptable method of verification.

### HUD income matching

The HA will use HUD's income matching system (currently EIV) as the primary source to verify tenant income information during annual or interim re-certifications. EIV will be considered sufficient verification, if the income is social security. For income other than social security, family provided documents containing enough information to calculate rent with a reasonable degree of accuracy (see review of documents) and compared to EIV will be considered as proper verification, if the family does not dispute EIV reports.

### Third-Party Written Verification

For applicants, or tenants whose EIV information is unavailable, third-party verification will be used to verify information directly with the source. Standardized third-party written verification forms will be sent to be returned via first class mail or information will be requested electronically. It is the intent of the authority that the completed standardized form should not pass through the hands of the family. The HA will allow two weeks for return of third-party verifications. Verifications requested electronically are considered third party written verification. This will include verifications received from sources such as:

Veterans Administration
Department of Human Services
Department of Labor Unemployment office
Circuit Court Clerk or Emagnus verification system
IL State Disbursement Unit or Child Support Enforcement
The Work Number

If the document is provided to the family and any information appears to have been altered, the HA staff will verify the information by follow-up oral verification.

After two weeks, if third-party written verification has not been received, the attempt to verify will be documented in the file, and staff will proceed to an attempt to verify via third party oral.

**Income Source Generated written verification**

Written verifications which are generated by the income source will be considered as an acceptable verification source if they contain enough information to be able to calculate rent with a reasonable degree of accuracy, have not passed through the hands of the family, and provide a name and contact phone number or address for the staff to use in obtaining or confirming information.

**Third-Party Oral Verification**

Oral third-party verification will be used when written third-party verification is delayed, incomplete, or not possible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is used, the HA will compare the information to any documents provided by the Family. If provided by telephone, the HA must originate the call. If the source refuses to provide information or fails to return contact within two business days, the attempt to verify will be documented and the staff will provide to the next step in the verification process.

**Review of Documents**

Review of tenant provided documents will be used as comparison to EIV for income other than social security. There shall also be a review of documents when EIV is unavailable and third-party written, income source written, or oral verification are also unavailable, or if the information has not been verified by the third party within the allowable time-frame. The HA will note the file accordingly and utilize documents provided by the family as comparison or as the primary source, if the documents provide complete information. The staff may proceed directly to this step if the income source has historically refused cooperation with the verification processes.

Documents provided by the family, excluding government checks, will be photocopied and retained in the applicant/tenant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted form.

The HA will accept the following documents from the family:

For tenants: If a hire date is verified and pay stubs display gross year to date wages for a period of more than sixty days, two current (within last 60 days), original, and consecutive pay stubs, or

If a hire date is unavailable or pay stubs fail to display gross year to date wages for a period of more than sixty days, original consecutive pay stubs for a minimum six weeks current time period, or

If a hire date is verified, a current computer print-out from the employer listing gross year to date wages for a period of more than 60 days and the gross amount for two consecutive current pays, or

If a hire date is unavailable, a current computer print-out from the employer that lists consecutive pays for a minimum six week current time period.

For applicants: Original consecutive pay stubs for a minimum six weeks current time period, or for newly begun employment of less than six weeks, copies of all pay stubs to date.

If pay stubs as verification of income are unavailable, the following documents will be considered:

Written documentation of benefit payments for a minimum consecutive six weeks current time period

Bank statements for 2 consecutive months which indicate electronic deposit of gross amounts for income sources other than wages

Information provided for the review of document process must be must be an original document and must contain the name or social security number of the household member. If the document has been altered, mutilated, or is not legible or appears to be a forged

document, it shall be rejected as verification.

For documents other than pay stubs, the HA will accept FAXed documents as long as the document includes the originating fax number. The source will be encouraged to forward a paper copy as follow-up.

In order to calculate rent with a reasonable degree of accuracy, the HA must be provided information on who is receiving the income, the effective date of income received, and the gross amount of monthly income.

If EIV or third-party verification carrying greater weight over tenant provided documentation is received after documents have been accepted as provisional verification, and there is a substantial difference in income, the HA will recalculate subsidy. A substantial difference is defined as one that exceeds $200 or more per month.

**Family Statement/Personal Declaration**

When verification cannot be achieved by EIV, either form of third-party verification, written verification from the income source, or review of documents, the family will be required to submit a signed declaration. Signed declarations are to be used only as a last resort, on a temporary basis, when other forms of verification are impossible to obtain. Self-certifications used will be compared to EIV data, as available, and with tax records at the time of next mandatory review.

Allowable statements will be a self-certification which has been signed under penalty as a felony for violation Title 18, Section 1001 of US Code. The HA uses a personal declaration form and an income questionnaire.

A family cannot self-certify disability or handicap status.

If certification or self-declaration is used as a verification, the family will be ineligible for an interim rent adjustment to decrease tenant rent based on submission of a new self-certification.

## B. RELEASE OF INFORMATION

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information.

Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in a denial or termination of assistance because it is a family obligation to supply any information requested by the HA or HUD.

## C. COMPUTER MATCHING

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

## D. ITEMS TO BE VERIFIED

All income not specifically excluded by the regulations.

Zero-income status of the household

Full-time student status including High school students who are 18 or over

Current assets including assets disposed of for less than fair market value in preceding two years

Child care expense where it allows an adult family member to be employed or to further his/her education

Total medical expenses of all family members in households whose head or spouse is elderly or disabled

Disability assistance expenses to include only those costs associated with attendance care of auxiliary apparatus which allow an adult family member to be employed

Legal identity

U.S. citizenship/eligible immigration status

Social Security Numbers for all family members 6 years of age or older

Medical need for larger unit

"Preference" status

Familial/Marital status including custody of children or pregnancy

Disability for determination of preferences, allowances or deductions

Residency status of applicant

Status as an independent student

## E. VERIFICATION OF INCOME

This section defines the methods the HA will use to verify various types of income.

### Employment Income

Tenant's employment will be verified using the HUD EIV system compared to tenant provided documents, if available and non-disputed by the tenant, as third party source. If EIV is unavailable or disputed by the tenant, the verification process will proceed by steps in acceptable orders as listed.

Acceptable methods of verification include, in this order:

1. Enterprise Income Verification data report in its entirety compared to tenant provided documents.
2. Written HA employment verification form completed by the employer
3. Employer generated written income verification.
4. Oral thirty party verification from employer specifying amount anticipated to be paid per pay period and length of pay period, documented in HA file.
5. Check stubs or earning statements in accordance with review of document section in this Chapter.
6. W-2 forms plus income tax return forms
7. Income tax returns signed by the family with attached schedules to verify self-employment income.
8. Family's written declaration, on a temporary basis, in absence of availability of other verifications.

Oral and written verification forms will request employer information that will specify the:

Dates of employment

Amount and frequency of pay

Date of last pay increase

Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

Year to date earnings

Estimated income from overtime, tips, bonus pay expected during the next 12 months

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification in situations of unavailability of EIV or other third-party verifications.

In cases where there are questions about the validity of information provided by the family, the HA will require the most recent federal income tax statements.

Verification of employment will include information to allow the HA to determine if income exclusion is required because income is of a source disallowed by HUD regulation.

If a participant disputes employment and/or wage information reported in EIV, they should request that the employer correct erroneous information. If employer resolution is not possible, the participant should contact the local SWA for assistance.

**Social Security, Pensions, Supplementary Security Income, Disability Income**

Acceptable methods of verification include, in this order:

1. Enterprise Income Verification System reports
2. Award of benefit notification letters/statements prepared by providing agency.
3. Bank statements for direct deposits (minimum of two, must verify any Medicare with SSA)

If a participant disputes benefit information reported in EIV, they should contact the Social Security Administration.

**Unemployment Compensation**

Acceptable methods of verification include, in this order:

1. Enterprise Income Verification System reports compared to tenant provided documents
2. Written verification form completed by the unemployment compensation agency.
3. Computer printouts from unemployment office stating payment dates and amounts.
4. Telephone or in person contact with agency documented in HA file
5. Current original consecutive payment stubs (minimum of three, or all received to date) indicating payment amounts and dates.
6. Current benefit notification letter issued by authorizing agency.

If the participant disputes the information reported in EIV, they should contact the State Workforce Agency in writing.

**Welfare Payments or General Assistance**

Acceptable methods of verification include, in this order:

1. Computer-generated form via Department of Human Services data sharing system indicating maximum amount family may receive.

2. Copy of award letter issued within last sixty days.

3. Telephone or in-person contact with income source, documented in file by HA

**Alimony or Child Support Payments**

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

2. Computer print-out from the Circuit Court Clerk or Child Support Enforcement Division.

3. A written certification from the person paying the support indicating amount and payment schedule.

4. If payments are irregular, and the payments are not processed through the Circuit Court Clerk or Child Support Enforcement Division the family must provide:

   Verification of the amount awarded as listed above, and proof that reasonable efforts to collect have been made by :

   Verification of filing with courts,

   A statement from the agency responsible for enforcing payments, or

   A written statement from an attorney.

   For payments processed through Circuit Court Clerk or Child Support Enforcement, the history of support payments made will be reviewed and in cases of irregular payments the history may be used to annualize amounts received.

5. Copies of checks received for payments for the most recent six weeks period.

6. Written family declaration, on a temporary basis.

**Net Income from a Business**

In order to verify the net income from a business, the HA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including the attached applicable schedule(s):
   Schedule C (Small Business)
   Schedule E (Rental Property Income)
   Schedule F (Farm Income)

2. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

3. Audited or un-audited financial statement(s) of the business.

4. Family's self-certification submitted quarterly during the term of a first year business. Forms will be compared to the tax return at year end.

**Recurring Gifts and Contributions**

Acceptable methods of verification in this order, include:

1. An affidavit signed by the person who provides the gift/contribution, which gives the value, regularity and purpose of the gift/contribution, and dates of the gifts/contributions. The affidavit must include the name, address and telephone number of the provider.

2. Telephone or in person contact with source, documented in file by HA.

3. Declaration signed by applicant, stating purpose, dates, and value of gifts.

4. Copies of bank statements which show deposits made that are not attributed to other reported income.

Recurring gifts and contributions will be annualized at the time of lease-up and/or anniversary date and no interim will be processed for a decrease unless a verification other than a certification is received.

**Zero Income Status**

Families claiming to have no income will be verified through the Enterprise Verification system and the Department of Human Services data sharing system. A zero income questionnaire will also be required. The zero income questionnaire has as its intent a determination on how day to day living expenses are met and the possibility that provision by outside parties for those expenses may fall within income inclusion requirements.

**Full-Time Student Status**

Only the first $480 of the earned income of full time students, other than head or spouse, will be counted towards family income.

Financial aid, scholarships, or grants received by full time students for tuition and fees are not counted toward family income.

Verification of full time student status includes:

1. Written verification from the registrar's office or other school official, or

2. Telephone or in-person contact with these sources documented in file by the HA, or

3. School records such as current class schedule or paid fee statements which indicate enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

## F. INCOME FROM ASSETS

Acceptable methods of verification include, in this order:

**Checking/Savings Account Interest Income and Dividends**

For household assets totaling over $5000, assets will be verified by:

1. HA verification forms completed by the financial institution.

2. Broker's statements showing value of stocks or bonds and the earnings credited to the family. Earnings can be obtained from current online quotations or oral broker's verification.

