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LEARNING OUTCOMES

- Upon completion of this seminar, you should be able to:
 - Determine applicant eligibility based upon the proper evaluation of HUD's eligibility factors.
 - Identify the HUD-approved grounds for denial of participation or admission when evaluating applicants.
 - Correctly rank families with different characteristics and priorities on the waiting list in accordance with local preference regulations.
 - Identify HUD requirements pertaining to the organization and management of waiting lists, so that families who apply are selected in the proper order.
 - Properly apply HUD occupancy standard guidelines when analyzing the various family types and sizes.

ONLINE RESOURCES

- Additional resources and references are available on the Nan McKay website at: <http://NMAreferences.com>. Click the Public Housing Program link to jump directly to the list of links to the relevant online HUD references for the PH program. No login information is required.

Notes

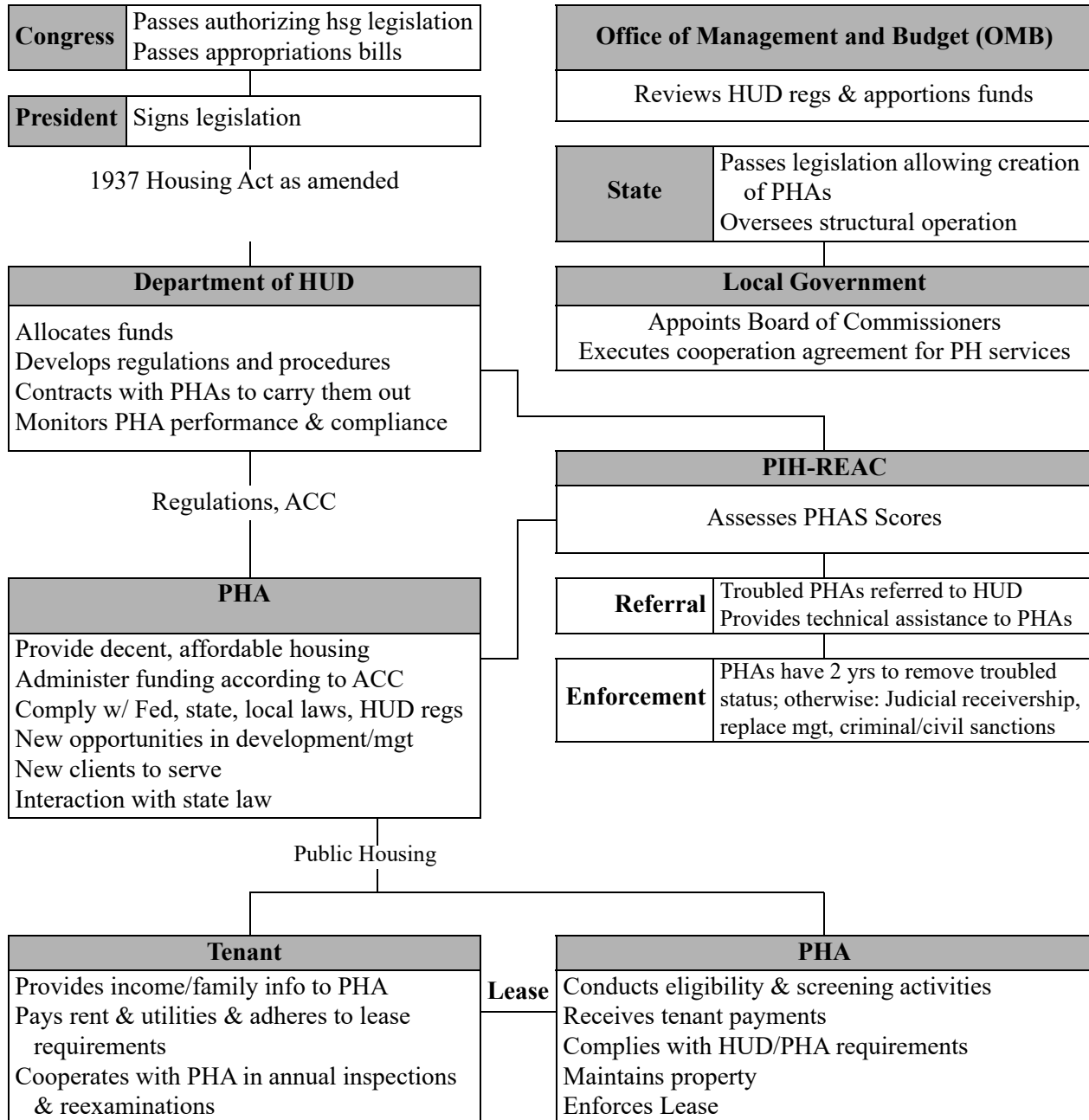
CHAPTER 1 Basic Program Information

LEARNING OUTCOMES

- Upon completion of this chapter, you should be able to:
 - Identify the key roles and relationships in the public housing program
 - Read and interpret HUD notices, regulations, and other resources with a focus on critical information
 - Explain basic PHA responsibilities throughout the program
 - Apply HUD requirements regarding fair housing and VAWA to public housing program operations

