

**GRAND RAPIDS HOUSING  
COMMISSION**

**ADMISSIONS AND CONTINUED  
OCCUPANCY POLICY  
FOR SHELDON APARTMENTS**

# **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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This Admissions and Continued Occupancy Policy defines the Grand Rapids 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 Grand Rapids Housing Commission to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

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

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

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

## **2.0 REASONABLE ACCOMODATION**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Grand Rapids Housing Commission housing programs and related services. When such accommodations are granted, they do not confer special treatment 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 Grand Rapids Housing Commission will follow in determining whether it is reasonable to

provide a requested accommodation. Because disabilities are not always apparent, the Grand Rapids Housing Commission will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

## 2.1 COMMUNICATION

Anyone requesting an application will also receive a Request for Reasonable Accommodation form.

Notifications of re-examination, 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 Grand Rapids Housing Commission will obtain verification 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 Grand Rapids Housing Commission will obtain documentation that the requested accommodation is needed due to the disability. The Grand Rapids Housing Commission 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 Grand Rapids Housing Commission's business is housing. If the request would alter the fundamental business that the Grand Rapids Housing Commission conducts, that would not be reasonable. For instance, the Grand Rapids Housing Commission would deny a request to have the Grand Rapids Housing Commission 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 cost little or nothing. If the cost would be an undue burden, the Grand Rapids Housing Commission may request a meeting with the individual to investigate and consider equally effective alternatives.

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

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

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

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

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

### **3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS**

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

## **4.0 FAMILY OUTREACH**

The Grand Rapids Housing Commission will publicize the availability and nature of its housing programs for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

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

The Grand Rapids Housing Commission 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 its public housing programs.

## **5.0 RIGHT TO PRIVACY**

All family members, 18 years and older, of both applicant and tenant households are required to sign HUD Form #9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

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

## **6.0 REQUIRED POSTINGS**

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

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy.
- B. Notice of the status of the waiting list (opened or closed).
- C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, and Resident Facilities and operation hours.
- D. Income Limits for Admission.

- E. Excess Utility Charges.
- F. Utility Allowance Schedule.
- G. Current Schedule of Routine Maintenance Charges.
- H. Dwelling Lease.
- I. Grievance Procedure.
- J. Fair Housing Poster.
- K. Equal Opportunity in Employment Poster.
- L. Any current Grand Rapids Housing Commission Notices.

## 7.0 TAKING APPLICATIONS

Families wishing to apply for the Sheldon Apartments will be required to complete an application for housing assistance. Applications are available and will be accepted during regular business hours at all Grand Rapids Housing Commission properties:

**Grand Rapids Housing Commission**  
**1420 Fuller, SE**  
Grand Rapids, MI 49507

Adams Park Apartments  
 1440 Fuller, SE  
 Grand Rapids, MI 49507

Campau Commons Apartments  
 835 Commons, SW  
 Grand Rapids, MI 40507

Creston Plaza Apartments  
 1014 Clancy, NE  
 Grand Rapids, MI 49503

Hope Community  
 1024 Ionia, SW  
 Grand Rapids, MI 49507

Leonard Terrace Apartments  
 1315 Leonard, NE  
 Grand Rapids, MI 49505

Mt. Mercy Apartments  
 1425 Bridge, NW  
 Grand Rapids, MI 49504

Ransom Tower Apartments  
 50 Ransom, NE  
 Grand Rapids, MI 49503

Sheldon Apartments  
 1010 Sheldon, SE  
 Grand Rapids, MI 49507

Applications are taken to compile a waiting list. Due to the demand for housing in the Grand Rapids Housing Commission's jurisdiction, the Grand Rapids Housing

Commission 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 Grand Rapids Housing Commission will verify the information.

Applications may be made in person at the Grand Rapids Housing Commission offices Monday through Friday 8:00 AM to 5:00 PM. Applications will be mailed to interested families upon request.

The completed application will be dated and time stamped upon its return to the Grand Rapids Housing Commission.