3. IRS Form 1099 from the financial institution along with bank statements to verify amounts of deposits (minimum of six months records)

For household assets totaling under $5000, the HA will accept a current bank statement (within past 60 days) as verification, provided any interest rates or amounts paid are noted.

**Interest Income from Mortgages of Contract Sale**

1. A letter from an accountant, attorney, real estate broker, buyer, or a financial institution stating interest due for the next 12 months.

2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

**Net Rental Income from Property Owned**

1. IRS Form 1040 with Schedule E (Rental Income)

2. Copies of latest rent receipts, leases, or other documentation of rent amounts.

3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

## G. VERIFICATION OF ASSETS

**Family Assets**

The HA will require information necessary to determine the current cash value. (The net amount the family would receive if the asset were converted to cash). For accounts totaling over $5000, the HA will verify using:

1. Verification forms, letters, or documents from a financial institution or broker.

2. Telephone or in person contact with appropriate party, documented in file by the HA.

3. Passbooks, bank account statements ( must show average balance and year to date income earned or submit six current and consecutive), certificates of deposit, bonds or financial statements completed by a financial institution or broker.

4. Quotes from a stock-broker or realty agent as to net amount family would receive if they liquidated securities or real estate.

5. Real estate tax statements showing current market value.

6. Financial statements for business assets.

7. Copies of closing documents showing the selling price and the distribution of the sales proceeds.

8. Appraisals of personal property held as an investment.

9. Family's self-certification describing assets or cash held and not deposited or in safe deposit boxes.

For accounts totaling under $5000, the HA will accept a written bank statement.

Asset verifications will also be reviewed to assist in determination of reported/non-reported income sources. Deposits to the account on behalf of non-household members will be considered joint financial arrangements and will be counted as income unless a household member has a legal agreement (i.e., social security payee or power of attorney) relevant to the deposit.

**Assets Disposed of for Less than Fair Market Value**
(During two years preceding effective date of certification or recertification.)

1. For all Certifications and Recertifications, the HA will obtain the Family's certification as to whether any member

has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification. Previous verified asset values will be reviewed by the HA and compared to current asset values to aid in determination of non-reported disposals.

2. If there are disposed of assets for less than fair market value in an amount exceeding $5000, the HA will request documentation that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of assets at the time of disposition.

## H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

### Child Care Expenses

1. Written verification from the person who provides care indicating amount of payment, hours of care, names of children, frequency of payment, amount of care reimbursed by other sources, and if care is related to education or employment of applicant/tenant. Verifications must specify the child care provider's name, address, telephone number, social security number. The tenant/applicant must also certify whether they receive direct reimbursement from any source.

2. Telephone or in-person contact with the provider documented in the file by the HA.

3. Copies of cancelled checks indicating amount and frequency of payments.

### Medical Expenses

Families who claim medical expenses or expenses to assist a person with a disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payment due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

3. EIV verification or written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

4. For attendant care:

   a. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

   b. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

5. Telephone or in-person contact with source, documented in file by PHA.

6. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

7. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

8. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. HA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

9. Copies of income tax forms that itemize medical expenses, if expenses are not expected to change over next 12 months.

10. The HA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for the verification of the cost of transportation directly related to medical treatment.

Multiple documents may be requested to verify the amount and frequency of payments.

**Assistance to Persons with Disabilities**

1. In All Cases:

   (a) Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

   (b) Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and they amount of any reimbursement received.

2. Telephone or in-person contact with source documented in file by HA.

3. Attendant Care:

   (a) Attendant's written certification of amount received from the family, frequency or receipt, and hours of care provided.
   (b) Certification of family and attendant and/or copies of canceled checks family used to make payments.

4. Auxiliary Apparatus

   (a) Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

   (b) In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

## I. VERIFYING NON-FINANCIAL FACTORS

**Verification of Identity**

In order to prevent program abuse, the HA will require applicants and tenants to furnish verification of legal identity for all family members. Verification of identity will required for the head and co-head at the time of pre-application. Verification of identity for all household members will be required at the time of formal application and prior to offer of a voucher.

Of greatest weight in establishing identity shall be a current state issued driver's license or identification card. If the head/co-head is unable to provide photo identification, they may establish identity by provision of one of the following documents:

Certificate of birth or naturalization papers
U.S. Passport
Voter's registration card
Social security card
Verification from Department of Human Services

At the time of formal application, identity verification for additional family members will be required. Acceptable verifications are the 5 document types listed above or one of the following:

Adoption papers
Custody agreement (Court determined or approved)

School records

Following program admission, the HUD matching system will verify identity by confirming matches or discrepancies of name, social security number and date of birth for all household members. If data matches and identity verification is confirmed, the staff will print a record for the tenant file and will destroy social security cards used solely for this purpose.

**Verification of Marital Status**

Verification of divorce status will be a certified copy of the complete divorce decree, signed by a Court Officer. Marital status will only be verified if there are minor children in the household resulting from the marriage and/or a divorce occurred within the last two years.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate or certificate of civil union.

**Familial Relationships**

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

**Verification of guardianship or custody:**

Court-ordered assignment,
Verification from social services agency, or
School records

**Verification of pregnancy**

Doctor's statement
Medical records

**Verification of Permanent Absence of Adult Member**

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

1. Husband or wife institutes divorce action,
2. Husband or wife institutes legal separation,
3. Order of protection/restraining order obtained by household member against an absent member,
4. If the family member is incarcerated, a document from the Court or prison stating the length of incarceration,
5. Utility bills in the former member's name showing service at a new address,
6. Certification by U.S. Postmaster as to the mailing address of family member. A PO Box verification is not acceptable to prove primary residence.
7. Certification from licensed nursing home facility that member will be in residence for more than 30 days, AND certification by family that they are declaring them permanently absent.
8. Certificate of death
9. Verification of new address by provider of benefit income or by employer.
10. A unit inspection by housing management staff to confirm absence of person and belongings.
11. In the absence of other proof, after six months absence, a self-certification from the family.

Members may not be considered permanently absent in the cases of joint financial arrangements.

**Verification of Change in Family Composition**

The HA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, asset verifications showing joint financial arrangements, inspections, landlords, postal records, credit data, school records, Department of Motor Vehicle records, law enforcement records, and other sources.

**Verification of Disability**

Verification of disability will be verification of receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified via a certification form completed by an appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

**Verification of Citizenship/Eligible Immigrant Status**

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied or terminated while verification of status is pending except that assistance to applicants may be delayed while the HA hearing is pending.

(a) Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

(b) Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

(c) Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The HA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the HA must request within ten days that the INS conduct a manual search.

(d) Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

(e) Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration. The are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification. For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial HA does not supply the documents, the HA must conduct the determination.

Extensions of Time to Provide Documents. Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances. The HA will generally allow up to 30 days to provide the document or a receipt issued by the INS for issuance of replacement documents.

Acceptable Documents of Eligible Immigration. The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)
Alien Registration Receipt Card (I-151)
Arrival-Departure Record (I-94)
Temporary Resident Card (I-688)
Employment Authorization Card (I-688B)
Receipt issued by the INS for issuance or replacement of any of the above documents that shows the individual's entitlement has been verified.

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

**Verification of Social Security Numbers**

Each participant except those age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010 must disclose a social security number as a condition of eligibility if they have been assigned a number.

The documentation necessary to verify the SSN of an individual is:

A valid SSN card issued by the SSA; or

An original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or

Such other evidence of SSN as HUD may prescribe in administrative instructions.

New family members will be required to produce their Social Security Card or provide the substitute documentation described above. This information is to be provided at the time the change in family composition is reported to the HA. Households reporting the addition of a child shall be required to provide the complete and accurate SSN assigned to each new child within 90 calendar days of the child being added to the household.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Following program admission, the HUD EIV system will perform data matches with the information submitted on the HUD form 50058 and provide a report to the HA to confirm identity. If identity is confirmed, the social security card copy in the tenant file will be destroyed.

**Medical Need for Larger Unit**

A written certification that a larger unit is necessary must be obtained from a licensed doctor or mental health professional. The verification must certify both the need for the larger unit and the length of time the different unit size will be required. Increased size will only be allowed for permanent situations anticipated to last at least twelve months.

**Verification of Status As an Independent Student**

Written certifications and verifications of previous address(es) to determine whether the student established a separate household at least 90 days prior to application and review of parent's prior years tax return to verify whether student was claimed as a dependent.

Valid verifications of previous address(es) shall be copies of leases and/or utility bills in the name of the student applicant.

## J. VERIFICATION OF PREFERENCE STATUS

At the time of initial pre-application preference status will not be verified except in cases of reasonable doubt. Preferences will be typically verified at the time of formal application when an offer of an unit is anticipated. If the verifications indicate that the applicant misrepresented or failed to report information relevant to preference status and they were not entitled to the preference, the file will be noted and the applicant will be returned to the waiting list with proper preference status. If it is determined that applicant fraud occurred, the application will be denied.

### 1. Elderly/Near Elderly

Preference points will be awarded based on the date of birth listed for the head, co-head and/or spouse on the time of initial pre-application. Date of birth will be reviewed on verifications of identity, income and assets. Misreporting of age may result in waiting list adjustment. It shall be the responsibility of applicants to report a change in their age which qualifies them for a new preference status.

**2. Natural Disaster**

The PHA will determine that an applicant is eligible for this preference based on certification from the Federal Emergency Management Agency, the American Red Cross, or any Federal, State, or Local Housing Agency, that the permanent residence of the applicant prior to the disaster was in an area declared as a federal or state Natural Disaster area.

**3. Residency**

The PHA will determine residency or in-county employment based on the certification of current and previous address and verification of information on the application. Address information will be verified where reasonable doubt exists. Reasonable doubt may exist if an address is used by more than one applicant, photo identification provided to establish identity provides an alternate address, contradicting addresses are provided on 3rd party verifications, non-local telephone numbers or income sources are provided, or there is continued late response to Housing Authority communications. Of greatest weight will be utility bills in the applicants name at the application address. The address provided on verifications of income and assets will also be reviewed. In the absence of utility service or income, verification of address information will include an owner certification of residency. If the owner certification is questionable because more than one applicant uses the same address for application purposes or the owner is related to the applicant, the use of school records for minor children will also be checked. If residency appears to have been misrepresented, the PHA will verify length of county residency and determine whether the applicant's placement on the waiting list was correct. If necessary, the applicant's placement will be adjusted based on the information received by the PHA.

In the absence of primary residency in Lasalle County, the HA will determine whether at least one adult family member is employed in the county based on information provided on the initial pre-application. Employment will be verified at the time of formal application. If information provided was incorrect or a change occurred after pre-application without reporting, the waiting list placement will be adjusted.

**4. Non-Assisted Housing**

At the time of initial application, the applicant will certify whether they currently occupy housing that is assisted through the HALC Housing Choice Voucher program. The information will be verified using HALC's listing of Section 8 assisted properties. The time period under consideration will be the current 45 day period.

