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UPDATED 3/23/2012

**ADMISSIONS AND CONTINUED OCCUPANCY
POLICY**

Adopted 4/27/2010

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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

1.0 FAIR HOUSING

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

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

The MHC will assist any family that believes they have suffered illegal discrimination by providing them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

Office of Fair Housing & Equal Opportunity
Department of Housing & Urban Development
Room 5204, 451 Seventh Street, S.W.
Washington, DC 20410-2000
800/669-9777

2.0 REASONABLE ACCOMMODATION

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

2.1 COMMUNICATION

A person with a disability may request a reasonable accommodation at anytime they are a tenant. Anyone requesting an application will be able to request reasonable accommodation during the application process.

Notifications of reexamination, inspection, appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests for reasonable accommodations will be in writing.

2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

- A. Is the requestor a person with disabilities? For this purpose the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the MHC will obtain verification through a licensed doctor or psychiatrist that the person is a person with a disability

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the MHC will obtain documentation that the requested accommodation is needed due to the disability. The MHC will not inquire as to the nature of the disability.

- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The MHC's business is housing. If the request would alter the fundamental business that the MHC conducts, that would not be reasonable. For instance, the MHC would deny a request to have the MHC do grocery shopping for a person with disabilities.
2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the MHC may

request a meeting with the individual to investigate and consider equally effective alternatives with costs shared equally by the resident and MHC.

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

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

The reasonable cost necessary to carry out approved requests, including requests for physical modifications, will be borne equally by the tenant and the MHC if there is no one else able to pay for the modifications. However, such accommodation/modification must be directly related to their disability.

If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, the MHC will generally approve such request if it does not violate codes or affect the structural integrity of the unit. However, at the time of move out, the unit must be returned to its' original condition and this is the responsibility of the resident.

At the time of move out, the unit must be returned to its original condition and this is the responsibility of the resident.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc. The concept of reasonable accommodation involves assisting a resident to meet essential lease requirements, it does not require the lowering or waiving of essential requirements.

3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS

The MHC will endeavor to assist people who speak languages other than English to the extent possible as available through local community resources.

4.0 FAMILY OUTREACH

The MHC will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, or by other suitable means, as needed.

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

5.0 RIGHT TO PRIVACY

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

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

Refusal to sign such document(s) will deem the family ineligible to participate.

6.0 REQUIRED POSTINGS

In each of its offices, the MHC will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information: (or post a list of policies and how they can be obtained)

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

7.0 TAKING APPLICATIONS

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

316 Pine Street, Marquette MI 49855 or 125 Dobson Place, Marquette, MI 49855

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

Completed applications will be accepted for all applicants and the MHC will verify the information.

Applications will be mailed to interested families upon request.

The completed application will be dated and time stamped upon its return to the MHC.

Persons with disabilities who require a reasonable accommodation in completing an application may call the MHC to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is 906-226-7559.

The application process will involve two phases. The first phase is the initial application for housing assistance.

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

Such request for an informal review must be in writing and within ten (10) calendar days of the date of the letter.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The MHC will annotate the applicant's file and will update their place on the waiting list.

The second phase is the final determination of eligibility, which takes place when the family nears the top of the waiting list. The MHC will ensure that verification of all preferences, eligibility, suitability and selection factors are current in order to determine the family's final eligibility for admission into the Public Housing Program.

8.0 ELIGIBILITY FOR ADMISSION (24CFR 912.2)

8.1 INTRODUCTION

There are seven eligibility requirements for admission to public housing: head of household must be able to know, understand and comply with the provisions of a lease, qualify as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the MHC screening criteria in order to be admitted to public housing.

8.2 ELIGIBILITY CRITERIA

A. Family status.

1. A **family with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that they live together in a stable family relationship. In the case of “affinity”, the family shall sign a Declaration of Affinity (Attachment A).
 - a. Children temporarily absent from the home due to placement in foster care are considered family members for residents in possession. At time of application, children temporarily absent from the home due to placement in foster care are considered family members ONLY if a qualified agency can assure the MHC, in writing, that the child(ren) will be returned within six (6) months of move in.
 - b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit. A custodial parent must have child at least 180 days annually in order to qualify as part of tenant family.
2. An **elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - b. Two or more persons who are at least 62 years of age living together; or
 - c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A **near-elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
 - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
 - c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

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

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

6. A **remaining member of a tenant family**. When the head of household chooses to move out, in certain circumstances, remaining member(s) of a resident family may be permitted to remain. However, their name(s) must have already been on the lease. The remaining member(s) shall appoint a head or heads of the new household. Such head(s) must be over age 18. All persons in the household over age 18 must pass the standard screening process as with new applicants. No remaining members of a resident family shall have automatic rights to said apartment.

7. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a resident family. Person must be 18 years of age or older to qualify for the program.

8. A **Live In Aide**: A live-in aide shall mean a person who resides with an elderly, disabled or handicapped person and who (a) Is determined to be essential to the care and well-being of the person, verified in writing by a licensed physician or psychiatrist; (b) Is not obligated for the support of the person; and (c) Would not be living in the unit except to provide the necessary supportive services.

B. Income eligibility

1. To be eligible for admission to developments or units that were available for occupancy before 10/1/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
2. Income limits apply only at admission and are not applicable for continued occupancy.
3. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the MHC.

C. Citizenship/Eligibility Status

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

Prior to being admitted, or at the next reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a birth certificate, military ID, or military DD214 Form, passport, etc.

Prior to being admitted or at the first reexamination, all eligible non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Marquette Housing Commission will make a copy of the individuals INS documentation and place the copy in the file. MHC will verify their status through the INS SAVE system. If the INS SAVE System cannot confirm eligibility, the MHC will mail information to the INS for a manual investigation in the INS records.

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

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

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

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

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

If the MHC determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible non-citizen listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of three (3) years.

D. Social Security Number Documentation

To be eligible, all family members must provide a copy of their Social Security card. The same is true for Foster Care. All require Social Security Cards and birth certificates prior to entering the household-

If a current resident gets a new SS number (a rarity), they must provide the MHC with the new card within sixty (60) days.

E. Social Security Number Disclosure: Effective January 31, 2010, 24 CFR 5.216, 24 CFR 5.218 and 24 CFR 5.233, Refinement of Income and Rent Determinations In Public Housing Programs, Implementation of Enterprise Income Verification System-Amendments.

Applicants and participants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals:

1. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
 - a. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
 - b. **A family that consists of** two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The MHC may **not** deny assistance to mixed families due to to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
2. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. MHC may confirm HUD's validation by viewing the household's Summary Report or the Identity Verification Report in the EIV system.

3. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

F. Social Security Documentation - Acceptable evidence of SSN consists of:

1. An original SSN card issued by SSA;
2. An original SSA-issued document, which contains the name and SSN of the individual;
3. An original document issued by a federal, state, or local government agency, which contain the name and SSN of the individual.

It should be noted that most (if not all) individuals who are lawfully present in the U.S. have been assigned a SSN. All applicants/participants, including each member of the household (with the exception of those listed in 12.4 above) are required to disclose his/her assigned SSN.

G. Acceptable SSA types of Social Security Cards:

1. Card shows the individual's name and SSN only – issued to U.S. citizens or noncitizens lawfully admitted to the U.S. for permanent residence and non-citizens with DHS permission to work permanently in the U.S. (i.e. refugees and asylees).
2. In addition to individual's name and SSN, the legend "NOT VALID FOR EMPLOYMENT" emblazoned on it. SSA issues this card to lawful non-citizens who do not have DHS permission to work, but are required by law to provide a SSN to obtain general assistance benefits that they already have qualified for.
3. In addition to the individuals' name and SSN, the legend "VALID FOR WORK ONLY WITH DHS AUTHORIZATION". SSA issues this card to people with DHS permission to work temporarily in the U.S.

Rejection of Documentation:

The MHC may reject documentation of the SSN provided by the applicant/participant for the following reasons:

1. The document is not an original document; or
2. The original document has been altered, mutilated or is not legible; or
3. The document appears to be a forged document (i.e. does not appear to be authentic).

The MHC should explain to applicant/participant, the reason(s) the document is not acceptable and request the individual obtain acceptable documentation of the SSN and submit it to the MHC within 60 days.

Verification of the SSN

The MHC shall verify each disclosed SSN by:

1. . Obtain documentation listed in 12.5 above from all household members;
2. Make a copy of the original documentation submitted, returning the original to the individual and retain the copy in the file; and
3. Record the SSN on line 3n of the form HUD-50058, and transmit the form HUD 50058 within 30 calendar days of completing the form.

Individuals without an assigned SSN may include the following:

1. Newborn children (these individuals will be issued a SSN upon SSA confirmation of birth)
2. Noncitizens lawfully present in the U.S.
3. Noncitizens unlawfully present in the U.S. (cannot be assigned a SSN)

Citizens and lawfully present noncitizens who state they have not been assigned a SSN by the SSA, must make such declaration in writing and under penalties of perjury to the MHC. Such declaration to be maintained in the tenant file.