Persons with disabilities who require a reasonable accommodation in completing an application may call Michigan Relay at 1-800-649-3777.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

**Upon receipt of the family's pre-application, the Grand Rapids Housing Commission will make a preliminary determination of eligibility. If the Grand Rapids Housing Commission determines the family to be ineligible, it will notify the family in writing. The notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.**

The applicant may, at any time, report changes in their applicant status including changes in family composition, income, or preference factors. If applicants move, they must immediately notify the Housing Commission in writing of their new address. The only means by which the Housing Commission can contact applicants is through the mail. The Grand Rapids Housing Commission will annotate the applicant's file and will update their place on the waiting list.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. The Grand Rapids Housing Commission 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 Sheldon Apartments.

## **8.0 ELIGIBILITY FOR ADMISSION**

## 8.1 INTRODUCTION

There are five (5) eligibility requirements for admission to Sheldon Apartments: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the Grand Rapids Housing Commission's screening criteria in order to be admitted to Sheldon Apartments.

## 8.2 ELIGIBILITY CRITERIA

### A. Family Status.

1. An **elderly family**, which is:
  - a. A family whose head, spouse, or sole member is a person who is at least 55 years of age;
  - b. Two (2) or more persons who are at least 55 years of age living together; or
  - c. One (1) or more persons who are at least 55 years of age living with one or more live-in aides.
2. A **displaced family**, which 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
3. A **remaining member of a tenant family**, which is a person who is considered a member of the family on the most recent certification.

### B. Income Eligibility.

1. To be eligible for admission, the family's annual income must be within the low-income limit set by HUD and or MSHDA. This means the family income cannot exceed 45 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 Sheldon Apartments from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program without meeting the income requirements of the Grand Rapids Housing Commission.
4. Income limit restrictions do not apply to families transferring within Sheldon Apartments.

### C. Citizenship/Eligibility Status.

1. To be eligible each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in

Section 214 of the Housing and Community Development Act of 1980 [see 42 U.S.C. 1436a(a)].

2. Family Eligibility For Assistance.

- a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
- b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.2 for calculating rents under the non-citizen rule.)
- c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation.

To be eligible, all family members six (6) years of age and older must provide a Social Security number or certify that they do not have one.

E. Signing Consent Forms.

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
  - a. A provision authorizing HUD or the Grand Rapids Housing Commission to obtain from the National Directory of New Hires (NDNH) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
  - b. A provision authorizing HUD or the Grand Rapids Housing Commission to verify with previous or current employers the family's income information pertinent to the family's eligibility.
  - c. A provision authorizing HUD or the Grand Rapids Housing Commission to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility of level of benefits; and

- d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

### 8.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the lease. The Grand Rapids Housing Commission 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, Grand Rapids Housing Commission 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 Grand Rapids Housing Commission will consider objective and reasonable aspects of the family's background, including the following:
  - 1. History of meeting financial obligations, especially rent;
  - 2. Ability to maintain (or, with assistance, would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
  - 3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
  - 4. History of disturbing neighbors or destruction of property;
  - 5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
  - 6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
  
- C. The Grand Rapids Housing Commission will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Grand Rapids Housing Commission will verify the information provided. Such verification will include but may not be limited to the following:
  - 1. A credit check of the head, spouse and co-head;

2. A rental history check of all adult family members;
3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local 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 Grand Rapids Housing Commission will contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and
5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to Sheldon Apartments.