**5. Bordering County Preference**

The preference shall be awarded based on address information provided on the pre-application. Address information will be verified where reasonable doubt exists. Reasonable doubt may exist if an address is used by more than one applicant, contradicting addresses are provided on 3rd party verifications, photo identification provided to verify identify provides an alternate address, non-local telephone numbers or income sources are provided, or there is continued late response to Housing Authority communications. Of greatest weight will be utility bills in the applicants name at the application address. The address provided on verifications of income and assets will also be reviewed. In the absence of utility service or income, verification of address information will include an owner certification of residency. If the owner certification is questionable because more than one applicant uses the same address for application purposes or the owner is related to the applicant, the use of school records for minor children will also be checked. If residency appears to have been misrepresented, the PHA will verify length of county residency and determine whether the applicant's placement on the waiting list was correct. If necessary, the applicant's placement will be adjusted based on the information received by the PHA.

**6. Veteran Preference**

The HA shall verify eligibility for this preference if the head, co-head, or spouse is a former member of the Armed Forces of the

United States who served on active duty and was discharged under conditions, which were other than dishonorable and the household provides a certificate of service issued by the United States Department of Defense.

## K. APPLICANT CRITERIA FOR ADMISSION

Applicant history will be verified by solicitation of references from current or previous landlords. 3rd party verification of references must be kept in the application file for cases of denial. This will include a check for prior tenant history and debts owed to an HA, as recorded in the HUD EIV system. A credit check will to used to verify ability to meet financial obligations. The HA has an agreement with an authorized credit bureau for provision of on-line credit checks. A copy of the credit check report will be kept in the application file.

Screening for a history of criminal activity will involve a check of circuit court records available through the emagnus data system and a request by subpoena of records for localities in which the applicant has reported residence if data is not available on-line. Copy of criminal records will be retained only for the period of denial and the review process. Criminal records not relevant to the denial process will be destroyed at the elapse of time for filing a dispute through the judicial process.

The HA will take into consideration the low-income status of applicants and the inherent financial difficulties they may have experienced in non-assisted housing. Main consideration will be given to evidence of non-payment in assisted housing, evictions or judgments or reports of lease violations, particularly those involving disturbance of neighbors, destruction of property, or habits posing a threat to staff or other tenants. The HA shall not deny admission using a basis of criminal activity involving the applicant as a victim of domestic or dating violence.

## 10. RENT, SECURITY DEPOSIT, AND UTILITY ALLOWANCES

### A. RENT

At the choice of the resident, rent will be determined using one of two possible methods of rent calculation. The tenant may opt for either, an

Income-based rents

HALC has adopted a rent calculation system in accordance with federal regulations for income-based rents that provides that a family's Total Tenant Payment is the highest of:

1. 30% of monthly adjusted income, or
2. 10% of monthly unadjusted income,

But never less than the:

Minimum rent, established by HALC at $50 per month, except where a family has been exempted from the minimum rent because of financial hardship.

Tenant rent is computed by subtracting the utility allowance for tenant-supplied utilities from the Total Tenant Payment.

or a,

Flat Rent

Flat rents are established in accordance with federal regulation and will be set at an amount not less than 80% of the applicable Fair Market Rent published annually by the Department of Housing and Urban Development. Utility allowance for the unit will be applied to the determination of flat rent.

Flat rents currently available for each unit are as attached in the addendum to this plan.

Flat rent amounts will be reviewed annually and adjusted in accordance with federal regulation. Flat rents to be increased will be implemented upon minimum 30 day written notice.

Flat rent adjustments which result in increases may be subject to a phase-in period in accordance with rederal regulation.

Rent choice

At least once each year, the HA will offer families the choice between an income-based rent and a flat rent. The option will be offered at initial lease execution, at regularly scheduled annual reexamination, and on an interim basis, if a family is experiencing family hardship. The HA will provide sufficient information to family to make an informed choice. The information will include the HALC policy on switching rent type and the amount of rent under each option.

Tenants who choose income-based rent will be subject to annual reexamination of income and expenses.

A tenant who chooses flat rent will not be required to complete an annual reexamination or report interim income changes. Reexamination dates for flat rent tenants will be every three years. The tenant will be contacted on an annual basis to be given the opportunity to return to income- based rent.

HA option to apply flat-rent retroactively

The HA or the resident will have the option to apply flat rent retro-actively if it is of benefit to the resident for retro-active certifications due to a delay in the reporting or verification process. The option will be applied retroactively only if the family is eligible for a switch in rent type on an interim basis.

Switching rent type

If a family is unable to pay flat rent because of financial hardship, they may request a return to income based rent. The request must be in writing. Financial hardship is defined as a decrease in family income resulting from, loss or reduction of income, a death in the family, or a change in HA adopted flat rents. A financial hardship may also result from an increase because of changed circumstances, in the family's expenses for medical costs, childcare, transportation, education, or similar items. The hardship must be verifiable and must be of duration of at least 30 calendar days. A family who returns to income based rent on an interim basis will be ineligible for the flat rent option until their next scheduled anniversary date.

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## B. UTILITY ALLOWANCES

The tenant rent shall be computed by subtracting an allowance for tenant paid utilities from Total Tenant Payment. The utility allowances are based on an approved schedule that considers actual rates and average consumption estimates. The schedule shall be based on bedroom size and unit type. Utility allowance schedules will be reviewed annually and updated as needed. Where the Utility Allowance exceeds TTP, the family shall be eligible for a utility reimbursement payment. The HA may send the utility reimbursement directly to the main utility vendor (heat source or electric) for the family's current account for the assisted unit. Monthly amounts less than $5.00 will be accumulated on the tenant's account until the tenant's anniversary at which time an annual payment will be sent to the utility vendor.

## C. SECURITY DEPOSIT REQUIREMENTS

A security deposit shall be paid in full prior to execution of a dwelling lease. The security deposit required is $100.00.

The security deposit may not be used to pay any charges during occupancy and shall be refunded within 45 days of move-out if the following conditions are met:

1. There is no unpaid rent or other charges for which the household is liable.

2. The apartment and all equipment are left reasonably clean and all trash and debris have been removed.

3. There is no breakage or damage beyond that expected from normal wear and tear.

4. All keys are turned in to the Management Office within twenty four hours of vacate date.

5. Proper notice for vacating was given in accordance with the dwelling lease.

# 11. LEASEUP, MOVE-IN, AND RULES OF OCCUPANCY

## A. LEASE AGREEMENT

A written Dwelling Lease shall be prepared and executed between the household and the Authority prior to admission. The Lease Agreement shall designate a head of household or co-heads, if applicable. The head/co-head is the person(s) who assumes legal and moral responsibility for the household. Designation is at the option of the family.

The lease will be current at all times and shall be compatible with HALC written policies, HUD regulations and state law. All persons in the household over the age of 18 will sign and date the lease agreement.

Modifications to the lease agreement (except for rent adjustments made in accordance with federal regulations) shall be accomplished by a written addendum which will be signed by both parties.

Prior to initiating any lease modifications, the proposed changes will be posted for 30 days and comments will be solicited by residents affected by the changes.

## B. MOVE-IN ORIENTATION

Prior to taking possession of the dwelling unit, the family will be required to attend an orientation session at the location and time specified by the HALC.

This orientation may be conducted individually or in small groups and shall address the following:

1. Resident obligations under the lease agreement,

2. HALC's obligations under the lease agreement,

3. The resident's handbook and rules of occupancy, described therein,

4. Rent payment procedures and the Authority's rent collection policy,

5. Procedures for resolution of disputes and settlement of grievances,

6. Resident obligations to perform maintenance tasks and instructions for proper performance of such tasks,

7. Procedures for reporting major maintenance problems and other emergencies,

8. Availability of special services and support programs,

9. Special charges for services or other rules and regulations incorporated into the lease agreement by reference,

Failure to attend the orientation session will result in a denial of the applicant for housing. No exceptions to this requirement will be granted.

## C. UNIT INSPECTION

A dwelling unit inspection will be conducted together with the household member prior to taking possession of the unit. A written inspection report will be completed stating the condition of the unit at move-in, the equipment supplied, and the condition of that equipment. The head/co-head of the household and the authorized agent from HALC shall sign the written inspection report. A copy of the report shall be provided to the resident.

## D. RULES OF OCCUPANCY

Rules of occupancy are defined in the Resident Handbook and are provided to the household prior to move-in. The rules of occupancy are considered a part of the lease agreement and the provisions therein are as binding as if they were specifically included as conditions of the lease. The Resident Handbook shall also be posted at each housing

development. The Handbook may contain an insert to identify specific requirements unique to the residents development.

Rules of Occupancy may be amended by providing 30 days advance notice to current residents affected by changes.

# 12. COLLECTION POLICY

The dwelling lease executed between the Authority and the resident sets forth the legal requirements for payments due under the lease. Residents are also provided a Resident Handbook, as an addendum to the lease agreement that further explains the Authority's collection and eviction policies detailed below.

## A. RESIDENTS IN POSSESSION

1. Rent is due and payable in advance on the first day of each month and shall be considered delinquent after the fifth calendar day of the month. Further, residents will be allowed a 15-day grace period from the first day of each month before a late payment fee is assessed. Rent may include utilities and will include charges for other services as specified in the dwelling lease.

2. Billing statements will be mailed to all active residents at the end of each monthly period. Payment in the form of a check, money order or bank draft must be made to the Authority's main office located at 526 E. Norris Drive, Ottawa, Illinois, or HA authorized location. Payments made will be applied to amounts owing in the order specified in the dwelling lease

3. Nonpayment eviction notices will be delivered on or about the 5th of the month to residents who have not paid their account in full. In all cases, residents will be advised of their right to dispute the charges identified in the Nonpayment Eviction Notice.

4. Upon expiration of the Nonpayment Eviction Notice (14 or 30 days after delivery), delinquent accounts will be assigned to the Housing Authority Attorney for court ordered collection an/or eviction. Once a resident account is assigned to the Authority's Attorney, payment will not be accepted until the courts make a determination regarding monies owed and possession of the dwelling unit.

5. Delinquent residents will be served a summons to appear in court and will be charged court costs in accordance with the terms of the dwelling lease.

6. For those residents who appear in court as summoned and who meet the following criteria, the Authority will prepare and file an agreed judgment order with the courts that will provide for continued occupancy of the dwelling unit by the resident. The Authority will agree to continued occupancy only in those cases where residents pay all past due amounts in full within a reasonable period of time (approximately 14 days) and only if there have been no social eviction actions, repeated lease violation notices or court appearances involving the resident and the Authority in the previous 12 month period.

7. For residents who fail to appear in court as summoned, the Authority will prepare and file a default judgment order with the courts. The Authority will make a request of the courts for possession of the dwelling unit after 7 calendar days.

8. In the event that a physical eviction from the dwelling unit is necessary, the services of the LaSalle County Sheriff's Department will be utilized to assure that the court ordered eviction is carried out in an orderly and peaceful manner. Resident belongings remaining in the unit on the date of the scheduled eviction will be removed by the Authority's maintenance staff and placed on the outside curb. All entrance locks to the unit will be changed.

9. Prior to the expiration of the Nonpayment Eviction Notice and upon a request from the tenant for a payment extension, the Authority may authorize a Payment Extension Plan. Payment extensions for past due rent and/or other charges will be approved by the Director of Finance if the tenant is and has been in good standing with the Housing Authority over the previous 12 month period. For this purpose, the specific guidelines for meeting the definition of "Good Standing" are; 1) the resident has not had more than 2 repayment agreements executed in the previous 12 months **and;** 2) the resident does not have a current executed repayment agreement **and;** 3) the resident is not a party to a current or pending social eviction notice **and;** 4) the resident is not currently and has not been a party to any court legal eviction proceedings in the previous 12 month period **and;** 5) the past-due amounts owing cannot include retroactive rent due as a result of income that has gone unreported for a period of more than 6 months.