Penalties for Failure to Disclose and/or Provide Documentation of SSN:

1. Applicant will be denied assistance and will not be placed on the waiting list.
2. Participants: Assistance will be terminated and family will be evicted.
 - a. If the family is otherwise eligible, the MHC may defer the family's termination provided the family comes into compliance within sixty (60) calendar days and IF:
 - 1). The failure to meet the SSN disclosure and documentation was due to circumstances that could not be foreseen and were outside the control of the family; and
 - 2). There is a reasonable likelihood that the family will be able to disclose the SSN and provide documentation by the deadline.

Signing Consent Forms

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD or the MHC to obtain information necessary to complete or verify the application for participation or for eligibility for continued occupancy; and

- b. A provision authorizing HUD or the MHC to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
- c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
- d. Permission to run a confidential police check and credit check.
- e. Permission to contact former landlords and/or references to make inquiries about applicant's past rental history, responsibility, use of illegal drugs or abuse of alcohol, etc., or other information pertinent to renting from the MHC.
- f. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.
- g. Permission to verify all forms of income, assets, and claimed medical or other expenses such as child care.

Copies of Birth Certificates of all family members are required.

Copy of drivers license or photo ID for all adult family household members.

HUD has provided public housing agencies with income verification of wages to reduce income and rent errors and improper payments in the administration of public housing. When received, the MHC's occupancy staff shall compare tenant reported wage information reported and promptly correct anticipated income to ensure that families are paying accurate rent. Discrepancies must be investigated and appropriate action taken. The MHC must compare EIV information with the participant, let the resident see the EIV information and resolve income discrepancies promptly to determine accurate tenant rents based on available information. Once information provided under EIV has been investigated, the printed material may be destroyed. All staff is to follow the protocol directed by the U.S. Department of Housing and Urban Development and training. EIV shall be used upon initial occupancy, annual recertifications and all interim recertifications.

8.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The MHC will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, MHC employees, or other people residing in the

immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

- B. The MHC will consider objective and reasonable aspects of the family's background, including the following (including live in aides):
1. History of meeting financial obligations, especially rent;
 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other residents or Housing Commission property.
 3. **History of criminal activity** by any household member, live in aide, or guests/visitors involving crimes or physical acts of violence against persons or property; or activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property of another, other criminal or drug related criminal activity that would adversely affect the health, safety, or well being of other residents, neighbors or staff; current use by applicant, household members or guests of illegal controlled substances; or pattern of illegal use by the applicant or household members of a controlled substance, or pattern of abuse of alcohol, which may interfere with health, safety or right to peaceful enjoyment of the premises by others; or cause damage to the property.

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, MHC has the discretion to consider all of the circumstances in each case, including (1) the seriousness of the case; (2) the extent of participation or culpability of individual family members; and (3) the effects of denial or termination of assistance on other family members not involved in the action or failure to act.

Examples of unacceptable criminal activity or drug-related activity includes, but is not limited to, the following:

* Applicants convicted of manufacturing or producing methamphetamine will be permanently denied admissions to the MHC.

* One of the following types of conduct committed by any applicant/resident, household member, or guests, regardless of date committed: (1) capitol murder, (2) murder/manslaughter, (3) kidnapping, (4) child molestation, or (5) rape or crimes of a sexual nature;

* Any type of drug trafficking, use or possession by the applicant/resident, household members or guests, within the last ten years. The term "drug trafficking" includes the illegal manufacture, sale or

distribution, or the possession with the intent to manufacture, sell or distribute a controlled substance.

* One of the following types of conduct committed by an applicant/resident, household member, or guests within the past five (5) years: (1) illegal possession/discharge/display/carrying of firearm or illegal weapon/deadly weapon; (2) assault, aggravated assault, assault by threat, stalking; and (3) physical violence to persons or property, or criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another;

* A pattern of continuing conducts/acts, regardless of type or severity which may interfere with the health, safety or right to peaceful enjoyment of the premises by others;

* A pattern of past conduct of illegal use of controlled substances; and

* Past conduct of abuse or pattern of abuse of alcohol which threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

* Debts owed to PHAs and termination information: HUD maintains a National repository of unpaid debts to PHAs and a family's negative status when a family voluntarily or involuntarily ends participation in the Public Housing or Section 8 program. If an applicant has an unpaid debt or negative status when applicant vacated a subsidized unit in the past, this information is available to all PHAs nationwide and may result in the denial of applicant's request for future HUD rental assistance. In the case of unpaid debts, applicant will be denied until the debt is satisfied in full (and MHC has verified such satisfaction).

The existence of any of the above-referenced behaviors by applicant/resident/Live-in aide or any household member, regardless of the resident's knowledge of The household members' or guest's behavior, shall be grounds for rejection at the time of admission. In order to deny assistance, it is not necessary that the resident, family member or guest be convicted.

In addition, an applicant's misrepresentation or omission of any information related to eligibility, local preference for admission, income, allowances, assets, rental history, criminal history, family composition or rent shall be grounds for rejection at the time of admission.

MHC may require any additional documentation it deems necessary to determine the applicants ability to uphold the lease agreement.

4. History of disturbing neighbors or destruction of property;
5. Having committed fraud in connection with any Federal, State or Local

Program, including the intentional misrepresentation of information related to their housing application or benefits derived therefrom; or have an outstanding balance with a Housing Commission/Authority or other subsidized housing from a previous tenancy, and

6. A record of disregard for rules of occupancy and rights of others.
7. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
8. History of noncompliance with a lease.
9. If single, an applicant shall be determined ineligible if (s)he is not capable of complying with the provisions of the lease.

C. The MHC will ask applicants to provide information demonstrating their ability to know, understand and comply with their lease. The MHC will verify the information provided. Such verification may include but not be limited to the following:

1. A credit check of the head, spouse and co-head of all adult family members ;
2. A rental history check of all adult family members and live in aides; applicant must provide a minimum of two (2) landlord references and/or five (5) years of rental history for Management to contact regarding suitability as a tenant. If due to other circumstances, there was no accessible rental history for the immediate past five years, the MHC may request and use information gathered beyond the immediate past five year period.
3. A criminal background check on all adult household members, including live-in aides. Criminal history will be verified by the following methods in the order given:
 - a. Police report from the Marquette City Police which will identify the applicant's FBI and/or SID number (if it applies);
 - b. Review of the Michigan State database ICHAT This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the MHC may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). The MHC also uses Resident Data;
4. Live In Aides shall be subject to the same screening (suitability) criteria as an applicant.

5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing or allowed on MHC property.
7. E.I.V. Earned Income Verification
8. No Trespass List of the MHC.

Additional information may be obtained if necessary, from social service agencies, health agencies, etc.

8.4 Grounds For Denial

The MHC is not required nor obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria; including inability to know, understand and comply ~~by~~ with requirements of the lease.
- B. Do not supply information or documentation required by the application process or following a hearing;
- C. Have failed to respond to a written request for information, or a request to declare their continued interest in the program or other inquiry;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;
- F. Have a history of criminal activity by any household member or visitors involving crimes of physical violence against persons or property and any other criminal activity. This would include drug-related criminal activity.
- G. Have a history of disturbing neighbors, destruction of property, or poor housekeeping.
- H. Currently owes rent or other amounts to any subsidized housing program. Family may be considered for re-admission after account is paid in full and three (3) years have passed since full payment is received. If applicant owed money to any subsidized housing program, later filed bankruptcy which dismissed responsibility for such debt, such applicant will be denied.

Exception: If an applicant owes the Marquette Housing Commission \$50.00 or less, the balance must be paid in full but the applicant will not be subject to the 3 year waiting period.

- I. Have committed fraud, bribery or any other corruption in connection with any Federal, State or local government program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted or asked to leave from any housing within five years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use.
- K. Were evicted or asked to leave from any housing because of repeated violations of terms of the lease within the past 5 years;
- L. Were evicted or asked to leave from any housing within five years of the projected date of admission because of lease violations, abuse of alcohol or drug-related criminal activity involving the illegal manufacture, sale, distribution or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- M. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- N. Have engaged in or threatened abusive or violent behavior towards any MHC staff or residents or others;
- O. Have a household member (including live in aides) who has been evicted from public housing or any housing assistance program within the past 5 years;
- P. Have a family household member who has been terminated for cause under the certificate or voucher program;
- Q. If the MHC determines that a family member has knowingly permitted an ineligible noncitizen to reside in their unit.
- R. Have a history of violating a lease.
- S. Denied for 25 years if on the 25-year sex offender list.
- T. **Denied for Life:** If any family member has been arrested and/or convicted of manufacturing or producing methamphetamine (speed) or other illegal drug ;
- U. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.
- V. Nothing in this section relieves MHC of its obligation to provide reasonable accommodation where required under state or federal law.

- W. MHC may not grant a reasonable accommodation for medical marijuana use and **must deny admission** to prospective applicants and their household using medical marijuana.

8.5 INFORMAL REVIEW

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

The informal review may be conducted by any person designated by the MHC. The applicant must be given the opportunity to present written or oral objections to the MHC's decision. The MHC must notify in writing the applicant of the final decision within 14 calendar days after the informal review, including a brief statement of the reasons for the final decision.