#### 8.4 GROUNDS FOR DENIAL

The Grand Rapids Housing Commission is not required or obligated to assist applicants who:

- A. Do not meet one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Lack sufficient or have unacceptable landlord references;
- E. Have a history of not meeting financial obligations, especially rent;
- F. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;

- G. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
- H. Have a history of disturbing neighbors, destruction of property or housekeeping habits which may adversely affect the health, safety or welfare of other tenants or staff;
- I. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- J. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- K. Were evicted from assisted housing within three (3) years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
- L. Were evicted from assisted housing within five (5) years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- 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. The Grand Rapids Housing Commission may waive this requirement if:
  - 1. The person demonstrates to the Grand Rapids Housing Commission's satisfaction that the person is no longer engaging in drug-related activity or abuse of alcohol;
  - 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
  - 3. Has otherwise been rehabilitated successfully; or
  - 4. Is participating in a supervised drug or alcohol rehabilitation program;
- N. Have engaged in or threatened abusive or violent behavior towards any Grand Rapids Housing Commission staff or residents;

- O. Have a household member who has ever been evicted from assisted housing;
- P. Have a family household member who has been terminated under the Section 8 certificate or voucher program;
- Q. **Denied for Life:** If any household member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- R. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

## 8.5 INFORMAL REVIEW

- A. If the Grand Rapids Housing Commission determines that an applicant does not meet the criteria for receiving housing assistance or occupancy, the Grand Rapids Housing Commission 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 calendar days of the denial. The Grand Rapids Housing Commission will describe how to obtain the informal review.

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

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

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

## 9.0 MANAGING THE WAITING LIST

## 9.1 ORGANIZATION OF THE WAITING LIST

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

- A. The application will be signed by the applicant and be maintained for a minimum of three (3) years;
- B. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
- C. Any contacts between the Grand Rapids Housing Commission and the applicant will be documented in the applicant file.

## 9.2 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be within three (3) months of being offered a unit, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. The Grand Rapids Housing Commission must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once the preference has been verified, the family will complete a full application, present Social Security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

## 9.3 PURGING THE WAITING LIST

The Grand Rapids Housing Commission 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 Grand Rapids Housing Commission has current information, i.e. applicant's address, family composition, income category, and preferences.

## 9.4 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Grand Rapids Housing Commission will not remove an applicant's name from the waiting list unless:

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

## 9.5 MISSED APPOINTMENTS

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

The Grand Rapids Housing Commission will allow the family to reschedule without 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 Grand Rapids Housing Commission 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.



## 9.6 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Grand Rapids Housing Commission, 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 Grand Rapids Housing Commission 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 Grand Rapids Housing Commission 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 Grand Rapids Housing Commission will select families based on the following preferences within each bedroom size category:

- A. Displaced person(s): Individuals or families displaced by government action or whose dwelling has been extensively damaged or destroyed as a result of circumstance such as fire or lead paint or a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief Laws.
- B. Families who live in the City limits of Grand Rapids whom are Veterans or surviving spouses of veterans and with an adult family member enrolled in an employment training program, currently working 20 hours or more a week, or attending school on a full time basis. This preference is also extended equally to all elderly families and all families whose head or spouse is receiving income based on their inability to work who live in the City of Grand Rapids.
- C. Families who live in the City limits of Grand Rapids with an adult family member enrolled in an employment training program, currently working 20 hours or more a week, or attending school on a full time basis. This preference is also extended equally to all elderly families and all families whose head or spouse is receiving income based on their inability to work who live in the City of Grand Rapids.
- D. Families who live in the City limits of Grand Rapids whom are Veterans or surviving spouses of Veterans.
- E. All other families who live in the City limits of Grand Rapids.

F. Families who do not live in the City limits of Grand Rapids whom are Veterans or surviving spouses of Veterans.

G. All other families that do not live in the City limits of Grand Rapids.

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

Notwithstanding the above, families who are elderly, disabled, or displaced will be offered housing before other single persons.

**Buildings Designed for the Elderly and Disabled:** Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. 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.

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

## 10.2 OFFER OF A UNIT

When the Grand Rapids Housing Commission discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority.

The family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact the Grand Rapids Housing Commission regarding the offer.

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

## 10.3 REJECTION OF UNIT

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

If the Grand Rapids Housing Commission did not skip over other families on the waiting list to reach this family, did not offer any deconcentration incentive, and the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their 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 includes reasons related to health, proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

#### 10.4 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 prior to occupancy.

Prior to signing the lease all families (head of household) and other adult family members will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy.