10. If approved, a written agreement will be made stating the reason for the extension and specifying the date or dates the payments are to be made. A down payment of 1/3 of the total amount due shall be required at the time the agreement is negotiated, monthly payments will be required, and no agreement for payment shall exceed a period of 6 months. The Payment Agreement will be considered to be in default when 1 (one) payment is delinquent. All monies remaining due on the agreement will become payable immediately.

11. Repayment agreements offered to family's who owe rent due to suspension of minimum rent, will be offered at the discretion of the Director of Finance.

12. Residents who are assessed retroactive rent charges in an amount exceeding $1000 due to failure to report shall be determined to have committed fraud and an eviction notice shall be issued. Only payment in full shall waive the eviction.

B. VACATED RESIDENTS

1. The dwelling lease executed at admission sets forth the provision for the deduction of unpaid rent, retroactive rent and other charges from the resident's security deposit.

2. A final statement of account shall be mailed demanding immediate payment of amounts that remain owing after deductions have been made as outlined in paragraph B (1) above.

3. If the account is not paid in full within 30 days from the date of mailing of the final statement, the delinquent resident account will be assigned to a collection agency. Prior to the expiration of the final statement notice and upon request from the debtor, the Authority may agree to accept monthly payments on the outstanding debt. If the debtor fails to make a required monthly payment, the balance remaining unpaid will be immediately assigned to a collection agency.

4. The Authority will not accept payments at it's central administration office on outstanding debts that have been assigned to a collection agency. Payments must be made directly to the collection agent. For purposes of eligibility the debt will be considered paid in full on the date the HA receives reimbursement from the collection agency unless the family provides a paid receipt and the HA is able to verify the payment.

5. Applicants who are indebted to the Authority will be ineligible for placement on the Authority's waiting lists until the indebted amount is paid in full.

C. COLLECTION LOSS WRITE-OFFS

1. Accounts receivable vacated resident debts for which no collection has been made for a period of six months shall be written off as a collection loss expense.

2. The Authority's Board of Commissioners shall approve the write off of vacated resident debts on at least a semi—annual basis.

3. Efforts to collect written-off accounts shall be continued through the efforts of a collection agency and the enforcement of the Authority's Collection Policy.

4. The Authority's Finance Department for a period of at least ten years shall maintain a computerized record and a physical file of vacated residents who: 1) left the authority with an outstanding debt, 2) were evicted for cause and/or 3) who committed fraud in connection with any federal housing program.

# 13. UNIT TRANSFERS

Reassignments or transfers to other dwelling units shall be approved by Property Management Staff as follows:

EMERGENCY – initiated by HA based on a change in unit conditions

REASONABLE ACCOMMODATION – at request of tenant

MANDATORY - initiated by the PHA

Reassignments or transfers to other dwelling units shall be approved by the Executive Director as follows:

ADMINISTRATIVE – initiated by the PHA

A. Emergency Transfers

Emergency transfers are determined and initiated by the HA. Approval of transfers will be done on a very limited basis. The determination of approval will take into account conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members, the timeframe in which the HA will be able to make repairs, the number of units and residents effected by the condition, the resident's current lease status and the families involvement in activity leading to unit condition.

B. Reasonable Accommodation

Transfer to accommodate a resident's disability will be approved when the resident has changes following admission relevant to need of a unit with certain physical features and they cannot be provided at the current unit without undue financial and administrative burden to the HA. Certification of the need for reasonable accommodation will be required.

C. Mandatory Transfers

Mandatory transfers will be required in the following situations:

1. FAMILY COMPOSITION – Transfers will be required and approved only if there has been a change in family composition approved by property management staff in accordance with this plan during the twelve months prior to the effective date of annual reexamination. Occupancy standards established in this plan will be reviewed prior to transfer approval. For the purposes of transfer, age and sex of household members are not considered in determining need for transfer. Mandatory transfers shall be initiated by the HA at the time of annual certification if the minimum or maximum number of persons in the household guidelines are not met for the unit size and type.

    a. Overhoused - The Household occupies a unit too large. Transfer will be required only if there are eligible applicants of appropriate size for the unit occupied by the family on the waiting list. Transfer will not be required if there has been no family composition change and the family was initially overhoused because of a lack of applicants.

    b. Underhoused - The household occupies a unit too small for the family size relevant to the number of bedrooms AND use of the living room as an allowable sleeping area in rowhouse, duplex, or scattered site units.

2. ACCESSIBLE UNIT - If the household is not in need of special unit features, the household will be required to transfer when the PHA receives an application by a household requiring accessibility. If there is more than one accessible unit occupied by a non-handicapped household, volunteers for transfer will be solicited. If there are no volunteers, length of tenancy will be considered. The tenant with shortest tenancy length will be required to transfer first.

3. DEMOLITION, DISPOSITION, REVITALIZATION, OR REHABILITATION – The HA may need a unit

vacant for the purpose of demolition, sale of unit, or major revitalization or rehabilitation. This type of transfer may also be used to protect residents during lead or asbestos hazard reduction activities.

D. Administrative Transfers – Transfers may be allowed at the discretion of the Executive Director in situations of need when the transfer will benefit the HA.

E. Voluntary Transfers

Because of the negative effect on vacancy control, voluntary transfers shall not be approved. The resident may choose to apply for placement on the HA waiting lists for other unit locations, types, and/or sizes of their choice.

F. Additional Conditions of Transfers

The following additional conditions will apply to unit transfers:

Vacant units shall be offered in the following order:

1. Emergency transfers
2. Reasonable accommodation transfers
3. Mandatory transfers
4. Administrative transfer
5. Waiting list applicants by sub list, preference status, date, and time including current residents who have applied for waiting list placement.

When more than one transfer request in a category exists for an available unit, length of tenancy will be considered. The tenant with the longest length of tenancy will be offered the unit first.

Current tenants approved for a transfer must accept an appropriate unit within fifteen days of the unit offer or the transfer request will be denied.

An appropriate unit will be offered within the same development when possible. In those instances where an appropriate unit does not exist within the same development, current tenants must transfer to another development within the same Asset Management Project. Congregate development units may be refused.

Expenses incurred as a result of the transfer shall be the responsibility of the tenant, other than reasonable costs incurred because of transfers needed due to emergency conditions where the HA is unable to meet lease obligations, transfers initiated because of demolition, disposition, revitalization, or rehabilitation, or transfers needed as a reasonable accommodation for residents with disabilities.

Rent changes as a result of the transfer will take effect on the 1st of the following month.

The transfer must be completed within three days.

Damages or cleaning charges assessed to the tenant's original unit will be considered a required payment due under the dwelling lease for the new unit.

# 14. PET OWNERSHIP POLICY

**Purpose**

The purpose of this policy is to establish rules governing the ownership of common household pets in and on properties owned and operated by The Housing Authority. In accordance with federal regulations, this policy shall not apply to restrict animals that assist, support or provide service to persons with disabilities.

**Types and Number of Pets**

Common Household Pets include domesticated animals that are traditionally kept in the home for pleasure, as opposed to commercial, purposes. Allowable pets include dogs, cats, birds, turtles and fish. No other animals are permitted.

One pet per unit will be allowed. Multiple fish in one aquarium will be classified as one pet. One bird cage per unit with a maximum of two birds will be allowed.

The adult weight of dogs and cats may not exceed 25 pounds. The adult height of dogs and cats may not exceed 18 inches. The adult length of birds may not exceed 10 inches. Fish aquariums may not exceed 10 gallons. Bird cages may not exceed 3 feet in height and 2 feet in diameter. Pets that mature and exceed these limits must be removed from Housing Authority property within 30 days of receiving written notice from the Housing Authority.

All dogs and cats must be spayed or neutered. All cats must have front paws de-clawed.

Specific breeds or species of animals that are deemed potentially harmful to the health or safety of others will not be permitted. This includes attack and fight trained dogs.

**Approval/Registration of Pets**

All pets must be approved by and registered with the Housing Authority prior to being brought onto the premises. Approval is to be obtained by completing the Authorization for Pet Ownership form. A color picture of the pet must be provided to the Housing Authority for identification purposes.

Pet Fees/Security Deposits

In addition to the standard security deposit, a pet deposit/fees for a dog or a cat must be paid to the Housing Authority as follows:

For developments originally designed to house families (Developments 1, 2, 3, 4, 5, 6, 7, 9, 18, 27, and 29) :Upon approval of a dog or a cat by the Housing Authority, the resident shall be required to pay a non-refundable monthly fee of $15, due with each month's rent payment. A refundable pet deposit of $200 will be required in full upon approval of the pet application for a dog or cat. The $15 monthly fee is for general costs to the Housing Authority associated with the presence of pets. The refundable deposit is to cover costs attributed to damage caused by specific pets and will be refunded less damages upon resident move-out or verification of removal of the pet.

For developments originally designed to house the elderly or disabled (Developments 8, 10, 11, 12, 13, 14, 15, 16, 17, and 26) : Upon approval of a dog or a cat by the Housing authority, the resident shall be required to pay a refundable pet deposit of $200. A minimum of $50 shall be paid upon approval of the pet application and $25 per month thereafter until a total of $200 has been paid. The refundable deposit is to cover the costs attributed to damage caused by specific pets and will be refunded less damages upon resident move-out or verification of removal of the pet.

Conditions of Pet Ownership

Residents are responsible for any damage caused by their pets, including cleaning or fumigating their units, the cost of which will be deducted from the refundable pet deposit. Residents are also responsible for the behavior of their pets, assume full liability for their pets, and agree to hold harmless the Housing Authority from any claims caused by an action or inaction of their pets.

If a pet causes harm to any person, the owner will be required to permanently remove the pet from the premises within 24 hours of written notice from the Housing Authority.

Pets may not be left unattended in the dwelling unit for more than 12 hours. If the pet is left unattended with no arrangements for alternate care, the housing authority will contact the local pet control authority to assume control of the animal. Any expenses incurred will be the responsibility of the owner.

Should the pet owner become unable to care for their pet for any reason, the name, address and phone number of at least one alternate caretaker for the pet shall be provided to the Housing Authority. In the event the alternate caregiver is unwilling or unable to care for the pet, the local pet control authorities will be contacted to assume control of the animal until such time as another friend or family member is contacted to assume responsibility for the pet. Any expenses incurred will be the responsibility of the pet owner.

All pets/service animals will be properly licensed and inoculated as prescribed by state and/or local ordinances. All dogs and cats must have a current rabies vaccination. A certification signed by a licensed veterinarian or state or local official will be required to attest to such licensing and inoculations. The certification shall be updated at least annually, or as required by state and/or local ordinances. Required tags shall be visible on the animal at all times.

Pet owners are required to take appropriate measures to keep pets free of fleas and ticks. Any pet-related insect infestation in the dwelling units will be the responsibility of the pet owner. The Housing Authority reserves the right to perform insect extermination at the expense of the pet owner.

Pet owners must maintain the pet and it's quarters in a manner that will prevent odors and unsanitary conditions.