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

9.0 MANAGING THE WAITING LIST

9.1 OPENING AND CLOSING THE WAITING LIST

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

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

9.2 ORGANIZATION OF THE WAITING LIST

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;

- B. All applications will be separated according to housing program requested. If more than one program is requested- appropriated cross referencing will be maintained; and
- C. Any contacts between the MHC and the applicant will be documented in the applicant file.

9.3 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears at the top of the waiting list, the MHC will contact the family.

9.4 PURGING THE WAITING LIST

The MHC will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the interested families for whom the MHC has current information, i.e. applicant's address, family composition, income category, and preferences.

9.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The MHC will not remove an applicant's name from the waiting list unless:

- A. The applicant requests in writing that the name be removed;
- B. The applicant fails to respond to a written or verbal requests for information or a request to declare their continued interest in the program; or
- C. The applicant no longer meets either the eligibility or suitability criteria for the program.

9.6 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment with the MHC will be sent a notice of termination of the process for eligibility.

The MHC will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, the MHC will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

9.7 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the MHC, in writing, that they have ten (10) calendar days from the date of the written

correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The MHC system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the MHC will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

10.0 TENANT SELECTION AND ASSIGNMENT PLAN

10.1 PREFERENCES

The MHC will select families based on the following local preferences within each bedroom size category:

- 1 Point Applicant is a resident of the City of Marquette.
- 1 Point Applicant is a veteran or the spouse of a veteran or service person who has served in the Armed Forces of the United States of America and was discharged under circumstances other than dishonorable. A service person is a person presently serving in the Armed Forces.
- 1 Point Applicant is a working family and/or in an educational program..
- 2 Points For Pine Ridge and Lake Superior Village preference will be given to elderly/disabled families.
- 1 Point If there are no elderly or disabled families on the list for Pine Ridge, preference will then be given to near-elderly families (age 50-62). If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using these priorities. All such families will be selected from the waiting list using the preferences as outlined above.
- 8 Points Income sufficient to result in a rent of \$195.00 or more per month (after 40% as long as the ' new admissions requirement is met'.
- 1 Point Victim of domestic violence.
- 1 Point Child Reunification

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

Once the MHC reaches the required 40% of new admissions being very low income, persons with low to moderate incomes will be given priority over very low income applicants. There being no other applicants and efforts to attract low to moderate income applicants have failed, the MHC can house very low income applicants rather than let the apartment(s) set idle.

10.2 ASSIGNMENT OF BEDROOM SIZES

The following guidelines will determine the number of bedrooms required to

accommodate a family of a given size except that such standards may be waived when a vacancy problem exists and it is necessary to achieve or maintain full occupancy: Live In Aides shall be taken into consideration when determining bedroom distribution.

No child should share a bedroom with a sibling of the opposite sex. If there is a 5 year or more age difference in children of the same sex, they may have separate bedrooms.

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

10.3 SELECTION FROM THE WAITING LIST

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

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement. If outreach is unsuccessful, the MHC will house otherwise eligible applicants rather than let the unit remain vacant.

Conversely, once the MHC reaches the required 40% of new admissions being very low income, persons with low to moderate incomes will be given priority over very low income applicants. There being no other applicants and efforts to attract low to moderate income applicants have failed, the MHC can house very low income applicants.

10.4 DECONCENTRATION POLICY

Elderly and disabled developments are excluded from the Deconcentration Rule. Since the MHC has only two developments, an elderly/disabled and a family development, the family development is also not subject to the deconcentration rule.

10.5 OFFER OF A UNIT

When the MHC discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development.

The MHC will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given seven (7) calendar days from the date the letter was mailed to contact the MHC regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have three (3) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the MHC must send the family a letter documenting the offer and the rejection.

10.6 REJECTION OF UNIT

If the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause will be determined by the MHC. Documentation of cause may be required.

10.7 ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later and pay \$25.00 toward the security deposit to hold a unit (non-refundable if they decide later not to move in). The family does not receive keys to the unit until the full security deposit and first month's rent is paid in full.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and the MHC will retain the original executed lease in the tenant's file.

The family will pay a security deposit of ~~\$100~~ **\$150** which must be paid in full by the move in date.

MHC Dwelling Leases are one calendar year in length. After the first calendar year, the

lease automatically renews and becomes a month-to-month lease unless other notice is given by tenant or MHC. Tenants are required to give 30 days notice of their intent to move.

11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

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

11.1 INCOME

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

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

Annual income includes, but is not limited to:

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

For those with fluctuating income (Ex.: waitress), MHC will use historical data (when available) and average amounts earned to anticipate annual income.

- B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any

withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by the MHC. However, with assets under \$5,000, actual income earned is included in income and must be third party verified.

- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, trusts, disability or death benefits, and other similar types of periodic receipts. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.
- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- F. Welfare assistance.
 - 1. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
 - 2. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.
- G. Regular contributions or gifts received from organizations or from persons not residing in the dwelling for such things as utility payments or grocery purchases. The full amount of child support or alimony to which the family is entitled unless it is verified that the family is not getting the payment and is taking legal action to secure the back amount.
- H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)
- I. After retirement, the amount which the resident is eligible to draw down from his/ her pension or retirement plan shall be counted as income, whether or not the resident elects to draw the entire amount.
- J. The income of all members of the family over the age of 18 who are counted for bedroom size determination, shall be included in the annual income determination unless in school full time.

- K. Non-cash contributions given in exchange for services rendered may be counted as income.
- L. Income from assets shall be considered to be:
 - a. Actual income received, or
 - b. If total assets equal \$5,000 or more, income from these assets shall be the actual income received or a percentage of the total value of the assets, based on an imputed percentage determined by the MHC (2% currently)..
- M. Per capita payments from Indian tribes/casinos.
- N. First \$480 of income of dependent full time student over age 18. If head or co-head or other adult (not considered a dependent) of household, full earnings are used.
- O. Seasonal Employment: An Interim Review will be conducted when income changes and the residents requests the change.
- P. Recipient of a Trust or serve as a Settler Trust for someone.

11.2 ASSETS

Assets shall not preclude admission to the MHC developments. Assets shall be used to determine income earned as follows:

- A. The actual income earned from the ownership of bank accounts, investments, such as certificates of deposit, annuities, stocks, bonds, etc.
- B. The income from real property such as land contract interest, rental income, etc.
- C. Where the family has Net Family Assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets as stated in L. a. above. All income earned on assets of Less than \$5000 is included in income. In determining Net Family Assets, the MHC shall include the value of any assets disposed of by an applicant or resident for less than fair market value during the two (2) years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received therefore.
- D. The value to be assigned to the assets shall be the value of the assets after deducting costs that would be incurred in disposing of the asset, such as real estate or stock brokers commissions or penalty for early withdrawal of a time deposit.
- E. Retirement or pension plans will be counted as an asset before resident has retired, only if the resident may draw down a portion before (s)he actually retires.

- F. A burial fund which is treated as an annuity shall be considered as an asset unless it is in an irrevocable burial trust/fund.
- G. The portion of a trust fund which is accessible to the family shall be considered an asset.
- H. The current balance in a checking and savings account shall be considered an asset.
- I. Collectibles (appraisal required).

11.3 ANNUAL INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years; The first \$480 of income of full time students over age 18 is included.
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- G. The amounts received from the following programs:
 - 1. Amounts received under training programs funded by HUD (such as the Green Thumb Program);
 - 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;

4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Commission, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts); However, if such payments are made every year (although sporadic), they are counted. Example: Family pays for resident's cable TV for the year for two or more consecutive years.
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
 - a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
 - i. Is authorized by a Federal, State or local law;
 - ii. Is funded by the Federal, State or local government;
 - iii. Is operated or administered by a public agency; and
 - iv. Has as its objective to assist participants in acquiring employment skills.

- b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
 - c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
 - b. Families whose income increases during the participation of a family member in any family self-sufficiency program.
 - c. Families who are or were, within 6 months, assisted under a State TANF program.
 - d. Underemployed – A person who has earned in the past 12 months no more than the equivalent of 500 hours of work at the greater of the federal or state minimum wage.

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

- 12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
- 13. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- 14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family

member at home; or

15. Temporary employment by U.S. Census Workers (PIH 2009-19)
16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - a. The value of the allotment for food stamps.
 - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
 - c. Payments received under the Alaska Native Claims Settlement Act
 - d. Income from certain submarginal land of the U.S. that is held in trust for certain Indian tribes
 - e. Payments made under HHS's Low-Income Home Energy Assistance Program
 - f. Payments received under the Job Training Partnership Act
 - g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
 - h. The first \$2000 of per capita shares received from judgment funds awarded for certain Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands.
 - i. Amount of scholarships awarded under Title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs Student Assistance programs.
 - j. Payments received under Title V of the Older Americans Act of 1965
 - k. Payments from Agent Orange Settlement Fund or any other fund established pursuant to the settlement in Re-Agent- product liability litigation.
 - l. Payments received under the Maine Indian Claims Act

- m. The value of child care under the Child Care and Development Block Grant Act of 1990
- n. Earned income tax credit refund payments
- o. Payments for living expenses under the Americorps Program
- p. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937.
- q. Also excluded from income are payments made for individuals under the Community Services Employment Program administered by the Department of Labor, Title V of the Older Americans Act of 1965 (42 USC 3056(f))
- r. Payments derived from Title VI of the Older American Comprehensive Services Amendments of 1973 (PL-93-29) such as Foster Grandparents and Older Americans Community Services programs are not included in family income. Also excluded are ACTION Volunteers, administered under the Domestic Volunteers Act of 1973, Title IX (PL 93-113).
- s. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation.
- t. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran.
- u. Any amount of crime victim compensation that the applicant (under the Victims of Crime Act) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant.
- v. Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998.