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

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

The family will pay a security deposit at the time of lease signing. The security deposit will be equal to the Total Tenant Payment or that amount which is limited by Michigan Rent Security Deposit Law.

In exceptional situations, the Grand Rapids Housing Commission reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance; one third with their second rent payment, and one-third with their third rent payment. This shall be at the sole discretion of the Housing Commission.

In the case of a move within the Grand Rapids Housing Commission properties, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

## **11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME**

To determine annual income, the Grand Rapids Housing Commission 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 Grand Rapids Housing Commission subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

### **11.1 ANNUAL INCOME**

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

- A. Go to (or on behalf of) the family head of household 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 re-examination effective date; and
- C. Are not specifically excluded from annual income.

Annual income includes, but is not limited to:

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

provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.

- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount.

(However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, severance pay, TANF and general welfare assistance. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- F. Welfare assistance.

1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
  - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
  - b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a

percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

2. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
3. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.

G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.

H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

## 11.2 EXCLUSIONS FROM INCOME

Annual income does not include the following:

- A. Income from employment of children(including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;

- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:
  - 1. Amounts received under training programs funded by HUD;
  - 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
  - 4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Commission or owner, on a part-time basis, that enhances the quality of life in the development.

Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time;

- 5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts

excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;

- 6. Temporary, nonrecurring or sporadic income (including gifts);

7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
  - a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
    - i. Is authorized by a Federal, State or local law;
    - ii. Is funded by the Federal, State or local government;
    - iii. Is operated or administered by a public agency; and
    - iv. Has as its objective to assist participants in acquiring employment skills.
  - b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
  - c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
11. The entire amount of earned income that is greater than the family's former income is excluded for the first 12 months following the point when the employment begins, and 50% of the increased amount is excluded for the second 12 months after the beginning of employment. The maximum term for the combined full and 50% exclusion of 48 months begins the month following the time of the first employment-related exclusion. 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 six months, assisted under a State TANF program.
12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
  13. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
  14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
  15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
    - a. The value of the allotment of food stamps.
    - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973.
    - c. Payments received under the Alaska Native Claims Settlement Act.
  - d. Income from sub-marginal land of the U.S. that is held in trust for certain Indian tribes.
  - e. Payments made under Health and Human Services' Low-Income Energy Assistance Program.
  - f. Payments received under the Job Training Partnership Act.

- g. Income from the disposition of funds of the Grand River Band of Ottawa Indians.
- h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims.
- i. Amount of scholarships awarded under Title IV including Work Study.
- j. Payments received under the Older Americans Act of 1965.
- k. Payments from Agent Orange Settlement.
- l. Payments received under the Maine Indian Claims Act.
- m. The value of child care under the Child Care and Development Block Grant Act of 1990.
- n. Earned income tax credit refund payments.
- o. Payments for living expenses under the Americorps Program.
- p. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation.
- q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is a child of a Vietnam veteran.
- r. Any amount of crime victim compensation under the Victims of Crime Act.
- s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998.

The Grand Rapids Housing Commission will not provide exclusions from income in addition to those already provided for by HUD.

### 11.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent.

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

## **12.0 VERIFICATION**

The Grand Rapids Housing Commission 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 non-citizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

### **12.1 ACCEPTABLE METHODS OF VERIFICATION**

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will

be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

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

When third party verification cannot be obtained, the Grand Rapids Housing Commission will accept documentation received from the applicant/tenant. Hand-carried documentation will be accepted if the Grand Rapids Housing Commission has been unable to obtain third party verification in a 4-week period of time. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, the GRHC will accept a notarized statement signed by the head of household, spouse of co-head of household. 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 Grand Rapids Housing Commission 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 <sup>rd</sup> Party Verification	Hand-Carried Verification
<b>General Eligibility Items</b>		
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