Pets are expected to be quiet so as not to disturb any other residents of the Housing Authority.

All pets must be kept in the owner's unit, and must be controlled/contained when Housing Authority employees, its agents or others must enter the unit to conduct business. Pets must be leashed and attended by an adult at all times when outside. Pets may not be chained or tethered unattended while outside. No alterations may be made to the dwelling or the dwelling area to create an enclosure for a pet. No outdoor cages or pet homes may be constructed.

Pet owners must clean up pet waste and are responsible for prompt and proper disposal of waste. Cats must use waterproof litter boxes inside the unit and litter boxes will be emptied and cleaned in a timely manner. Litter shall be disposed of appropriately. No litter will be flushed down the toilet.

Visiting pets and pet sitting by residents will not be allowed.

**Violations of Pet Ownership Policy**

Violation of any part of this policy may result in:

(1). Required removal of pet within 30 days of written notice from the Housing Authority, except in the case of the pet causing harm to a person, when the removal is required within 24 hours of written notice from the Housing Authority,

and/or

(2). Eviction.

# 15. DENIAL OF ASSISTANCE

No person will be denied the opportunity to complete an initial application for assistance as long as the waiting list is open and the HALC is accepting applications. General information regarding eligibility may be provided at the request of the applicant, but no determination shall be made until a written application form is submitted. Determinations shall be given to the applicant in writing.

Current residents of HALC public housing who are ineligible for placement on the transfer list may apply for placement on other waiting sub lists for units of different location, size or type. They will be subject to all admission and eligibility requirements.

A determination will be made to deny assistance for any of the following reasons:

1. Gross household income exceeds the applicable income limitations for the public housing program;

2. Household fails to cooperate with provision of social security numbers;

3. Household is restricted from receiving assistance as a non-citizen or fails to cooperate with verification of eligible immigration status when required;

4. Household fails to qualify as a family as defined in this plan;

5. Failure to meet the Other Criteria for Admission established by the Housing Authority for Lasalle County in accordance with Chapter 4 of this plan;

6. Failure to cooperate with requirements of application, interview, or lease execution process.

7. The applicant has misrepresented any information related to eligibility, award of preference for admission, allowances, family composition or rent.

Initially, a preliminary decision of eligibility will be made for placement on the waiting list based on information provided by the applicant on the pre-application form. Prior participation in HA assistance programs will be checked. The applicant will be advised that the eligibility determination is not final. Eligibility will be reviewed at the time of formal application with verified information. A final eligibility determination will be made by Property Management staff at the time of interview prior to lease execution.

In any case where the PHA decides to deny assistance to the family, the PHA will give timely written notice of their determination. The family will be notified of their right to appeal the decision in accordance with Chapter 17 of this plan. If the decision to deny assistance is based on a criminal conviction record, the HALC will provide the applicant with a copy of the record upon request.

If current participation in another assisted housing program is verified through the HUD EIV system, preference status may be effected. Applicants will not be denied assistance for duplicate assistance, if EIV records indicate they are in good standing. The applicant will be advised of duplicate assistance prohibitions and advised that a follow up EIV system check will be processed in 60 days at which time they must have terminated assistance with the other assisted program in good standing in a timely manner or be subject to termination of tenancy.

# 16. TERMINATION OF LEASE

A. Termination by Resident

The lease may be terminated by the Resident at any time by giving 30 days written notice personally delivered to the Property Management office of the development within which the Resident resides or sent by pre-paid first class mail, properly addressed. The Resident is required to leave the unit in a clean and good condition and return the keys to the Management office of their development within 24 hours of when they vacate.

B. Termination by PHA

For deceased residents who are the sole occupant of the unit, the property management staff will initiate an intent to vacate for a 14 day notice period to begin the date the death occurs unless the death occurs during the month for which rent has already been paid in full. If the rent has been paid in full, at the request of the responsible party, the intent may be extended beyond 14 days to the last day of the paid month. A 50058 form will be transmitted to HUD with an end of participation effective date equal to 14 days following date of death or last day of the paid month, whichever is later.

Management shall terminate the lease and/or refuse to renew the lease for material breach of the lease. A material breach is the result of failure to make payments due under the lease or failure to fulfill the Resident obligations set forth in the Dwelling Lease and Resident Handbook.

The PHA shall give written notice of the termination of the lease in accordance with Federal Regulations and State Law as follows:

14 CALENDAR DAYS - Failure to pay rent

10 CALENDAR DAYS - Participation in any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by the Resident, other residents or employees of HALC including but not limited to a pattern of abuse of alcohol;

or

participation in any drug-related criminal activity occurring on or off HALC premises;

participation in any violent criminal activity occurring on or off HALC premises;

or

participation by a guest or another person under the Resident's control in drug-related or violent criminal activity on or near HALC premises.

IMMEDIATE NOTICE/FILE COMPLAINT - The possession, use, sale, or delivery of a firearm which is otherwise prohibited by State law within or upon the premises by or with the knowledge and consent of, or in concert with, the person or persons named in the complaint;

or

Trafficking in cannabis, narcotics, or controlled substances within or upon the premises by or with the knowledge and consent of, or in concert with the person or persons named in the complaint, or manufacture or production of methamphetamine on the premises of federally assisted housing.

THIRTY DAYS - All other cases of breach of lease.

If the termination of assistance is based on criminal conviction records, the HALC will provide the Resident with a copy of the criminal record if requested. The HALC shall not evict because of resident's status as a victim of domestic violence or dating violence, in the event a household member is determined to be a perpetrator of domestic violence, HALC shall have the right to bifurcate the lease and take termination and eviction action against the perpetrator. If, however, the domestic violence causes an actual and immediate threat to other residents or employees or service providers of the HALC, the HALC may take termination and eviction proceedings against all residents. HALC shall require that a resident victim provide a certified statement of domestic violence which includes a description of the incidents and the name of the perpetrator within 14 (fourteen) calendar days of the incident(s) to be afforded protection for an eviction. Resident may also comply with this reporting by submitting a local police report or court record or submitting documentation signed by a victim service provider, an attorney, or a medical professional from who the victim has sought assistance. The signor must attest under penalty of perjury that the abuse the victim has suffered is an actual incident of domestic/dating violence and that the victim has signed or approved the documentation, which shall also be submitted within 14 (fourteen) days of the incident(s).

C. Vacating Dwelling Units

Residents who have provided proper notice to terminate the lease agreement must contact the Authority prior to vacating to arrange for turning in keys. After the keys have been turned in, a move-out inspection shall be promptly conducted. At the request of the tenant, the move-out inspection may be conducted jointly. Charges for Resident damages shall be deducted from the security deposit. Additional charges or the balance due the Resident shall be processed as described in this plan.

When the Authority receives possession of a dwelling unit pursuant to a legal judgment, possession of the unit shall be coordinated with the Lasalle County Sheriff's Department. Entrance locks shall be changed on all entrance doors and personal belongings of the household remaining in the unit shall be placed outside under the supervision of the sheriff. HALC will assume no liability for any personal belongings.

When keys are not returned to the property management office within 24 hours of move-out date, the locks to the unit shall be changed and the resident shall be responsible for incurred charges.

# 17. COMPLAINTS AND APPEALS

## A. Appeals by Applicants

Appeals by applicants concerning a determination to deny assistance, including denying listing on the waiting list, denial of preference status, refusal to offer a unit, or any adverse action taken by the HA in reference to the application are handled by an Informal Review process.

The applicant will be given a written notice of the decision which clearly states the reason for the determination, the time period and process for requesting an informal review, notice to the applicant that a person with a disability has the opportunity to request consideration of reasonable accommodations. If the action to deny is based on a criminal conviction record, at their request, the applicant will be provided with a copy.

The applicant must request an informal review within ten calendar days of the written notification of denial of assistance. The request must be in writing and received by the Administrative office of the Housing Authority delivered personally or sent first-class mail properly addressed and postmarked no later than the date indicated on the notice of denial.

The informal review will be held within ten business days of the applicant's request. The applicant will hear the details of the reasons for denial and will be given the option of presenting evidence to the contrary if available, and information relative to a claim of mitigating circumstances.

The review will not be conducted by the person who made the original decision to deny, or a subordinate of that person. The review officer must be fully capable of impartially and must not have been involved in the original determination.

The Informal Review officer shall provide a written notice of findings to the applicant and shall include a brief explanation of the reasons for the final decision. Notice of the final decision will be sent within five business days of the informal review date.

The informal review will only be rescheduled in the event of a verified emergency. The applicant must contact the hearing officer prior to the scheduled hearing date to reschedule. The failure of the applicant to attend the review without prior arrangements to reschedule by non-attendance or by arrival after the scheduled review time will result in the original decision being determined final.

Applications which are withdrawn due to non-response by the applicant will not be subject to review. Notices sent to the applicant will advise them of the date by which a response is required and that their failure to comply will result in a withdrawal of their application.

## B. Appeals by Residents

Any dispute which a Tenant may have with respect to an action or failure to act by the HALC in accordance with the individual Resident's lease or which adversely affects the Resident's rights, duties, welfare, or status is subject to appeal governed by the following grievance procedure:

### 1. Initial Presentation of Grievance

Any grievance must be personally presented in writing to the HALC's administrative office located at 526 E. Norris Dr., Ottawa, Illinois 61350 within five (5) business days after the occurrence of the event that gave rise to the grievance.

### 2. Informal Settlement Conference

If the grievance is not determined to fall within one of the exclusions (stated in Section 21) then the representative of HALC originally responsible for the adverse action, will, within five (5) business days after the Resident's initial presentation of grievance, informally discuss the grievance with the complainant or his representatives in an attempt to settle the grievance without the necessity of a formal hearing. If the informal settlement conference cannot occur at the time the grievance is initially presented by the complainant, then the complainant will be promptly notified in writing of the time and place for the informal settlement conference.

The complainant may waive the informal settlement for good cause and request to proceed directly to the formal hearing.

3. Written Summary

Within five (5) business days after the informal settlement conference, a summary of the informal discussion shall be prepared by HALC and a copy thereof shall be provided to the complainant. The summary shall be in writing and shall specify the names of the participants in the discussion, the date of the discussion, the nature of the proposed disposition of the grievance, and the specific reasons for such disposition. This written summary will also specify the procedures by which the complainant may obtain a formal hearing if not satisfied by the proposed disposition of the grievance. A copy of the written summary shall also be placed in complainant's Resident file.

4. Request for Formal Hearing

If the complainant is not satisfied with the results of the informal settlement conference, or requests to proceed directly to the formal hearing, the Complainant must submit a written request for a formal hearing to the HALC's main office, located at 526 E. Norris Drive, Ottawa, Illinois 61350 no later than five (5) business days after the date Complainant receives the summary of discussion delivered as required under Section (3) above or upon request for waiver of settlement conference within ten (10) business days of the event that gave rise to their grievance.

Complainant's written request for a formal hearing must specify:

(1) The reasons for the grievance; and
(2) The action or relief sought by the complainant; and
(3) At least three alternate dates and times during normal business hours that the complainant and any representative they wish present will be available for a hearing during the next ten (10) business days; and
(4) If the complainant has failed to attend an informal settlement conference, a request that the hearing officer waive this requirement.