17. Kinship, Kin-GAP and other Guardianship Care Payments are excluded.

11.4 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability medical expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities. If head of household is 62 or over or the head of household is disabled, the whole family qualifies for medical expense deduction.
- D. For any elderly or disabled family:
 - 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
 - 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses. Calculate disability expense before taking into account the medical expenses.
 - 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.
- E. Child care expenses (for children under age 13), only if unreimbursed, in an amount reasonable for the area, shall be allowed where necessary to allow a family member to be gainfully employed, to further his/her education or is actively seeking employment (which must be verified). The amount deducted shall not exceed the amount of gross income received for such employment. Such expense shall be allowed only if no adult member of the family is available to provide such care.
- F. An elderly family shall be allowed an amount for Medical Expenses equal to the amount by which the medical expenses exceed 3% of annual income if there is no disabled assistance expenses allowance. Medical expense shall include only actual expense, including medical insurance premiums, that are not covered by insurance.
- G. In no case will allowances be given which exceed the family's annual income.

11.5 EARNED INCOME DISREGARD (E.I.D.)

Public Housing residents who secure employment or increase income by participating in an employment training program will have that income disregarded for 12 months after they get the job (rent could be increased for other reasons). The resident must have been unemployed for the previous 12 months or have participated in a program providing employment training and supportive services. It is only the increase in earned family income above the previous source of unearned income resulting from the employment or participation in the employment program that is disregarded, not the entire pay check. (Example: In the case of SSI, if they had been disabled and off work for a year, improved their health and went back to work, the SSI rent amount would be the considered income – base income).

EID mandates that PHAs discount from household's rent calculation any increase in income if:

- * The increased income is due to employment of a family member who has been previously unemployed;
- * The family received welfare during the previous six months of \$500 or more;
- * The family's income increased during a family member's participation in a self sufficiency or job training program.

NOTE: The 'counting date' for the 12 month 100% disregard, 50% income disregard and lifetime 24 month period in which the disregards may be used, shall be the original date of hire of the original employment (Example: Resident went to work at K-Mart 1/1/04, was fired 3/1/04; same resident got another job 4/1/04 at Radio Shack: the 1/1/04 date would be the beginning 'counting date').

The EID provisions of the statute and regulations require PHAs to exclude 100% of a family's increased income from earnings for a period of 12 months and 50% of the increased earned income for an additional 12 month period. A resident receives the EID during a lifetime 24-month period from the time the EID first goes into effect. Counter begins to run from the date of hire. If a previously unemployed (for 12 months or longer) family member becomes employed and fails to report his/her income change for 3 months after his/her PHA's requested date of notification, the household would still have 9 months of the 100% EID and a full year of the 50% EID remaining for use in the next 21 months (24 month time line minus the 3 months of non reporting). Under HUD guidelines there is no penalty for failing to report an increase in income that would be subject to the 100% disregard, because any income increase within that period would have been disregarded anyway.

A family qualifies for the EID, if the family income increases as a result of the employment of a family member who was previously unemployed for one or more years. There is no other limit on the time that the resident must have been unemployed prior to gaining work. The definition of previously unemployed includes a person who has earned in the past 12 months no more than the equivalent of 500 hours of work at the greater of the federal or state minimum wage.

A household is entitled to the EID if the family's earned income increases and if any

member of the household currently receives or in the past six months received welfare benefits. Also, the tenant may qualify for the EID for increases in earned income while still receiving welfare assistance. The fact that a resident's welfare income is reduced or terminated due to a work-related sanction does not disqualify the family from the benefits of the EID if one its members including the sanctioned member subsequently finds work. However, if the resident's welfare benefits are reduced for fraud or noncompliance with economic self-sufficiency requirements, the 'sanctioned' welfare income will continue to be included in the family income for rent-setting purposes. In other words, the resident will not experience a reduction in rent due to the reduction in welfare precipitated by a sanction for fraud or noncompliance with economic self-sufficiency requirements and will also not be penalized by additional rent increase for responding to the sanction by obtaining work.

A household may also qualify for the EID if the household income increases due to increased earnings of a household member during that member's participation in a job training or an 'economic self-sufficiency program'. The definition of such programs includes any program designed to assist residents in gaining their financial independence. This encompasses a large number and wide variety of programs, including, but not limited to job training, English proficiency, and substance-abuse programs. It may also include enrollment in general non-vocational courses at a community college or training or activities at a sheltered workshop. The increases in earnings to be disregarded may occur after the completion of the primary part of the training program if the individual continues to receive some amount of training, mentoring, counseling, or other assistance from the training program.

The MHC must track EID by applicable family members.

12.0 VERIFICATION (3RD PARTY VERIFICATION)

The MHC will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance. Residents are required to report any change within ten (10) days of the change.

Income and asset verification information may not be more than sixty (60) days old.

12.1 ACCEPTABLE METHODS OF VERIFICATION

In the case of suspected "live ins", it is the residents duty and responsibility to prove a person is not living with them when requested by the MHC. The MHC will consider mail received at resident's/applicant's address as verification.

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

Other information, such as included income, excluded income, assets and deduction, will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone, but only after two attempts at written verification has been unsuccessful and file is so documented. It may also be a report generated by a request from the MHC or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc. but should be used only if two attempts at written verification has failed.

When third party verification cannot be obtained, the MHC will accept documentation received from the applicant/tenant. Hand-carried documentation will be accepted if the MHC has been unable to obtain third party verification in a 2-week period of time. Photocopies of the documents provided by the family will be maintained in the file - and file is documented as to why family-provided documents are being used.

In cases where a provider refuses to provide third party verification (ex: Child Support Office), MHC shall attempt to get a letter from that office stating such. A copy of said letter is then to be filed in the tenant's file as an explanation for failure to obtain third party written verification.

If unable to get information from independent third party and it is not cost effective or reasonable to do so, the MHC must so note the record explaining fully why it was not pursued (make your case).

When neither third party verification nor hand-carried verification can be obtained, the MHC will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

12.2 TYPES OF VERIFICATION

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

Verification Requirements for Individual Items

Item to Be Verified	3 rd party verification	Hand-carried verification
General Eligibility Items		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	<p>Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed</p> <p>For historical data, get previous years receipts as your 3rd party verification when unavailable any other way. Note the record.</p>	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements * We will also require the resident provide us with a copy of their most recent bank statement at move in and at annual and/or interim recertifications.

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers compensation, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating - whether enrolled or completed	N/A

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
	<ul style="list-style-type: none"> - whether training is HUD-funded - whether Federal, State, local govt., or local program - whether it is employment training - whether it has clearly defined goals and objectives - whether program has supportive services - whether payments are for out-of-pocket expenses incurred in order to participate in a program - date of first job after program completion 	Evidence of job start

The MHC may use Form IRS 4506 to verify income.

12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

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

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

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

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

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

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

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

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

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

If the MHC determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will be ineligible for admission for five (5) years.

12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number must provide verification of their Social Security number. (Including Foster children and adults).

Verification of the Social Security number is the original Social Security card. If the card is not available the family must apply for a card from Social Security that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable. Assistance will not be provided until verification is received by the MHC..

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

12.5 TIMING OF VERIFICATION

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

During an interim re-exam, only the information affected by the change being reported will be reviewed and verified.

12.6 FREQUENCY OF OBTAINING VERIFICATION

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

For each family member, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination.

13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

13.1 FAMILY CHOICE

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

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

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- B. The amount of the flat rent.
- C. Information about formula rents.
- D. Families who opt for the flat rent will be required to go through the income re-examination process every three years, rather than the annual review they otherwise would undergo. However, within the interim 3 years, they must report changes within ten (10) days of income, assets, medical costs (if applicable), child care costs, and family composition.
- E. Families who opt for the flat rent may request to have a reexamination and return to the formula (income) based method at any time due to hardships as identified below:
 - 1. The family's income has decreased because of changed circumstances including loss or reduction of employment, or reduction or loss of earnings or other assistance.
 - 2. The family's circumstances have changed increasing their expenses for child care, medical care, transportation, education or similar items.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
 - 4. Such request by the family must be made within ten (10) days of the hardship. The MHC will verify the financial hardship, if possible.

5. The MHC must make the determination within thirty (30) days after the family request.
6. Once a family switches to formula (income-based) rent because of hardship, the family must wait until its next annual reexamination to switch back.
7. A certification for the family to sign accepting or declining the flat rent.

Each year at least 90 days prior to their anniversary date, MHC will send a reexamination letter to the family. The opportunity to select the flat rent is available only at the time of annual or interim recertifications. At the appointment, the MHC may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the MHC representative, they may make the selection on the form and return the form to the MHC.

13.2 THE FORMULA METHOD

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00. Failure to provide required information may result in a rent increase to Flat Rent until the recertification is completed.