<b>Verification Requirements for Individual Items</b>		
<b>Item to Be Verified</b>	<b>3<sup>rd</sup> Party Verification</b>	<b>Hand-Carried Verification</b>
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and Receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
<b>Value of and Income from Assets</b>		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDs, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real Property	Letter from tax office, 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

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> Party Verification	Hand-Carried Verification
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
<b>Income</b>		
Earned income	EIV printout, 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)	EIV printout, 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 <ul style="list-style-type: none"> <li>• whether enrolled or completed</li> <li>• whether training is HUD-funded</li> <li>• whether Federal, State, local govt., or local program</li> <li>• whether it is employment training</li> <li>• whether it has clearly defined goals and objectives</li> <li>• whether program has supportive services</li> <li>• whether payments are for out-of-pocket expenses incurred in order to participate in a program</li> </ul>	N/A

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> Party Verification	Hand-Carried Verification
	<ul style="list-style-type: none"> <li>date of first job after program completion</li> </ul>	Evidence of job start

### 12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NON-CITIZEN STATUS

The citizenship/eligible non-citizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first re-examination, 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 re-examination, all eligible non-citizens 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 re-examination, all eligible non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Grand Rapids Housing Commission will make a copy of the individual's INS documentation and place the copy in the file. The Grand Rapids Housing Commission will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility; the Grand Rapids Housing Commission 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 non-citizens must be listed on a statement of non-eligible members and the list must be signed by the head of the household.

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

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 Grand Rapids Housing Commission determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their unit, the family will be evicted. Such family will not be eligible to be readmitted for a period of 24 months from the date of eviction or termination.

#### 12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number and who is at least six (6) years of age must provide verification of their social security number. New family members at least six (6) years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular re-examination after turning six (6).

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

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

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

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

#### 12.5 TIMING OF VERIFICATION

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

When an interim re-examination is conducted, the Housing Commission will only verify and update those elements reported to have changed.

## 12.6 FREQUENCY OF OBTAINING VERIFICATION

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

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

## 13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

Rent for the Sheldon Apartments may be formula-based or a flat rent. Those eligible under the Section 8 Housing Choice Voucher Program will be charged a formula-based rent. All others will be charged the flat rent. Under the formula-based rent, the Total Tenant Payment is equal to the highest of:

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

The family will pay the greater of the Total Tenant Payment or the minimum rent of \$50.00, but never more than the contract rent.

### 13.1 MINIMUM RENT

The Grand Rapids Housing Commission has set the minimum rent at \$50.00. However, if the family requests a hardship exemption, the Grand Rapids Housing Commission 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 Housing Commission determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Commission reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Commission will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Commission will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. Long-term hardship. If the Housing Commission determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may appeal the Grand Rapids Housing Commission determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

## 13.2 RENT FOR FAMILIES UNDER THE NON-CITIZEN 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 of household 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 of household or spouse, or any child (under the age of 18) of the head of household 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 Grand Rapids Housing Commission will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, the Grand Rapids Housing commission 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 95<sup>th</sup> percentile of gross rents (tenant rent plus utility allowance) for the Grand Rapids Housing Commission. The 95<sup>th</sup> 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 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.

### 13.3 UTILITY ALLOWANCE – SURCHARGES

Electricity, gas heating fuel, water and sewage services and trash and garbage collection shall be provided by the Grand Rapids Housing commission on the following basis:

- A. All units will be furnished trash and garbage collection service.
- B. All units shall be furnished water and sewage service.
- C. All units shall have all utilities furnished.
- D. All surcharges for certain tenant-owned appliances shall be charged according to a schedule established by the Grand Rapids Housing Commission and updated annually. The appliances which shall be subject to surcharges are as follows:
  - 1. Free-standing freezer;
  - 2. Air conditioner;
  - 3. Refrigerator, if of a larger size or type than that furnished by the Grand Rapids Housing Commission;
  - 4. Additional refrigerator.

### 13.4 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents should be paid at the management office at each site. 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.