Section 1.1 Program Components

KEY RELATIONSHIPS



ROLES IN SUBSIDIZED HOUSING

CONGRESS

- Primary role: Passes laws and creates statutes
 - Authorizing legislation
 - Creates programs
 - Appropriations bills
 - Fund programs
 - Federal statutes found in the United States Code (U.S.C.)
 - Serve as basis for federal regulations
 - Mandatory references

HUD HEADQUARTERS IN WASHINGTON, DC

- Primary role: Decision-making and information
- Writes and publishes regulations to implement laws (proposed, interim or final – published in 24 Code of Federal Regulations)
- Writes and prints:
 - Program handbooks and guidebooks
 - Notices and memoranda
 - Instruction manuals and booklets
 - Forms
- Responds to letters
- HUD's references
 - Mandatory – must be followed
 - Optional – offered as guidance

Section 1.1: Program Components

Mandatory References

- Statutes (written by Congress)
- Code of Federal Regulations (CFR)
 - For public housing, located principally in 24 CFR Parts 5, 902, 903, 960, and 966
- Current notices
 - Have an expiration date
 - May be extended
- Handbooks
- Forms
 - Often have instructions in addition to form
- Opinions or rulings by HUD's Office of General Counsel (OGC)

Discretionary HUD References

- Guidebooks
 - Public Housing Occupancy Guidebook
- Notices that have expired (unless cancelled by newer mandatory reference)
- Handbooks that have expired (unless cancelled by newer mandatory reference)
 - For public housing, HUD Handbook 7465.1
- Recommendations from individual HUD staff

Section 1.1: Program Components

HUD OFFICES

- Primary role: payments and HUD compliance monitoring
- Public and Indian Housing (PIH) is responsible for public housing and Section 8 Housing Choice Voucher programs

Field Offices

- Primary role: PHA monitoring and guidance in program operation

Real Estate Assessment Center (PIH-REAC)

- Evaluates the overall condition of HUD's housing portfolio
- Assesses PHAs under the Public Housing Assessment System (PHAS)
- Determines what level of scrutiny a PHA receives

ADMINISTRATION OF SUBSIDIZED HOUSING

- HUD (Department of Housing and Urban Development) is charged by Congress as the department to administer subsidized housing activities
- HUD, by itself, cannot carry out all subsidized housing activities and must contract with entities who actually build, manage, and maintain the buildings and administer the rent subsidy programs
- There are two types of entities that contract with HUD to carry out the subsidized housing activities authorized by Congress
 - PHAs (public sector)
 - Owners (private sector)

Section 1.1: Program Components

Role of the State

- PHAs (public housing agencies) are set up under state enabling legislation.
- PHAs may be set up as:
 - A public corporation with a separate board of commissioners appointed by local officials such as the mayor and/or city council (the traditional structure)
 - A department of a city, county, or state (under special legislation)
- Their jurisdiction could be city, county, multicounty, or statewide, depending on the enabling legislation.

Project-based vs. Tenant-based Subsidy

- Under project-based subsidy, families must live in the unit which has the subsidy attached to it in order to receive assistance
 - Public housing
- Under tenant-based subsidy, families can choose their unit and their assistance follows them from unit to unit
 - Section 8 housing choice vouchers

Section 1.1: Program Components

PUBLIC HOUSING

- PHAs typically administer public housing which is owned and operated by the PHA
- Families generally pay a portion of their income toward rent (based on a HUD formula), but since their incomes are low, this does not generate enough money to operate and maintain the housing
- Because Congress sets the limitation on what the families can pay, the PHA cannot raise the rent to obtain more money, like an owner on the private market could do
- Therefore, HUD provides operating subsidy to PHAs in order to maintain the properties and administer the program

Role of the PHA

- Primary role: delivery of housing to low income families
- PHA is both owner of the properties and manager of the HUD public housing program
 - Four broad functions
 - Manage waiting list, determine eligibility
 - Certify/recertify tenants
 - Manage/maintain buildings
 - Monitor program performance

Section 1.1: Program Components

- Historical role
 - Provide decent, safe and sanitary housing to low income families at affordable rent
 - Administer funding according to the ACC
 - Comply with federal, state and local laws and HUD regulations
 - Follow PHA policies as approved by the PHA board of commissioners
- PHA's role expanded under Quality Housing and Work Responsibility Act of 1998 (QHWRA), also known as the Public Housing Reform Act (PHRA)
 - New opportunities for development and management
 - New clients to serve

PHA's Role to Develop Policies and Procedures

- Distinguish between mandatory and discretionary references
 - Mandatory policy or procedure is one that is required by a current law, regulation, notice or handbook
 - Discretionary policies or procedures are decisions made by PHAs within legal and regulatory limits for the purpose of:
 - Clarifying regulations, as needed, without changing their intent
 - Providing guidance and direction in areas on which HUD is silent (such as fraud detection)
 - Following a HUD requirement with one or more discretionary components