5. Failure to Request Formal Hearing

If the complainant fails to request a hearing within five (5) business days after receiving the written summary of the informal settlement conference, HALC's decision rendered at the informal hearing becomes final and HALC is not thereafter obligated to offer the complainant a formal hearing.

6. Selection of Hearing Officer

All grievance hearings shall be conducted by an impartial person appointed by the HALC after consultation with resident organizations, in the following manner:

A. The permanent appointments of persons who shall serve as hearing officers shall be governed by the following procedures:

1) The HALC shall nominate a slate of persons to sit as permanent hearing officers. These persons may include, but not limited to, members of the HALC Board of Commissioners, HALC staff members, residents, or other responsible persons in the community. No persons shall be listed on the slate of members unless such person has consented to serve as a hearing officer.

2) The slate of potential appointees shall be submitted to all HALC residents for written comments. Written comments from the residents shall be considered by the HALC before appointments are finally made. Objection to the appointment of a person as a hearing officer must be considered but is not dispositive as to the proposed appointment with respect to which objection is made.

3) On final appointment, the persons appointed and residents shall be informed in writing of the appointments. A list of qualified hearing officers is attached as Appendix 2 to this plan and will be posted at the main office of the HALC located at 526 East Norris Drive, Ottawa, Illinois 61350 and so as to be available for public inspection at any time.

B. The designation of hearing officers for grievance hearings shall be governed by the following provisions:

1) All hearings will be held before a single hearing officer.

2) Appointments to serve as a hearing officer with respect to a particular grievance shall be made by the HALC in random order, subject to availability of the hearing officer to serve in each such case. The HALC will use an electronic software system to ascertain random order choice. The system will be employed on an annual basis to select a hearing officer and alternate officer to hear grievances in each calendar month.

3) No member of the HALC Board of Commissioners or staff may be appointed as hearing officer in connection with the grievance contesting an action which was either made or approved by proposed appointee, or which was made or approved by a person under whom the proposed appointee works or serves as a subordinate.

4) No person shall accept an appointment, or retain an appointment, once selected as a hearing officer if it becomes apparent that such person is not fully capable of impartiality. Persons who are designated as hearing officers must disqualify themselves from hearing grievances that involve personal friends, relatives, persons with whom they have any business relationship, or grievances in which they have some personal interest. Further, such persons are expected to disqualify themselves if the circumstances are such that a significant perception of partiality exists and is reasonable under the circumstances. If a complainant fails to object to the designation of the hearing officer on the grounds of partiality, at the commencement or before the hearing, such objection is deemed to be waived, and may not thereafter be made.

In the event that a hearing officer fails to disqualify himself or herself as required in this grievance procedure, the HALC will remove the officer from the list of persons appointed for such purposes, invalidate the results of the grievance hearing in which such person should have, but did not, disqualify himself or herself, and schedule a new hearing with a new hearing officer.

7. Hearing Prerequisites

A complainant does not have a right to a grievance hearing unless the complainant has satisfied the following prerequisites to such a hearing:

A. The complainant has requested a hearing in writing as required.

B. The complainant has completed the informal settlement conference or has requested a waiver for good cause.

C. If the matter involves the amount of rent which HALC claims is due under the complainant's lease, the complainant shall have paid to HALC an amount equal to the amount due and payable as of the first of the month preceding the month in which the complained of act or failure to act took place. And, in the case of situations in which hearings are, for any reason delayed, the complainant shall thereafter, deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the hearing officer. This requirement will not be waived by the HALC unless the complainant is paying minimum rent and the grievance is based on a request for a hardship exemption, or the Resident's welfare benefits have been reduced for welfare fraud or failure to comply with economic self-sufficiency requirements.

8. Time, Place, Notice

A. Upon Complainant's compliance with the prerequisites to hearing set forth above, a hearing shall be scheduled by the hearing officer taking into reasonable consideration the available times provided by the complainant and the schedule of the hearing officer. The hearing shall be scheduled not later than the tenth (10th) business day after the Complainant has completed such compliance.

B. A written notification specifying the time, place, and the procedures governing the hearing shall be delivered to the complainant and the appropriate HALC official, who, unless otherwise designated, shall be the Executive Director.

9. Fair Hearings

A. The complainant shall be afforded a fair hearing, which shall include:

1. The opportunity to examine before the hearing any HALC documents, including records and regulations that are directly relevant to the hearing. The complainant will be allowed to copy any such document at the complainants expense. If HALC does not make the document available for examination upon request by the complainant, HALC may not rely on such document at the grievance hearing.

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

3. The right to a private hearing unless the complainant requests a public hearing. The right to present evidence and arguments in support of the complainant's complaint, to controvert evidence relied on by HALC and to confront and cross examine all witnesses upon whose testimony or information the HALC or its management relies; and

4. A decision solely and exclusively upon the facts presented at the hearing.

10. Prior Decision in Same Matter

The hearing officer may render a decision without proceeding with the hearing if they determine that the issue has been previously decided in another proceeding.

11. Failure to Appear

If the complainant or HALC fails to appear at a scheduled hearing, and the party contacts the hearing officer

to arrange for a rescheduled hearing, the hearing officer may make a determination to postpone the hearing for a period not to exceed five (5) business days. If the party fails to contact the hearing officer in advance, the hearing officer will make a determination that the party failing to attend has waived the right to a hearing. The complainant must appear in a timely manner on the scheduled date and time. Lateness in excess of fifteen minutes will be considered a failure to appear.

Both the complainant and the HALC shall be notified of the determination of the hearing officer; that the waiver of the right to a hearing shall not constitute a waiver of any right the complainant may have to contest the HALC's disposition of the grievance in court.

12. Required Showing of Entitlement to Relief

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and,

thereafter, HALC must sustain the burden of justifying HALC's action or failure to act against which the

complaint is directed.

13. Informality of Hearing

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

14. Orderly Conduct Required

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

15. Transcript of Hearing

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

16. Accommodation to Handicapped Persons

HALC must provide reasonable accommodation for persons with disabilities to participate in grievance hearings. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the Resident is visually impaired, any notice to the Resident which is required under this procedure must be in an accessible format.

17. Decision of the Hearing Officer

At or subsequent to the completion of the grievance hearing, the hearing officer shall make a determination as to the merits of the grievance and the following provisions shall govern:

A. Written Decision

The hearing officer shall prepare a written decision, together with the reasons for the decision within ten (10) business days after the completion of the hearing.

1) A copy of the decision shall be sent to the complainant and HALC. HALC shall retain a copy of the decision in the complainant's Resident folder.

2) A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by HALC and made available for inspection by any prospective complainant, his representative, or the hearing officer.

B. Binding Effect

The written decision of the hearing officer shall be binding upon HALC, which shall take all actions, or refrain from any actions, necessary to carry out the decision unless HALC's Board of Commissioners determines, within ten (10) business days, and properly notified the complainant of its determination that:

1) the grievance does not concern HALC action of failure to act in accordance or involving the complainant's lease or HALC's regulations, which adversely affect the complainant's rights, duties, welfare or status, or

2) the decision of the hearing officer is contrary to applicable Federal, State, or local law, HUD regulations or requirements of the annual contributions contract between HUD and HALC.

C. Continuing Right of Complainant to Judicial Proceedings

A decision by the Hearing officer or Board of Commissioners in favor of HALC or which denies the relief requested by the complainant, in whole or in part, shall not constitute a waiver of, nor effect in any way the rights of the Complainant to a trial or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

18. NOTICES

All notices under this grievance procedure shall be deemed delivered: (1) upon personal service thereof upon the complainant's household, (2) upon the date receipted for or refused by the addressee, in the case of certified or registered U.S. Mail, or (3) on the second day after the deposit thereof for mailing, postage prepaid, with the U.S. Postal Service, if mailed by first class mail other than certified or registered mail. If a Tenant is visually impaired, any notice hereunder delivered to such Resident shall be in an accessible format.

19. MODIFICATION

This grievance procedure may not be amended or modified except by approval of a majority of the Board of Commissioners of HALC, present at a regular meeting or a special meeting called for such purposes. Further, in addition to the foregoing, any changes proposed to be made to this grievance procedure must provide for at least thirty (30) days advance notice to Residents setting forth the proposed changes and providing an opportunity to present written comments. The comments submitted shall be considered by HALC, before final adoption of any amendments hereto.

20. CONCURRENT NOTICE

If a Resident has filed a request for grievance hearing hereunder in a case involving HALC's notice of termination of tenancy, the complainant should be aware that the State law notice to vacate and the notice of termination of tenancy required under Federal law run concurrently. Therefore, if the hearing officer upholds HALC's action to terminate the tenancy, HALC may commence an eviction action in court upon the sooner of, the expiration of the date for termination of tenancy and vacation of the premises stated in the notice of termination delivered to complainant, or the delivery of the report of decision of the hearing officer to complainant.

21. TERMINATIONS EXCLUDED

HUD has issued a due process determination that the law of the State of Illinois requires that Resident be given the opportunity for a hearing in court which provides the basic elements of due process (as defined in Section IV below) before eviction from a dwelling unit. Therefore, HALC has elected to determine that this grievance procedure shall not be applicable to any termination of tenancy or eviction that involves:

(1) any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of HALC; or right to peaceful enjoyment of their residence by persons residing in immediate vicinity;

(2) participation in any drug-related or violent criminal activity by any household member occurring on or off Housing Authority premises.

(3) any drug-related or violent criminal activity by a guest or other person under the Resident's control which occurs on or near the Housing Authority premises.

(4) a determination that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

(5) a Resident is fleeing to avoid prosecution, or custody or confinement after conviction for a crime, or attempt to commit a crime that is a felony.

(6) possession, use, sale, or delivery of a firearm which is otherwise prohibited by State law within or or upon the premises by or with the knowledge and consent of, or in concert with, the person or persons named in the complaint.

# 18. MAINTENANCE OPERATIONS

The Housing Authority for Lasalle County shall maintain physical facilities in good condition at all times, make repairs as needed, and keep all equipment in safe working order.

Residents are responsible to keep premises assigned for their exclusive use in a clean and safe condition. When a repair is needed, residents are responsible for contacting the Authority immediately. Emergency repairs will be completed within 24 hours. All other repairs shall be completed within a reasonable time ( typically three business days).

HALC has an emergency maintenance service for emergencies that occur when the Property Management office is closed. Only those items identified as emergencies in the Resident Handbook will be responded to after hours. All other work will be responded to during regular working hours.

Charges will be assessed based on the most recent maintenance charge list posted at each Property Management office. The charge list will be reviewed annually to determine whether adjustments to costs charged are necessary. Any repairs made which are not included on the charge list will be billed based on time and material used. Residents will not be charged for normal wear and tear and or for parts that wear out from age.

Repairs needed, as identified in dwelling unit inspections, shall be initiated by HALC. Residents shall be required to cooperate with all needed repairs.

No repairs will be performed without a work order authorized by site office staff. Following completion of the work the resident will sign the work order. If charges are assessed, the tenant will be advised. Charges will be due on the first day of the second month following the month in which the charge was made.

Preventative maintenance will be done on a weekly, bi-weekly, monthly, semi-annual or annual basis. The equipment to be maintained will dictate frequency of inspection.

# 19. RESIDENT COUNCILS AND THE RESIDENT ADVISORY BOARD

1. Resident Councils

The Housing Authority will work to consistently encourage resident empowerment through the development and support of resident councils formed in accordance with HUD regulations. The primary purpose of resident organizations is to improve communication, identify leadership and build capacity towards self-independence.