If the rent is not paid by the fifth of the month, a Notice to Vacate will be issued to the tenant. In addition, a \$5 late charge or \$1 a day, whichever is greater, will be assessed to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge as assessed to Grand Rapids Housing Commission by the bank for NSF charges.

## 14.0 OTHER PAYMENTS UNDER LEASE

- A. A Security Deposit shall be required of all tenants and shall be equal to one month's Total Tenant Payment or \$50.00, whichever is greater. This amount shall be due and payable upon signing of the initial lease.
- B. Court and processing costs incurred for purposes of eviction shall be passed on to the tenant.
- C. Charges for maintenance costs beyond normal wear and tear shall be charged according to the Housing Commission approved repair schedule.

## **15.0 RECERTIFICATIONS**

At least annually, the Grand Rapids Housing Commission will conduct a re-examination of family income and circumstances for formula-based rents. The results of the re-examination determine the rent the family will pay.

### **15.1 GENERAL**

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

### **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 Grand Rapids Housing Commission taking eviction actions against the family.

### **15.3 FLAT RENTS**

Families who currently pay the flat rent may request to have a re-examination and pay rent on a formula-based method at any time for any of the following reasons:

- A. The family's income has decreased.
- B. The family's circumstances have changed, increasing their expenses for child care, medical care, etc.
- C. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

#### 15.4 THE FORMULA METHOD

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

Upon receipt of verification, the Grand Rapids Housing Commission will determine the family's annual income and will calculate their rent as follows:

The total tenant payment is equal to the highest of:

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

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

#### 15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL RE-EXAMINATIONS

For formula-based rents, the new rent will generally be effective upon the anniversary date with thirty (30) days written 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.

#### 15.6 INTERIM RE-EXAMINATIONS

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

Families will be required to report any increase in income or decreases in allowable expenses between annual re-examinations.

Families are required to report the following changes to the Grand Rapids Housing Commission between regular re-examinations. If the family's rent is determined under the formula method, these changes will trigger an interim re-examination. The family shall report these changes within ten (10) days of their occurrence:

- A. A member has been added to the family.
- B. A household member is leaving or has left the family unit.

In order to add a household member (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 Grand Rapids Housing Commission 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 15.8.

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

## 15.7 SPECIAL RE-EXAMINATIONS

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (zero renters) or have a temporary decrease in income, the Grand Rapids Housing Commission may schedule special re-examinations every sixty (60) days until the income stabilizes and an annual income can be determined.

## 15.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL RE-EXAMINATIONS

Unless there is a delay in re-examination 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 decrease)

If the 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 re-examination should have been completed.

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

## **16.0 UNIT TRANSFERS**

### **16.1 OBJECTIVES OF THE TRANSFER POLICY**

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To facilitate a relocation when required for modernization or other management purposes.
- C. To eliminate vacancy loss and other expense due to unnecessary transfers.
- D. To facilitate relocation of families with inadequate housing accommodations.

## 16.2 CATEGORIES OF TRANSFERS

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

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 allow for non-emergency but medically advisable transfers, and other transfers approved by the Grand Rapids Housing Commission when a transfer is the only or best way of solving a serious problem.

## 16.3 DOCUMENTATION

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

## 16.4 PROCESSING TRANSFERS

Transfers on the waiting list will be sorted by the categories as found in Section 16.2 and within each category by date and time.

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

Transfers in *Category 3* will be housed along with applicants for admission at a ratio of one transfer for every seven admissions.

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

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. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.
- C. If the transfer is being made at the request of the Grand Rapids Housing Commission and the family rejects two offers without good cause, the Grand Rapids Housing Commission will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the Grand Rapids Housing Commission's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.

#### 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.
- 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 Grand Rapids Housing Commission 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 Grand Rapids Housing Commission 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 TENANTS IN GOOD STANDING

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

## 16.7 TRANSFER REQUESTS

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

The Grand Rapids Housing Commission 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.