In the case of a family who has qualified for the income exclusion at Section 11.,5 upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received for the first year, 100% of the succeeding year.

13.3 EID TRACKING

The MHC will track the use of EID on an annual basis consistent with the residents 100%/50% window (based on date of hire).

13.4 MINIMUM RENT

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

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

13.5 THE FLAT RENT

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

Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the annual recertification date for each affected family (for more information on flat rents, see Section 13.1).

The MHC will post the flat rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

13.6 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

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

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

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

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

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

- A. Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for the MHC. The 95th percentile is called the maximum rent.
- B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.

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

13.7 EXCESS UTILITY ALLOWANCE (FAMILY HOUSING)

The MHC shall establish a utility allowance for electricity. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, the MHC will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc). Allowances will be evaluated at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

For MHC paid utilities, the MHC will monitor the utility consumption of each household. Any consumption in excess of the allowance established by the MHC will be billed to the tenant quarterly.

For residents with air conditioners at Pine Ridge Apartments, their monthly excess utility charge shall be based on the wattage of the air conditioner being used. Resident is required to provide the MHC with this information upon request.

13.8 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents can be paid either at 316 Pine Street,(Pine Ridge) or at 125 Dobson Place (Lake Superior Village). Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment or for other charges.

The MHC will charge a \$15.00 late fee each time the rent has not been paid by 11:59 p.m. on the 5th day of the month. If the 5th falls on a weekend or holiday, the MHC will assess the late charge if the rent has not been received in the rent drop box the following normal work day. For convenience, payment may be placed in the rent drop box located at Pine Ridge Apts., 316 Pine St., and 125 Dobson Place, Marquette. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent. A check returned for non-sufficient funds shall be considered non-payment of rent and will require future rent be paid by money order only. A charge of \$15.00 will be assessed to the resident if a check is returned for non-sufficient funds or stop payment. In addition, a charge of \$15.00 will be assessed to the resident every time rent or any other outstanding balance is late, regardless of the amount.

14.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

14.1 GENERAL

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

14.2 EXEMPTIONS

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

Family members who are 62 or older

Family members who are blind or disabled

Family members who are the primary care giver for someone who is blind or disabled

Family members engaged in work activity at least 30 hours per week

Family members who are full-time Students

Family members who are exempt from work activity under Part A Title IV of the Social Security Act or under any other State welfare program, including welfare-to-work program

Family members receiving assistance under a State program funded under Part A, Title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program.

Families participating in a Self-Sufficiency Program or are in school for at least 8 hours per month or a combination of each activity for a total of 8 hours per month.

14.3 NOTIFICATION OF THE REQUIREMENT

The MHC shall identify all adult family members who are apparently not exempt from the community service requirement.

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

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 10/1/99. For family's paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

14.4 VOLUNTEER OPPORTUNITIES

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

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

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

The MHC may create volunteer positions such as hall monitoring, litter patrols, and supervising and record keeping for volunteers.

14.5 THE PROCESS

At the first annual reexamination on or after October 1, 1999, and each annual re-examination thereafter, the MHC will do the following:

- A. Provide information about obtaining suitable volunteer positions.
- B. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.
- C. MHC staff will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. Family members shall track their monthly progress and report about any problems or concerns to MHC staff at the development in which they reside.
- D. At FYE, MHC will determine whether each applicable adult family member is in compliance with the community service requirement.

14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

The MHC will notify the household of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and

C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed.

14.7 OPPORTUNITY FOR CURE

The MHC will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made. Compliance will be monitored on a quarterly basis. The Cure Compliance Agreement can be for a period of one month to not more than a 12-month period.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, the MHC shall take action to terminate the lease.

15.0 RECERTIFICATIONS

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

15.1 GENERAL

The MHC will send a notification letter to the family letting them know that it is time for their annual reexamination. At the conclusion of their annual recertification, the family would be given the option of selecting either the flat rent or formula method. If the family thinks they may want to switch from a flat rent to a formula rent, they should request such. The notification letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation for their needs.

Failure to provide updated information may result in a rent increase to flat Rent until a recertification is completed. Once all verifications are in, rent will be assessed at 30% of the resident's adjusted income. Such rent will be effective the next following month, not charged retroactively (unless fraud is involved).

During the appointment, the MHC will determine whether family composition may

require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

15.2 MISSED APPOINTMENTS

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

15.3 FLAT RENTS

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

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- B. The amount of the flat rent.
- C. Information about formula rents.
- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.
- E. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
 - 1. The family's income has decreased.
 - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- F. The dates upon which the MHC expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- H. A certification for the family to sign accepting or declining the flat rent.

Each year at least 90 days prior to their anniversary date, MHC will send a reexamination letter to the family. The opportunity to select the flat rent is available only at the time of recertification. At the appointment, the MHC may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the MHC representative, they may make the selection on the form and return the form to the MHC. In such case, the MHC will cancel the appointment.

15.4 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

The new rent will generally be effective upon the anniversary date with thirty (30) days notice of any rent increase to the family.

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

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

15.5 INTERIM REEXAMINATIONS

Any and all reports in changes in family income, assets, composition, medical expenses, disability, child care expense, or any circumstances that may affect rent, must be submitted in writing using the MHC's Tenant Report of Change Form (unless prior written approval from staff is given). Verbal reports will not be accepted.

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

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

- A. A member has been added to the family through birth or adoption or court-awarded custody, marriage, live in aide, or familial status.
- B. A household member is leaving or has left the family unit.
- C. Changes in income, assets, family composition or expenses (medical, child care).

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form

stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The MHC will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 15.5. In the case of unofficial live ins, the MHC may issue a No Trespass Order in accordance with the duly adopted No Trespass Order Policy.

Although required to be reported within 10 days of the change (such as changes in food stamps or other excluded income), any processing will not take place until the participants next Annual Recertification.

For temporary interim decreases in family income, the loss of income must exceed 30 days before the MHC will verify and process any change in rent.

For decreases in child support, the participant must provide proof that they have not received payment in at least 30 days AND proof of current legal action taken to recover such payments before the MHC will process the change.

Monthly income increases that total \$50 or less (unless the participant has 0 income) will not be performed until the participants next Annual Recertification.

15.6 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for twelve (12) months or have a temporary decrease in income, the MHC may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined. Families with no income shall be recertified every sixty (60) days.

Residents that are on minimum rent due to excluded or disregarded income will not be required to recertify every sixty (60) days.

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

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

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

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

15.8 FRAUD

The MHC shall deny admission to applicants who have committed fraud in connection with any Federal, State or Local government program. If it is found that resident misrepresented the facts upon which his/her rent is based so that the rent (s)he is paying is less than (s)he should have been charged, the increase in rent will be made retroactive and the family will/may be subject to eviction. If a resident fails to report changes of income or family composition in a timely manner for verification, the rent which should have been charged shall be made retroactive to the date of the change.

Staff will investigate any and all suspected fraud cases in a timely manner. Thirty days from knowledge of such fraud shall be considered a reasonable time in which to conduct the necessary investigation. Any resulting retroactive rent shall be charged to the resident within sixty days of the initial knowledge of fraud.

In fraud cases, penalties shall be as follows:

1. If the retroactive rent calculation results in a total tenant repayment of \$100 or less, the MHC will send a letter warning the offender of the penalties associated with fraud (repayment, possible referral to OIG or local prosecuting attorney, credit bureau, possible program termination, etc.). The resident will be given thirty (30) days to pay the full amount owing; no repayment agreement will be offered. Failure to pay will result in the issuance of a Notice to Quit.
2. If the retroactive rent calculation results in a total between \$101 and \$2,000.00, the MHC will send a letter warning the offender of the penalties associated with fraud (repayment, possible referral to OIG or local prosecuting attorney, credit bureau possible program termination, etc.). The Resident will be given the option of entering into a repayment agreement not to exceed six months and placed on a 12 month probation. While on this 12 month probation, should the resident violate any other Lease Provision, the Resident will be served with a Cause Eviction and their lease will be terminated.
3. If the retroactive rent calculation results in a total over and above \$2,000.00, the Resident will be served with a Notice to Quit, the lease will be terminated, the amount owed will be due in full within 30 days and the case may be turned over to the OIG and/or local prosecuting attorney. After 30 days, if full payment is not made, the MHC will notify the Credit Bureaus of such balance.
4. If the resident commits fraud (fails to report changes in income, assets, family

composition, changes in circumstances that affect deductions) more than once during their tenancy, a Notice to Quit will be issued and the lease will be terminated. The MHC may notify OIG and/or local prosecuting attorney. The MHC will continue its efforts to collect any outstanding debt owed by the resident, including any retroactive rent resulting from the fraud..

16.0 UNIT TRANSFERS

16.1 OBJECTIVES OF THE TRANSFER POLICY

Reassignments or transfer to other dwelling units shall be made without regard to race, creed, color, national origin, religion, sex, disability, marital status, lawful source of income, sexual preference or familial status and to alleviate a medical problem (verified in writing by a licensed physician or psychiatrist). Residents shall not be transferred to a dwelling unit of equal bedroom size either within a development or between developments except for alleviating hardships as determined by the Executive Director/Housing Manager or his/her designee. Transfers within the development shall be made only to correct occupancy standards. Transfers between developments shall be made for families requiring larger or smaller size units which do not exist within a development.