The Authority remains open to the future ideas and trends of our resident organizations and pledges full support in the endeavors.

2. Resident Advisory Board

Members for the Resident Advisory Board shall be solicited from residents from each of the Authorities Development's and from participants in the Housing Choice Voucher program. The Authority will work closely with the Advisory Board in the development of policies and procedures pertaining to the operations of the Authority. The primary purpose of the Advisory Board will be to assist in the development of the Authorities Annual and Five Year Agency Plans.

# 20. ANNUAL ACTIVITIES

There are several activities that the PHA conducts on an annual basis:

Annual reexamination of resident (non-flat rent residents)
Annual inspection of unit
Annual option of resident rent choice
Annual review of family composition

After a family is admitted to public housing, they must comply with HUD regulations and HALC's rules on continued occupancy as expressed in the lease and resident handbook in order to remain as residents in good standing.

## A. ANNUAL REEXAMINATION AND RECERTIFICATION

Families who have not opted for flat rent calculation will be required to provide information on income, assets, allowances, deductions, and family composition at least annually. Flat rent families will provide the information every three years.

Reexaminations are scheduled based on the anniversary of resident's initial admission to HALC public housing.

When a resident is transferred to a new unit, a new reexamination will not be required. If changes have occurred the change in information will be considered an interim reexamination and any rent adjustment will be calculated in accordance with the interim policy. A full reexamination will be performed based on the anniversary date of their initial admission.

### 1. Reexamination Notice to the Family

Ninety (90) to one hundred twenty (120) days in advance of the scheduled annual reexamination effective date, the non-flat rent family will be notified of the requirement for all adult family members to attend a reexamination interview on a specified date.

Interviews will be held at a site located at or near the development the resident resides in. The notice of reexamination will include documents to be completed and returned by the family prior to their interview date and will include a checklist of required resident provided documents to be submitted at the time of interview. Enterprise income verification and third party verifications will be requested as required by the staff of the PHA based on the most recent information reported by the household.

If the resident fails to attend the scheduled interview and or submit or sign required documents, a second notice will be sent via first class mail. All second appointments will be held at the HALC Administrative office at 526 E. Norris Drive, Ottawa, Illinois.

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

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

### 2. Changes in Tenant Rent

Once the interview is complete and all necessary documents and verifications have been returned, the information will be analyzed and the total tenant payment will be recalculated. If there is a change in circumstances prior to the issuance of the annual Notice of Rent Adjustment, the resident must report the change so that the information can be verified and the rent calculated based on the new circumstances.

HALC will notify the resident in writing of it's determination and of the new rent to be paid by the resident. The notification will include information on both the calculated income-based rent and the unit flat rent and will allow the resident the option to select rent type.

If there is a rent increase, the new rent portion will go into effect following a minimum 15 days notice prior to the effective date of the rent change. If there has been misrepresentation by the resident, or if the resident caused a delay in the reexamination processing, the increase in rent will be processed retroactively in accordance with the interim rent change policy.

If there is a decrease, it will be effective on the scheduled effective reexamination date unless the family has caused a delay in reexamination processing, in which case it will be effective the first of the month following completion of the re-examination.

Income will be reviewed using the verification and calculation methods required by federal regulations and in accordance with this document.

Delays in processing and effective dates will not affect the date of the next required annual re-certification.

B. ANNUAL UNIT INSPECTION

An inspection in accordance with DHUD requirements of Uniform Physical Condition Standards (UPCS) will be scheduled annually. A master inspection file for all Developments will be maintained at the HALC administrative office. A copy of the inspection letter for each unit will be maintained at the development's site office.

Items that fail will be corrected by HALC. Emergency items will be reported to the site office the same day and other items by the first Monday following the inspections. Repairs will be made in accordance with the timeframes of this plan. Any charges as a result of conditions beyond normal wear and tear will be assessed to the resident account.

Housekeeping problems or other lease violations identified during the inspection will result in the property management staff being notified and the household being placed on notice of probationary tenancy. A housekeeping addendum will be executed and follow up inspections will be conducted by Property Management staff based on schedule determined by severity of unit conditions. Failure to correct these violations will result in termination of tenancy.

C. ANNUAL OPTION OF RENT CHOICE

When the Notice of Rent Adjustment is issued, non-flat rent residents will be provided with information on both the income based tenant rent and the unit's applicable flat rent. The tenant is given the opportunity to request their rent option. If the tenant wishes to opt for flat rent, they are required to submit their request in writing on the provided form. Flat rent does not automatically apply, if the tenant fails to opt for flat rent in writing, rent will be income based.

Prior to their scheduled anniversary date, flat rent residents will be sent an update notice allowing them the option to return to income-based rent, and will be scheduled for an appointment only if they opt to change rent type or the three (3) year reexamination requirement is due.

D. ANNUAL REVIEW OF FAMILY COMPOSITION

Each year prior to the family's anniversary date, the family composition will reviewed by Housing Management Staff. If there has been a change in family composition within the prior 12 months, the minimum and maximum occupancy standards established in this document will apply for determination of need for transfer. A family who is overhoused or underhoused shall be placed on the mandatory transfer list.

# 21. INTERIM CHANGES

The total tenant payment and tenant rent are subject to redetermination in the period between regularly scheduled reexamination if household composition changes have been approved or if household circumstances change between initial admission and annual reexamination for a time period exceeding thirty days and the resident has selected income-based rent. All changes must be reported in a timely manner.

## A. REQUIRED REPORTING TO PROPERTY MANAGEMENT STAFF

The resident must report to their Housing Manager when the household composition changes (including any income or allowance change as a result of the new family size). Changes shall be subject to approval.

## B. REQUIRED REPORTING TO THE INTAKE, CERTIFICATION AND OCCUPANCY DEPARTMENT

If a resident has not chosen a flat rent amount,

The resident must report all changes in source of income.

The resident must report all increase in income which is substantially different that the amount used for current rent calculations if the increase will be in effect for more than 60 days. Substantially different is defined as $2400 annually.

## C. VOLUNTARY REPORTING TO THE INTAKE, CERTIFICATION AND OCCUPANCY DEPARTMENT

The resident may report if there is an increase in allowances or deductions which is anticipated to last until the next annual reexamination. The resident may report a decrease in income that will be in effect for more than 30 calendar days and will result in annual income for the twelve ( 12) month reexamination period which is different than the amount currently used for calculations of total tenant payment and current calculation of income was not based on income which has been annualized.

## D. OTHER INTERIM REQUIREMENTS

1. For families currently at zero income or whose income is subject to extreme fluctuations or who are reported on the EIV discrepancy report, reexamination may be rescheduled every ninety to one-hundred eighty days because of the inability to project annual income with any reasonable degree of accuracy. Reexamination may include required submission of documents and certifications and/or a scheduled interview.

2. For families where an error was made, the PHA will perform an interim reexamination (the family will not be charged retroactively for an error made by PHA personnel).

3. For families whose rent has been based on false or incomplete information supplied by the applicant/resident, there will be an interim reexamination process. Changes will be made retroactively. If the misrepresentation or non-reporting exceeds a period of six months, was effective prior to execution of the lease, omits or provides information in order to receive benefit of minimum rent hardship exemption, or results in retroactive charges which exceed $1000, it will be determined that fraud has occurred and the tenancy will be subject to termination in accordance with this Plan.

## E. FORMS USED FOR INTERIMS

1. Changes in household composition reported to Property Management staff require:

- a written request for a change in family composition executed by the family, if the change involves the removal of a family member, the family must declare the member temporarily or permanently absent,
- a personal declaration form completed by the resident,
- social security number verification and declaration of citizenship for any addition to the household,
- verification of identity in accordance with this plan for any addition to the household,
- consent for release of information signed by any adult addition to the household
- verification of permanent absence in accordance with Chapter 9 of this plan for removal of a member.

The Property Management staff will be responsible for approval or denial of the Notice of Change in Family Composition and will forward a copy of their determination to the ICO Department for interim processing. The change will not be approved unless

accompanied by all required documentation. Any added family member must meet all eligibility criteria in accordance with this plan. Approvals of additions to the household will be denied if they are for changes not related to birth, adoption, marriage or permanent legal custody and they result in overcrowding according to the maximum occupancy standards of this policy. A family member will be approved as temporarily absent unless verification of permanent absence in accordance with this plan is received.

2. Changes effecting income based rent reported to the Intake, Certification and Occupancy Department require:

- a personal declaration form completed by the resident,
- all verifications necessary in accordance with this plan.

The income of the entire household will be reviewed when a change is reported. If an interim reexamination is required, information will be verified, new rent calculations will be processed and a calculation worksheet will be sent to the resident along with a written Notice of Rent Adjustment. The Notice will include information on the resident's right to a grievance in the event of a dispute.

F. EFFECT OF TIMELY REPORTING ON DATE OF RENT CHANGE

The standard for reporting interim changes in a timely manner is for the resident to report the change to the appropriate HALC department within fifteen business days of the date the change occurs or at initial admission (if change was in effect for less than 15 business days prior to admission). Changes not reported to the correct staff person (i.e., maintenance employee, income change reported to manager) will not be considered proper timely reporting.

1. PROCEDURE WHEN CHANGE IS REPORTED IN A TIMELY MANNER

A. Change in household composition (including income change which results)

1) Increases will be effective on the 1st of the second month following the manager's approval of the Notice of Change in Family Composition. A minimum fifteen calendar day notice of rent adjustment will be provided.

2) Decreases will be effective on the 1st of the month following the date of the manager's approval of the Notice of Change in Family Composition.

B. Change in income which would increase tenant rent at a time other than initial admission or annual reexamination

1) Increases will be effective no sooner than the 1st of the third month following the date the income change occurred. A minimum fifteen calendar day notice of rent adjustment will be provided.

2) Increased tenant rent will be processed on the next regularly scheduled annual reexamination date for household's who:

a. Receive a lump sum for deferred periodic payment
b. Experience a decrease in allowances or deductions
c. Report that a wage earner turns 18 years of age

C. Change in income/allowances that occurs following the annual interview and prior to the Notice of Rent Adjustment

1) will be effective on the 1st of the second month following the date the change occurred. A minimum 15 calendar day notice will be provided.

D. Change in income/allowances which would increase tenant rent that occur following the unit offer and prior to admission must be reported on the personal declaration completed at admission

1) will be effective the 1st of the second month following admission (i.e., January lease, rent changes Mar 1)

E. Changes that result in a decreased tenant rent

1) The effective date of timely reported decreases will be the 1st of the month following the date the change was reported. No downward rent adjustments will be processed until all verifications are complete. If necessary, a retroactive adjustment will be made and the resident account will be credited.

F. Changes resulting from a HA rental calculation error:

1) Increases will be effective on the 1st of the month following a minimum fifteen day notice.

2) Decreases will be processed retroactively and will be effective the 1st of the month following the date of the change.

2. PROCEDURES WHEN CHANGE IS NOT REPORTED IN A TIMELY MANNER

If the resident does not report within fifteen (15) business days as required, changes will be processed as follows:

A. All changes resulting in an increased tenant rent will be processed effective the 1st of the second month following the date the change occurred. Retroactive charges will be processed if necessary. Flat rent may be applied.