## 16.8 RIGHT OF THE GRAND RAPIDS 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 authorized representative for the Grand Rapids Housing Commission and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the Grand Rapids Housing Commission file and a copy given to the family member. An authorized Grand Rapids Housing Commission representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any Grand Rapids Housing Commission damages to the unit.

### 17.1 MOVE-IN INSPECTIONS

The Grand Rapids Housing Commission and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

### 17.2 ANNUAL INSPECTIONS

The Grand Rapids Housing Commission will inspect each housing unit annually to ensure that each unit meets the Grand Rapids Housing Commission's housing standards. Work orders will be submitted and completed to correct any deficiencies.

#### 17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

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

#### 17.4 SPECIAL INSPECTIONS

Special inspections may be scheduled to enable HUD or others, such as a local authority, to inspect a sample of the housing stock maintained by the Grand Rapids Housing Commission.

#### 17.5 HOUSKEEPING INSPECTIONS

Generally, at the time of the annual inspection, or at other times as necessary, the Grand Rapids Housing Commission 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 Grand Rapids Housing Commission will give the tenant at least two (2) days written notice.

#### 17.7 EMERGENCY INSPECTIONS

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

#### 17.8 PRE-MOVE-OUT INSPECTIONS

When a tenant gives notice that they intend to move, the Grand Rapids Housing Commission will offer to schedule a pre-move-out inspection with the family. The inspection allows the Grand Rapids Housing Commission to help the family identify any problems which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the

family and in enabling the Grand Rapids Housing Commission to ready units more quickly for the future occupants.

#### 17.9 MOVE-OUT INSPECTIONS

The Grand Rapids Housing Commission conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

### **18.0 PET POLICY**

#### 18.1 EXCLUSIONS

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

#### 18.2 APPROVAL

Residents must have the prior approval of the Grand Rapids Housing Commission before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed before the Housing Commission will approve the request. Residents must comply with the established Pet Policy of the Grand Rapids Housing Commission.

#### 18.3 TYPES AND NUMBER OF PETS

The Grand Rapids Housing Commission will allow only domesticated dogs, cats, birds, and fish in aquariums in units. All dogs and cats must be spayed or neutered.

Only one (1) pet per unit allowed.

Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed.

No animal may exceed 20 pounds in weight.

#### 18.4 INOCULATIONS

In order to be registered, pets must be appropriately inoculated against rabies and other conditions prescribed by local ordinances. Proof will be required annually at the time of re-examination.

#### 18.5 PET DEPOSIT

A pet deposit of up to \$300.00 or that amount which is limited by the Michigan Rent Security Deposit Law rent is required at the time of registering a pet. The deposit is refundable when the pet or the family vacate the unit, less any amounts owed due to damage beyond normal wear and tear.

#### 18.6 FINANCIAL OBLIGATION OF RESIDENTS

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner's unit will be the financial responsibility of the pet owner and the Grand Rapids Housing Commission reserves the right to exterminate and charge the resident.

#### 18.7 NUISANCE OR THREAT TO HEALTH OR SAFETY

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner's unit and surrounding areas.

Repeated substantiated complaints by neighbors or Grand Rapids Housing Commission personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance will result in the owner having to remove the pet or move him/herself.

#### 18.8 DESIGNATION OF PET AREAS

Pets must be kept in the owner's apartment or on a leash at all times when outside (no outdoor cages may be constructed). Pets will be allowed only in designated areas on the grounds of the project. Pet owners must clean up after their pets and are responsible for disposing of pet waste. Pet owners must comply with the terms and conditions of a separate posted Pet Policy of the Grand Rapids Housing Commission.

#### 18.9 REMOVAL OF PETS

The Grand Rapids Housing Commission, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.

## **19.0 REPAYMENT AGREEMENTS**

When a resident owes the Grand Rapids Housing Commission back charges and is unable to pay the balance by the due date, the resident may request that the Grand Rapids Housing Commission allow them to enter into a Repayment Agreement. The Grand Rapids Housing Commission has the sole discretion of whether to accept such an agreement. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the resident to eviction procedures.