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit. The occupancy standards of the MHC shall balance the need to avoid overcrowding with the need to make the best use of available space. If a unit becomes overcrowded or underutilized, the family will be required to move to an appropriate size unit as soon as one becomes available.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To eliminate vacancy loss and other expense due to unnecessary transfers. Transfers should be the exception, not the rule.
- F. To make a handicap accessible unit available for an applicant with special needs by a resident placed in a handicap unit during a time when no handicapped applicant was interested.
- G. Transfers should be the exception, not the rule.

16.2 CATAGORIES OF TRANSFERS

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

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

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

16.3 DOCUMENTATION

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer. For medical purposes, a licensed physician or psychiatrist must verify the need and how the transfer would remedy the medical condition.

Transfer requests will be permitted only if the following eligibility criteria are met:

- A. Have been a tenant in good standing for the immediate past twelve (12) months.
- B. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year which ever is less;
- C. The family is current in the payment of all charges owed the MHC and has not paid late rent in the immediate last full year;
- D. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- E. The family has not materially violated the lease over the immediate past one year by disturbing the peaceful enjoyment of their neighbors, caused damages, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants, others or Housing Commission staff.

16.4 PROCESSING TRANSFERS

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

Emergency transfers will be housed ahead of any other families, including those on the applicant waiting list.

Transfers in category C will be housed as needed.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within three (3) days of being informed the unit is ready to rent. The family will be allowed five (5) calendar days to complete a transfer.

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

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- B. If the transfer is being made at the request of the MHC for modernization or other management purposes, the family will be required to transfer to the first unit offered by the MHC.
- C. If the transfer is being made at the family's request, the family will maintain their place on the transfer list and will not otherwise be penalized.
- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

16.5 COST OF THE FAMILY'S MOVE

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

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

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

- A. When the transfer is needed in order to carry out rehabilitation activities; or

- B. When action or inaction by the MHC has caused the unit to be unsafe or uninhabitable.

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

16.6 TRANSFER REQUESTS

A tenant may request a transfer at any time.

The MHC will grant or deny the transfer request in writing within ten (10) business days of receiving the request.

If the transfer is approved, the family's name will be added to the transfer waiting list.

16.7 RIGHT OF THE MARQUETE HOUSING COMMISSION IN TRANSFER POLICY

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

17.0 INSPECTIONS

An adult family member and MHC staff will inspect the premises prior to commencement of occupancy and turn in the signed Inventory Check List to MHC within seven (7) days of being given the keys. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the MHC file and a copy given to the family member. An authorized MHC representative will inspect the premises at the time the resident vacates. In accordance with State law, the MHC will furnish a statement of any charges to be made. The resident's security deposit and pet deposit can be used to offset against any tenant-caused damages to the unit.

The MHC does not provide carpeting in dwelling units. Should a resident accept carpeting in place at time of move in, it is understood that such resident assumes all responsibility for its care and/or removal. Ownership of the carpeting passes on to the new resident.

Should a new resident accept an apartment in "as is" condition, such resident will be required to leave it, at move out, in a good clean condition. "As is" shall be defined as requiring minor repairs and some cleaning (such as washing windows or floors).

17.1 MOVE-IN INSPECTIONS

An adult member of the family and MHC staff will inspect the unit prior to move in. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

17.2 ANNUAL INSPECTIONS

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

17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

This is generally (but need not be) conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

17.4 SPECIAL INSPECTIONS

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the MHC or in cases where the MHC has cause to believe a problem exists.

17.5 HOUSEKEEPING INSPECTIONS

At other times as necessary, the MHC will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

17.6 NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections the MHC will give the tenant at least forty eight (48) hours written notice.

17.7 EMERGENCY INSPECTIONS

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

17.8 MOVE-OUT INSPECTIONS

The MHC conducts the move-out inspection after the tenant vacates and turns in all keys to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present.

This inspection becomes the basis for any claims that may be assessed against the security deposit.

18.0 PET POLICY

The MHC will allow for pet ownership according to the MHC's Pet Policy.

18.1 APPROVAL

Residents must have prior approval of the MHC before moving a pet into their unit. Approval is contingent upon meeting the requirements of this policy including but not limited to payment of the Pet Deposit, registration, shots, and an assignment of a person to look after pet in owner's absence.

All pet information must be verified and updated at the resident's annual recertification including all shot records, licenses and health information.

18.2 TYPES AND NUMBER OF PETS

Residents shall be permitted to have common household pets as listed below:

- A. Birds – Canary, parakeet, finch and other species that are normally kept in cages (birds of prey are not permitted).
- B. Fish – In tanks or aquariums, not to exceed 20 gallons in capacity. Poisonous or dangerous fish are not permitted.
- C. Rodents: Rabbits, hamsters, ferrets, gerbils, rats and mice permitted. However, a family cannot have more than one rabbit, hamster, ferret, gerbil, rat or mouse.
- D. Dogs – Not to exceed 30 lbs in weight and 18" high at the withers. Females must be spayed and males neutered. Seeing eye dogs are an exception on weight and height. No attack or fight-trained dogs permitted.
- E. Cats – Must be neutered or spayed and declawed or have a scratching post.
- F. Dogs and Cats – In case of kittens or puppies too young to be spayed/neutered, they must be spayed/neutered at the earliest age possible and proof of such must be provided to the LSV Office in case of family housing and at Pine Ridge in the case of senior housing.
- G. Resident may have two of any one of the following: lizards, iguana, turtles or frogs.
- H. Exotic pets, such as snakes, monkeys, game pets, etc. will NOT be permitted.

- I. In a household, family may have not more than one dog or one cat. In addition to the one dog or cat, the family may have one other pet as is allowed by this policy. If the family has no dog or cat, they may be permitted to have two other pets of other types allowed and identified in this policy. No family, however, may have more than one rabbit, hamster, gerbil, ferret, mouse or rat. They may have one gerbil and one rabbit, or any combination thereof.

18.3 INOCULATIONS

Dogs and cats must be inoculated as required by veterinarians for the following:

<u>Dogs</u>	<u>Cats</u>
Rabies	Rabies
Distemper	Feline distemper
Hepatitis	Rhinotracheitis
Parainfluenza	Calici virus
Paravirus	Panleukopenia virus
Leptosporosis	

Every dog and cat must wear a tag containing the owner's name, address and phone number and a valid rabies tag.

All fur-bearing pets must wear flea collars at all times or be on flea prevention medication. This rule must be adhered to for the protection of non-pet residents.

18.4 PET FEE

For dogs and cats, pet owner agrees to pay \$150 as a non-refundable pet fee. This will be over and above the required security deposit to be used as collateral in case of damage in the apartment or Commission property. The pet fee shall be paid in full at the time of admission. In the case of a resident already in possession of an apartment after the adoption of this policy, the full fee shall be paid before the pet is acquired. The fee is to be paid at the Administrative Offices.

18.5 FINANCIAL OBLIGATION OF RESIDENTS

Pet owners are liable for any damages caused by their pet. Liability is not limited to the amount of the pet deposit. Resident will be required to reimburse the MHC for any and all real costs caused by his/her pet where damage exceeds the pet deposit.

A clean up charge \$25.00 per offense up to \$200.00 will be charged to the family for pet waste found in buildings or on Housing Commission property.

18.6 NUISANCE OR THREAT TO HEALTH OR SAFETY

If the pet poses a nuisance, such as but not limited to, excessive noise, barking, whining, digging, or running loose) which is disruptive to others, owner will remove the pet from the premises within fourteen (14) days of a request to do so by the MHC or face eviction. Unregistered pets or pets not in compliance with this policy must be removed within seven (7) calendar days of notice by the MHC.

Residents who violate the Pet Policy as it relates to dogs and cats, will no longer be permitted to have a dog or cat as long as they resident in MHC property.

Any pet that causes any bodily injury to any resident, guest, visitor or MHC staff member shall be immediately and permanently removed from the premises without prior notification. Such pet may not be replaced because the resident has just demonstrated their inability to control their pet.

18.7 VISITING PETS

Residents will not be allowed to pet sit or to house a pet without fully complying with this policy (including payment of a Pet Deposit).

18.8 OTHER CONDITIONS

Picture of pet required.

All pets must be on a leash when not in the owner's home. Leash must be no longer than 4' and dogs must be appropriately and effectively restrained and under the control of a responsible individual at all times. At no time may the animal be tied where it can get into a neighbor's yard.

No pet shall be tied up or left unattended in the common areas or outside of the building(s) (such as the day care center or youth center) at any time on Housing Commission property.

All birds must be provided with, and in a cage, when outside the resident's home.

Dogs must be house broken.

At Pine Ridge, dogs and cats shall not be permitted to excrete anywhere on the grounds other than the designated pet area.

Dogs and cats shall not be permitted to excrete anywhere in the building other than using litter box in resident's home. Pet owner shall be responsible for the immediate removal of feces dropped anywhere in the building or on the grounds. Waste must be placed in a plastic bag, tied securely and deposited directly into the trash.

Kitty litter must be cleaned on a daily basis, disposing of feces in a plastic bag tied securely and placed in the trash.