B. Change resulting in a decreased tenant rent will be processed effective the 1st of the month following the date the change was reported.

G. RESIDENT DELAY IN PROCESSING

If the resident fails to return paperwork necessary to process an interim in a timely manner in accordance with Chapter 23 of this plan, changes will be processed as follows with no consideration given to whether or not the change was reported timely:

1. Increases will be effective the first of the second month following the date the change occurred. Retroactive adjustments may be made and less notice may be given on the Notice of Rent Adjustment.

2. Decreases will be processed effective on the 1st of the month following the submission of the required documents.

H. TIMING OF NEXT ANNUAL REEXAMINATION

The processing of an interim reexamination will not change the anniversary date or required annual reexamination date. The next required annual reexamination will be scheduled within a year from the last effective date of the annual reexamination of family contribution.

## 22. SATELLITE DISH POLICY

The following policy applies to the installation of satellite dishes on Housing Authority for LaSalle County property.

The Federal Communications Commission rule regarding installation of over-the-air reception devices on rental property says that landlords may not prohibit residents from installing a satellite dish on Housing Authority property, however there are restrictions that can be placed upon their installation.

They are as follows:

1. They cannot be installed on common and/or restricted access property.
2. They cannot be more than 24" wide.
3. They cannot be installed more than 6' from the ground.
4. They have to be installed within 2' from the resident's apartment.
5. They can only be installed on property under the exclusive use or control of the viewer. This includes balconies, terraces, patios and yards.
6. All cables have to be buried and only one cable can be installed to the apartment.
7. They have to be installed by a professional to the satisfaction of the Housing Authority.
8. The Housing Authority has to be notified in advance of installation.
9. Installation on the exterior walls, windows or roofs of the buildings is prohibited.

Violation of this policy by a resident of the Housing Authority will be considered sufficient reason to terminate the lease agreement.

## 23. MISSED APPOINTMENTS/DOCUMENTS NOT SUBMITTED

HUD regulations require families to cooperate with the initial eligibility determination process and regular and interim reexaminations of family income and composition.

The PHA sets appointments and requests verifications to obtain the required information necessary for certification and reexamination. All appointments will be confirmed in writing and the notice will contain specific information on date, time, and interview location. The HALC utilizes a written checklist form to verify which documents are requested.

An applicant or resident who fails to cooperate is subject to denial or termination of tenancy.

Process when Appointment(s) is(are) Missed:

For most situations, the household will be given two appointments.

1. If the family does attend or contact the administrative office in advance to reschedule the appointment, a second notice will be sent. The second notice for annual reexaminations will include a new date and time. The second appointment will be held at the HALC Administrative office. The second notice for applicants will require the family to contact the ICO Department within five business days to reschedule the appointment. Second appointments must be scheduled within fourteen calendar days of the first appointment.

2. If the applicant does not call to reschedule as required, or does not attend the 2nd appointment, the Housing Authority will begin denial procedures. If the resident does not attend the second appointment, the Property Management staff will be contacted to determine the reason for non-cooperation. If a hardship situation exists, the Property Management staff will assist the family in completion of the reexamination. If no hardship exists or the family refuses to cooperate with the Property Management staff, a notice of termination of tenancy will be issued.

Process when Documents Are Not Submitted as Required

The Housing Authority will request documents and verifications in writing, initially in the form of a checklist. The checklist will note what documents are required and a submission deadline date allowing a minimum ten calendar days.

1. If the family does not submit documents within the time requested, a second notice will be issued which will allow five additional working days.

2. If the documents are not submitted within the time allowed by the second notice, a notice of denial/termination will be issued. The denial/ termination will give the applicant or resident an opportunity for an Informal Review/Grievance hearing, as appropriate.

## 24. EQUAL OPPORTUNITY HOUSING

The selection criteria and the requirements pursuant to this plan have been established and will be implemented in a manner compatible with the objective of Title VIII of the Civil Rights Act of 1968 and HUD regulations and requirements pursuant thereto.

Under the act, the HA may not, discriminate by denial of opportunity to apply to rent or purchase housing, nor deny any qualified applicant the opportunity to lease or purchase housing suitable to his or her needs, provide housing that is different from that provided to others, subject anyone to segregation or disparate treatment, restrict anyone's access to any benefit enjoyed by others in connection with a housing program, treat anyone differently in determining eligibility or other requirements for admission, including the terms and conditions of the lease, deny anyone access to the same level of services, deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program, publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class, discriminate in the provision of brokerage services or in residential real estate transactions, or discriminate against someone because they are related to or associated with a member of a protected class.

Placement on the waiting list, determination of eligibility, offer of assistance, and administration of continued occupancy will not in any circumstance be effected either positively or negatively because of race, color, national origin, sex, age disability, religion, or familial status.

The HA is required to provide persons with disabilities housing that is structurally appropriate for their needs. This will range from a unit that is fully accessible to one that has been specifically adapted for a particular individual. This accessible or adaptable housing, although different from that provided to others, is required because it enables persons with disabilities to participate in public housing. At the time of initial application, the applicant may note that they have special housing needs and those needs will be given preference on the waiting list for accessible units and will be accommodated as needed. The HA will offer reasonable accommodations to applicants with disabilities. This will not affect the HA's screening or eligibility standards, but may require the HA to offer exceptions to it established procedures or practices in carrying out those standards.

Title VI of the Civil Rights Act of 1964 prohibits all recipients of federal financial assistance including the HA from discriminating based on race, color, or national origin. The HA will take affirmative steps to overcome possible effects of conditions which may result in limited participation by persons of a particular race, color, or national origin.

To comply with Section 504 of the Rehabilitation Act of 1973 the HA will make programs accessible to persons with disabilities by making or paying for reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities, operating housing that is not segregated based upon disability unless authorized by federal statute or executive order, provide auxiliary aids and services necessary for communication with persons with disabilities, development of a needs assessment of the need for accessible units for applicants and tenants, and transition plan to achieve program accessibility, and performance of a self-evaluation of the HA's program and policies to ensure that they do not discriminate based on disability.

The HA required completion of the HUD Form 50058 requires information relating to the race and ethnicity of the head of household. The family members shall be permitted to identify themselves. If an applicant refuses to identify him or herself with one of the racial and/or ethnic categories the HA will choose an appropriate category, based on observation and enter it. Form 50058 also requires the HA to report on whether a resident has a disability, but the HA shall not require the resident to identify the nature of the disability.

Occasionally, an applicant or a tenant may advise the HA that he or she has been subject to unlawful discrimination by the HA. The HA will first determine whether the applicant's or tenant's statements have merit and take corrective action. In addition, the HA will make available discrimination complaint forms at the administration office of the Housing Authority for Lasalle County in person or by telephone request. Applicants or tenants who allege discrimination will be referred to the nearest regional office of the Department of Fair Housing and Equal Opportunity located at 626 West Jackson Boulevard, Chicago, Illinois 60606. The HA will also inform such persons who have disabilities of their right to also file a grievance with the HA. The information will include the procedure for requesting a reasonable accommodation in order for an individual with a disability to use the HA's grievance process or HUD complaint process.

Notice of Equal Housing Opportunity will be prominently displayed at the Administrative office and at all property management site offices and on the application forms and notices.

Federal disability discrimination laws do not cover persons whose tenancy would pose a direct threat to the health or safety of others or whose tenancy would result in substantial physical damage to the property of others. A determination that an individual poses a direct threat must rely on an assessment based on reliable objective evidence that will consider the nature, duration, and severity of the risk of injury, the probability that injury will actually occur, and whether there are any reasonable modification of rules, policies, practices,

procedures, or services that will reduce or eliminate the risk of a direct threat. In such a situation, the HA will request that the individual document how the circumstances have changes so that he/she no longer poses a direct threat.

# 25. COMMUNITY SERVICE

## A. REQUIREMENT

Each resident of public housing will be required to certify to their community service status at the time of admission and on an annual basis. Community Service requirements mandate that each non-exempt adult household member shall either contribute eight hours per month of community service within their community, or participate in an Economic Self-Sufficiency program for eight hours per month.

## B. EXEMPTIONS

Residents exempt will include those who are:

1. Age 62 or older, or
2. Blind, disabled, and unable to comply, or caretaker of such an individual, or
3. Engaged in a work activity earning on a weekly basis a minimum of an amount equal to 20 multiplied by the applicable federal or state minimum wage, or
4. A member of a family or a household member receiving assistance under any IL State Welfare program.

All exemptions to the community service requirement will be verified and documented in the resident file. Required verifications may include, but not be limited to:

verification of employment, enrollment and participation in a training or education program, welfare to work program or other economic self- sufficiency activities;

birth certificates or verification of receipt of age based social security to verify age 62 or older; or

if appropriate, verification of disability limitations.

## C. ALLOWABLE ACTIVITIES

Allowable activities to satisfy community service requirement will include, but are not limited to:

improving the physical environment of the resident's developments (not work ordinarily performed by HA employees);

selected office related services in the PHA developments or Administrative offices;

volunteer services in local schools, day care centers, hospitals, nursing homes, youth, or senior organizations, drug/alcohol treatment centers, recreation centers, etc;

neighborhood group special projects;

participation in programs that develop and strengthen resident self-responsibility such as drug and alcohol abuse counseling and treatment, household budgeting and credit counseling, English proficiency, parenting classes, GED classes or other education activities;

participation in an educational or vocational training program designed to lead to employment of at least 30 hours per week;

raising children under age six at home where spouse is working;

active participation as a member of the Resident Advisory Committee;

providing care for children of other HA Resident’s children so that the resident is able to volunteer;

work done under supervision of the HA to help with HA children's or senior programs.

The intent of this requirement is to have residents provide service to their own communities, either in the PHA's developments or in the broader community in which the PHA operates.

Voluntary political activities are not considered as an allowable activity.

D. ANNUAL DETERMINATIONS

The PHA shall review at each regularly scheduled annual reexamination, the status of each household member eighteen (18) years of age or older to determine requirement to participate in community service activities.

Required participants will be advised to contact the Property Management staff within ten business days to discuss allowable community service activities and to obtain community service verification documents. Participants will be required to submit to the staff a verification of compliance on a monthly basis. The verification of compliance must be completed by a representative of the community service agency or self-sufficiency agency to verify the hours of volunteer service conducted each month.

Thirty days prior to the family's annual recertification date, the PHA will review monthly records to verify compliance. If the PHA determines that a member is in violation, the Resident will be notified of the non-compliance, and will be advised that the lease will be terminated unless:

the resident, and any other non-compliant household member, enter into a written agreement with the PHA to cure, and in fact cure such non-compliance with such agreement within twelve-months, in addition to compliance with current service requirements; or

the Resident provides written assurance and verification satisfactory to the PHA that the non-compliant resident no longer resides in the unit.

The notification of non-compliance will explain the Residents right to request a grievance hearing in accordance with the PHA grievance policy, and that the Resident may exercise any available judicial remedy for the PHA's termination of tenancy.

Written agreements to cure non-compliance and community service verification documents will be reviewed thirty days prior to the annual recertification date. A notice of termination of tenancy will be issued on or after the anniversary date, if the resident has not fully satisfied the written agreement.

A change in community service status during the term of the lease does not waive requirements of required service prior to the date of reported and verified change in status.