## **20.0 TERMINATION BY THE HOUSING AUTHORITY**

### **20.1 TERMINATION BY TENANT**

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

### **20.2 TERMINATION BY THE HOUSING COMMISSION**

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

- A. Nonpayment of rent or other charges.
- B. A history of late rental payments.
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent.
- D. Failure to allow inspection of the unit.
- E. Failure to maintain the unit in a safe and sanitary manner.
- F. Assignment or subletting of the premises.
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses).
- H. Destruction of property.
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts.
- J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on the premises of the Grand Rapids Housing Commission.
- K. Non-compliance with Non-Citizen Rule requirements.

- L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Commission.
- M. If a tenant is a fugitive, felon or parole violator.
- N. If a tenant's abuse of alcohol threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
- O. Harassment, intimidation or acts of physical violence against other residents, residents' guests, Housing Commission personnel or its representatives.
- P. Other good cause.

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

### 20.3 ABANDONMENT

The Grand Rapids Housing Commission will consider a unit to be abandoned when a resident has both fallen behind in rent **AND** has clearly indicated by words or actions an intention not to continue living in the unit.

When a unit has been abandoned, a Grand Rapids Housing Commission representative may enter the unit and remove any abandoned property. It will be stored in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored and how long until disposal of said property. If the Grand Rapids Housing Commission does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office.

If the total value of the property is estimated at less than \$500, the Grand Rapids Housing Commission will mail a notice of disposition to the resident and then wait 30 days. Family pictures, keepsakes and personal papers cannot be disposed of until 30 days after the Grand Rapids Housing Commission mails the notice of abandonment. If the estimated value of the property is more than \$500, the Grand Rapids Housing Commission will mail a notice of sale or disposition to the resident and then wait 30 days before sale or disposition. Personal papers, family pictures and keepsakes can be sold or disposed of at the same time as other property.

Any money raised by the sale of the property goes to cover money owed by the family to the Grand Rapids Housing Commission such as back rent and the cost of storing and selling goods. If there is any money left over and the family's forwarding address is not known, the Grand Rapids Housing Commission will keep it for the resident for one year. If it is not claimed within that time, it belongs to the Grand Rapids Housing Commission.

When learning of an abandonment, the Grand Rapids Housing Commission will either return the deposit or provide a statement of why the deposit is being kept in accordance with State law.

#### 20.4 RETURN OF SECURITY DEPOSIT

After a family moves out, the Grand Rapids Housing Commission will return the security deposit within the time frame established by State law 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. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

If State law requires the payment of interest on security deposits, it shall be complied with.

The Grand Rapids Housing Commission 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 the time frame established by State law.

## GLOSSARY

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

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

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

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

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

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination 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 \$5000, 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.)

**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 the rent.

**Child:** For purposes of citizenship regulations a member of the family other than the family head or spouse who 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 childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income (24 CFR 5.603(d))

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

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

**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 a8 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 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))

**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)

**Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 55 years of age; two or more persons who are at least 55 years of age living together; or one or more persons who are at least 55 years of age living with one or more live-in aides. (24 CFR 5.403)

**Elderly Person:** A person who is at least 55 years of age.

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

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

**Family** includes but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A displaced family; or
- D. The remaining member of a tenant family.

**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.

**Formula Method:** A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, or the minimum rent. Under the formula method, rents may be capped at a contract rent.

**Full Time Student:** A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 4.405(b))

**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 is 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 \$5000, 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 re-examination 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 re-examination.

**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))

**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 Income:** On 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))

**New 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.

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 re-examination, 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.

**Recertification:** The annual re-examination of a family's income, expenses composition to determine the continued eligibility.

**Remaining Member of a Tenant Family:** A member of the family listed on the lease who continues to live in the dwelling after all other family members have left. (Handbook 7567.1 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-part verification or documentation cannot be obtained.

**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.

**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)

**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 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
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