All apartments with pets must be kept free of pet odors and maintained in a clean and sanitary manner.

No dog houses will be permitted.

At no time will pets be allowed in or around the child care center, Youth Center or common areas except when leaving or entering resident's home.

At Pine Ridge, pets are not to be in any common area except to enter or exit the building with their owner. This is a courtesy for those who are allergic to animals.

Every pet must be registered annually with the MHC. Registration includes the following:

Proof of current license (dogs only)	Proof of inoculations
Identification tag	Proof of spaying//neutering if not already provided
Photograph of pet	Cats must be declawed or have a scratching post
Certificate of good health from a vet	

All families who have a pet must designate annually a person to serve as the pet's custodian when the head of household will be absent from the unit.

Cats and rabbits must be provided with a litter box and be litter box trained. Litter is not to be dumped on MHC property.

18.9 GRANDFATHER CLAUSE

Any resident in possession of a pet which has been approved by the Marquette Housing Commission prior to the adoption of this policy 1) will be grandfathered in; 2) should something happen to such pet(s) (such as death or run/given away) resident may not get another pet without coming into compliance with this Pet Policy.

19.0 REPAYMENT AGREEMENTS

When a resident owes the MHC back charges and is unable to pay the balance by the due date, the resident may request that the MHC allow them to enter into a Repayment Agreement. The MHC has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months or other reasonable period with the exception of fraud cases. For fraud cases refer to 15.8. All Repayment Agreements (except fraud cases, refer to 15.8) must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

19.1 DEBTS OWED TO PHAs AND TERMINATION INFORMATION; 24 CFR Parts 5 and 908, December 29, 2009.

HUD maintains a national repository of unpaid debts to PHAs and a family's negative status when a family voluntarily or involuntarily ends participation in the Public Housing or Section 8 Program. Such 'negative status' means eviction and/or filing for bankruptcy that results in a debt owed a subsidized housing development be dismissed. If a resident leaves an unpaid debt or negative status when they vacate a subsidized unit, this information will be 'inputted' into this national repository and will result in the denial of the tenants request for future HUD rental assistance with the MHC. A resi- may cure the debt by paying such debt in full. The MHC will require proof that such payment has been fully satisfied. The MHC will enter the information on its tenants in the system within 30 days of move out.

20.0 TERMINATION

20.1 TERMINATION BY TENANT

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

In the event of a death of a tenant, the family shall have until the last day of the month in which the death occurred to empty the apartment provided rent has been paid to the end of said month. Should the family need more time to vacate the premises, the flat rent must be paid for that period of time, in advance. Family will need to declare a date by which items will be removed from the apartment. Rent will continue until keys are turned in and a move out inspection by staff has been conducted.

20.2 TERMINATION BY THE HOUSING COMMISSION

The MHC may terminate the lease for serious or repeated violations (3 violations in a 24 month period) of material lease terms. Refer to MHC Rent Collection Policy for details. Such violations include but are not limited to the following:

- A. Nonpayment of rent or other charges;
- B. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- C. Failure to allow inspection of the unit;
- D. Failure to maintain the unit in a safe and sanitary manner;
- E. Assignment or subletting of the premises;

- F. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- G. Destruction of property;
- H. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- I. Any criminal activity, drug-related activity or any evidence of drug/drug-related activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine or medical marijuana use by any household member or guest on the premises of the MHC;
- J. Non-compliance with Non-Citizen Rule requirements;
- K. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Commission; and
- L. Allowing people on the No Trespass List or a Sex Offender on public housing Property, can result in eviction.
- M. Committed fraud as defined by the MHC.
- N. Failure to comply with Community Service requirements.
- O. Failure to cooperate with sixty day reviews by zero income families.
- P. All residents have the right to follow the established Marquette Housing Commission Grievance Procedure. A request for a grievance hearing must be made within ten (10) business days of the Notice to Quit.
- Q. For purposes of eviction, monthly rent, retroactive rent, utilities, repairs, past and present legal fees, garbage fees, dog feces fees, and any other fees charged to the Resident, shall be part of, included in and due with the Notice to Quit.
- R. Violence Against Women Act: Joint and Several Liability: Each adult resident signing the lease expressly agrees and acknowledges that (s)he is jointly and severally liable for any and all damages, fees, charges or rents arising out of the tenancy, whether those damages, fees, charges, or rents were caused by or incurred by the resident or someone else. Bifurcation: In the event Management terminates the lease, the MHC reserves the right to bifurcate the lease obligations and rights of the various adult residents. The MHC may bifurcate this lease in order to evict, remove or terminate assistance to an individual who is a tenant or lawful occupant. This means that the parties agree that the MHC may, at its option and under its sole discretion, choose to take action or other action against one adult resident without taking the same action against another adult resident. Also see 22.8, Violence Against Women's Act, Bifurcation.

The MHC will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State Sex Offender registration program. Guests or visitors who are on the State Sex Offender registration program are prohibited from being on MHC property and a resident can be evicted for allowing them on the property.

Resident will be charged administrative costs directly related to bringing eviction action against a resident for non-payment of rent or for cause. This includes staff time, processing fees (including postage) and any other direct costs. This is in addition to attorney fees, court costs and other related fees. Such administrative costs will be based on the employees pay who is performing this function (including value of fringe benefits).

The MHC will charge a \$15.00 late fee each time the family's rent has not been paid prior to close of business (4:00 PM EST) on the 5th day of the month. If the 5th falls on a Saturday, Sunday or holiday, the MHC will assess the late charge if rent has not been received by 8:00 AM EST the following normal work day. For convenience of the resident, payment may be placed in the rent drop box located at Pine Ridge Apartments, 316 Pine Street, Marquette 24/7.

Refer to MHC Rent Collection Policy for details.

Writ of Restitution: Once a Writ of Restitution has been executed by the Sheriff's Dept. and unit is turned over to the MHC, the resident may not enter the unit for any reason.

20.3 ABANDONMENT

The MHC considers a unit to be abandoned where a resident has clearly indicated by words or actions an intention not to continue living in the unit. An arrearage in rent owed to the MHC will also be taken into consideration to determine as to whether a unit has been abandoned. Examples include, but are not limited to, observation by any MHC employee of a resident packing and removing their belongings from a unit, statements made to the MHC by neighbors or relatives or others indicating that a unit has been abandoned or will be abandoned (confirmation will be sought from the resident as soon as possible, unless it is clear that the resident has removed their belongings from the unit), or when a resident has forwarded their mail and/or has not retrieved mail to the premises within a two week period of time. In the event the resident is away from the unit, without intent to abandon, it is the resident's sole responsibility to make arrangements for the pick up of mail, newspaper, or other such items delivered to their unit. When the MHC considers a unit to be abandoned, it will post a "Notice of Abandonment" on the door of the residence and send a copy by first class mail along with a "Notice to Quit". It is understood, as previously allowed under the Dwelling Lease Agreement, attorney's fees and court costs will be passed on to the resident. If the resident has failed to provide a new address for forwarding by the U.S. Post Office and mail is returned as undeliverable or by lack of forwarding order, this will be conclusive proof that the resident has relinquished any claim in the property so abandoned. A "Notice of Abandonment" may be sent at any time the MHC has cause to consider a unit to be abandoned, not limited to the circumstances set forth above. The "Notice of

Abandonment” will explain to the resident the abandonment policy, the date of the termination of notice (thirty days from the date of posting), and the date when the MHC will no longer retain any abandoned property (thirty days from the date of notice).

When a unit has been abandoned, a MHC representative may enter the unit to secure the unit, make sure all MHC property is safe, and ascertain if property has been left in the unit. Items clearly defined as garbage or trash will be removed from the unit to make the unit safe and sanitary, and the charges for removal will be added to the resident’s account. The unit will stay posted for thirty days. During the thirty day period the resident can come in and sign an “Inventory Checklist” relinquishing the unit, provide a forwarding address, return all keys to the unit, and remove any personal property from the unit. If that should occur, the MHC will process the unit as if no abandonment had occurred and all normal charges will be added to the resident’s account. When the thirty days has passed, the locks on the unit will be changed, and any items of property left in the unit may be removed to a storage facility, retained in the unit or another reasonably secured location. Property totaling \$100.00 or more will be retained. At that time a second thirty day notice (Notice of Sale or Disposition”) will be mailed to the resident by first class mail informing the resident of where the items are being retained, that there may be charges for the storage of these items, and the method that the MHC will use to dispose of these items. The “Notice of Sale or Disposition” will be the only direct communication notice to the resident of the MHC’s intent to sell or dispose of the property. All sales of property claimed as abandoned by the MHC will be noted in a newspaper of general circulation in the Marquette County area, on or after the 30th day from the date the “Notice of Sale and Disposition” is sent to the resident at last known address.

Property sold by the MHC, regardless of value, will take place only after both the “Notice of Abandonment” and the “Notice of Sale or Disposition” to the resident has occurred, but in no event earlier than 60 days from the original posting of the “Notice of Abandonment”. All items of property can be reclaimed at any time by the resident upon receipt of a signed written request/statement that the resident relinquishes the unit, the return of the keys, and payment of all rent and charges due and owing to the MHC. The letter must include a verified address and telephone number where the former resident may be reached.

It is the policy of the MHC to also retain family pictures, keepsakes, and personal papers and documents for 60 days after the original posting and mailing of the “Notice of Abandonment”. These items can be reclaimed with a written request that includes a verified address and telephone number where the former resident may be reached.

Upon sale of abandoned property, any money so raised will be applied to any sums owed by the resident or resident’s family to the MHC such as back rent, utilities, or other services or fees, damage to the unit, as well as the cost of storage and sale of goods. Any funds left over as a result will be forwarded to any forwarding address provided to the MHC by the former residents, however, if the address is not known, the resident will be considered as forfeiting any rights to the proceeds. If the funds are not claimed in writing by the resident within that time, ownership of the funds will revert to the MHC.

This provision with respect to abandonment does not alter the obligation of the MHC to either return any security deposits paid or to provide a written statement of why the security deposit is being kept. Residents should make every reasonable effort to advise the MHC of their forwarding address, or of any circumstances that requires them to abandon their unit, in order to prevent the potential loss of personal property by notification of abandonment and subsequent sale. It is not the desire nor the intent of the MHC to declare personal property as abandoned, nor is it the desire nor the intent of the MHC to become a depository or auctioneer for property abandoned by residents. Accordingly, it is the resident's sole and distinct obligation to notify the MHC of any circumstances, which give rise to possible abandonment of the unit and/or other reasons for termination of their residency.

20.4 RETURN OF SECURITY DEPOSIT

After a family moves out, the MHC will return the security deposit and pet deposit within 30 days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Smoke covered walls will not be considered normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

The MHC will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 30 days of move out (keys turned in).

If Security Deposit was paid by someone other than the tenant (Salvation Army for example) such security deposit (if any available) will be returned to the payee.

20.5 MISCELLANEOUS PROVISIONS

- A. Grievance Procedure: All residents have the right to follow the established Marquette Housing Commission Grievance Procedure. A request for a Grievance Hearing must be made within 5 business days of the date of the Notice to Quit.
- B. For purposes of eviction, monthly rent, retroactive rent, utilities, repairs, past and present legal fees, garbage fees, dog poop fees, and any other fees charged to the resident, shall be part of, included in and due with the Notice to Quit.

21.0 EIV ENTERPRISE INCOME VERIFICATION SYSTEM (24 CFR Parts 5 & 908)

HUD has provided public housing agencies with income verification of wages to reduce income and rent errors and improper payments in the administration of public housing. When received, the MHC's occupancy staff shall compare tenant reported wage information against the wage information reported in E.I.V. and promptly correct anticipated income to ensure that families are paying accurate rent. Discrepancies must

be investigated and appropriate action taken. The MHC must compare EIV information with the participant, let the resident see the E.I.V. information and resolve income discrepancies promptly to determine accurate tenant rents based on available information. Once information provided E.I.V. has been investigated, the printed material from E.I.V. may be destroyed. All staff is to follow the protocol directed by the U.S. Department of Housing and Urban Development and training. EIV shall be used upon initial occupancy, annual recertifications and interim recertifications

22.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

22.1 GENERAL

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

22.2. EXEMPTIONS

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

- A. Family members who are 62 or older;
- B. Family members who are blind or disabled;
- C. Family members who are the primary care giver for someone who is blind or disabled;
- D. Family member engaged in work activity;
- E. Family members who are exempt from work activity under Part A Title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program;
- F. Family members receiving assistance under State program funded under part A Title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program;
- G. Families participating in Self-Sufficiency Program or are in school for at least 8 hours per month or a combination of each activity for a total of 8 hours per month.

22.3.1 NOTIFICATION OF THE REQUIREMENT

The MHC shall identify all adult family members who are apparently not exempt from the community service requirement.

The MHC shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the

opportunity for family members to claim and explain an exempt status. The MHC shall verify such claims.

22.4 VOLUNTEER OPPORTUNITIES

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

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

22.5 THE PROCESS

Each annual reexamination, the MHC will do the following:

- A. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work. Resident must turn in volunteer time sheets to their Project Manager monthly, by the 5th of each month.
- B. At the time of annual recertification, the MHC will determine whether each applicable adult family member is in compliance with the community service requirement.
- C. Resident will be responsible to pick up monthly tracking sheets from the office.

22.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

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

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

22.7 OPPORTUNITY FOR CURE

The MHC will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12 month period. The cure shall

occur over the 12 month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's commitment until it is made. Compliance will be monitored on a quarterly basis. The Cure Compliance Agreement can be for a period of one month to no more than a 12 month period.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months the MHC shall take action to terminate the lease.

Family members will be permitted to "bank" hours. In other words, a family member may perform community service of more than 8 hours in a given month to be applied to a future month.

22.8 VIOLENCE AGAINST WOMEN'S ACT AND BIFURCATION OF LEASE

Each adult resident signing the lease expressly agrees and acknowledges that (s)he is jointly and severally liable for any and all damages, fees, charges or rents arising out of the tenancy, whether those damages, fees, charges, or rents were caused by or incurred by the resident or someone else. Bifurcation: In the event Management terminates the lease, the MHC reserves the right to bifurcate the lease obligations and rights of the various adult residents. The MHC may bifurcate this lease in order to evict, remove or terminate assistance to an individual who is a tenant or lawful occupant. This means that the parties agree that the MHC may, at its option and under its sole discretion, choose to take action against one adult resident without taking the same action against another adult resident.

23.0 SET ASIDE FOR CHRONICALLY HOMELESS

The Marquette Housing Commission will set aside one unit at Pine Ridge Apartments for a chronically homeless individual. Chronically homeless is defined as "an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more or has had at least four episodes of homelessness in the past three years." In an effort to allow individuals who meet HUD eligibility but not Marquette Housing Commission eligibility be accepted for housing; Lutheran Social Services and the Superior Alliance for Independent Living (SAIL) will provide case management and support services to the individual, to assure compliance with the Dwelling Lease Agreement. Homeless assistance programs (LSS) will provide case management and support services for up to six months and SAIL can provide continuing case management and support services thereafter. Any person, including chronically homeless must have the capacity to know, understand and comply with the provisions of the lease.

When the initial chronically homeless individual vacates Pine Ridge Apartments, another unit should be set aside for another chronically homeless individual.

Unless the income of the chronically homeless individual is sufficient to generate a monthly rent of \$195 or more, the chronically homeless individual will be considered part of the 40% requirement that 40% of new admissions must be very low income.

GLOSSARY/DEFINITIONS

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

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

Actively Seeking Employment: Resident is out applying for a job and can provide proof of such employment search.

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

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

Affinity: Close relationship as in a marriage but without the benefit of marriage (lovers).

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

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

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

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

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

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

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

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

Bugs: Any creepy, crawly creature, including but not limited to roaches.

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

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

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

Child Care, Reasonable Charges: The amount of money charged for the care of a child under age 13. Such amount cannot exceed the amount of the total family income for which child care became necessary.

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

Consent Form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

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

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

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

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

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

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

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

Disabled Person: See "person with disabilities."

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

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

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

Education, to further: As it relates to Community Service, to further ones education includes (but is not limited to) courses offered through the Internet, home schooling, Charter schools, public schools, correspondence courses, training programs and conferences for the purpose of increasing their knowledge.

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

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

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

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

Exterminator: Person who is qualified to spray for bugs.

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

Family includes but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

Family Members: All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

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

Gainful Employment: Earning a wage or barter.

Full-Time Student: For rent calculation purposes, a Full Time Student is a person who is a dependent of a resident and is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

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

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

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

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

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

Interim (examination): A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

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

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

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

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

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

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

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

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

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

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- B. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

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

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

Person with Disabilities: A person who:

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

"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which (s)he has previously engaged with some regularity and over a substantial period of time."

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

"Severe chronic disability that:

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

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

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

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

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

Qualifying State of Local Employment Training Program: The MHC will consider the program to be a qualifying employment training program if the resident provides verification of their enrollment and attendance.

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

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

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

Single Person: Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

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

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

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

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

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

Total Tenant Payment (TTP):

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
 - a. 30% of the family's monthly adjusted income;
 - b. 10% of the family's monthly income; or
 - c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.
 2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
- B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996, will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

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

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

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

Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

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

ACRONYMS

ACC Annual Contributions Contract

CFR Code of Federal Regulations

FSS Family Self Sufficiency (program)

HCDA Housing and Community Development Act

HQS Housing Quality Standards

HUD Department of Housing and Urban Development

INS (U.S.) Immigration and Naturalization Service

MHC Marquette Housing Commission

NAHA (Cranston-Gonzalez) National Affordable Housing Act

NOFA Notice of Funding Availability

OMB (U.S.) Office of Management and Budget

PHA Public Housing Agency

QHWR Quality Housing and Work Responsibility Act of 1998

SSA Social Security Administration

TTP Total Tenant Payment

Appendix I

Income Limits and Deconcentration Worksheet

Development Name	Number of Units Under ACC	Number of Occupied Units	Number of Units Occupied by Very Poor Families	% Occupied by Very Poor Families

% Very Poor in

Census Tract

Target Number

Number Needed of below 30% of median area income

Number Needed above 30% of median area income

Waiting list number of families Appendix 2