HUD Guidance as a “Safe Harbor” for PHAs

- For issues not covered by mandatory references, HUD recommends that PHAs develop policies and procedures based on HUD guidance
- Using HUD guidance creates a “safe harbor” for PHAs because HUD has determined that the guidance is consistent with applicable requirements
- Since HUD guidance is optional, PHAs may use alternative approaches to developing policies and procedures in discretionary areas. However, they must then make their own determination of consistency with applicable requirements. They are not protected by the “safe harbor” concept

SUMMARY OF PHA RESPONSIBILITIES

CFR 902.20

- The PHA must maintain public housing properties to the standard of decent, safe, sanitary, and in good repair.

CFR 902.30

- The PHA has a responsibility to ensure adequate financial resources and to be capable of managing those financial resources effectively to support housing that is decent, safe, sanitary, and in good repair.

Section 1.1: Program Components

CFR 902.40

- The PHA has a responsibility to perform key management operations and responsibilities, such as:
 - Minimizing vacancies while avoiding overcrowding units;
 - Using capital funds effectively for long-range modernization needs and extraordinary nonroutine maintenance;
 - Establishing a work order system;
 - Inspecting all units and systems annually;
 - Tracking, screening, and enforcing the lease for criminal activity, including drug-related criminal activity; and
 - If applicable, coordinating, promoting or providing effective programs and activities to promote the economic self-sufficiency of residents.

CFR 966.4

- The PHA must establish a lease, entered into between the PHA and each tenant of a dwelling unit.

CFR 960.253(a)(1)

- The lease must offer the family the choice annually between flat rent and income-based rent.

CFR 960.253(a)(3)

- Non-public housing over-income (NPHOI) families, as defined at 24 CFR 960.102(b), must pay the alternative non-public housing rent, as applicable and are not given a choice between income-based and flat rent.

CFR 966.4(e)

- The lease must set forth the PHA's obligations, which shall include the following:

CFR 966.4(e)(1)

- To maintain the dwelling unit and the project in decent, safe and sanitary condition;

CFR 966.4(e)(2)

- To comply with requirements of applicable building codes, housing codes, and HUD regulations materially affecting health and safety;

CFR 966.4(e)(3)

- To make necessary repairs to the dwelling unit;

CFR 966.4(e)(4)

- To keep project buildings, facilities and common areas, not otherwise assigned to the tenant for maintenance and upkeep, in a clean and safe condition;

Section 1.1: Program Components

CFR 966.4(e)(5)

- To maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances, including elevators, supplied or required to be supplied by the PHA;

CFR 966.4(e)(6)

- To provide and maintain appropriate receptacles and facilities (except for containers for the exclusive use of an individual tenant family) for the deposit of ashes, garbage, rubbish and other waste removed from the dwelling unit by the tenant;

CFR 966.4(e)(7)

- To supply running water and reasonable amounts of hot water and reasonable amounts of heat at appropriate times of the year (according to local custom and usage) except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or where heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct utility connection; and
 - PHAs in states, territories, or localities with existing minimum heating standards must utilize their local standards for public housing units. Where local standards do not exist, PHAs must use the HUD-established minimum heating requirements set forth in Notice PIH 2018-19.

CFR 966.4(e)(8)

- To notify the tenant of the specific grounds for any proposed adverse action by the PHA. (Such adverse action includes, but is not limited to, a proposed lease termination, transfer of the tenant to another unit, or imposition of charges for maintenance and repair, or for excess consumption of utilities.)

How HUD COMMUNICATES

- The Internet:
 - Nan McKay's site: www.nanmckay.com
 - HUD's home page: www.hud.gov
 - PIH home page:
www.hud.gov/program_offices/public_indian_housing
 - eCFR:
www.ecfr.gov
 - HUD Notices:
<https://www.hud.gov/hudclips/notices/pih>
 - Form HUD-50058:
<https://www.hud.gov/sites/dfiles/OCHCO/documents/50058.PDF>
 - PIC home page:
www.hud.gov/program_offices/public_indian_housing/systems/pic

OVERVIEW OF HOTMA

- On July 29, 2016, the Housing Opportunity Through Modernization Act of 2016 (HOTMA) was signed into law. HOTMA made numerous changes to statutes governing HUD programs, including sections of the United States Housing Act of 1937. Title I of HOTMA contains 14 different sections that impact the public housing and Section 8 programs. The Final Rule implementing broad changes to income and assets in Sections 102 and 104 of HOTMA, and for PHAs that administer the public housing program over-income provisions in Section 103, was officially published in the Federal Register on February 14, 2023. On September 29, 2023, HUD issued Notice PIH 2023-27, which provided guidance to PHAs on the implementation of the program changes described in the Final Rule (Note, HUD released a revised version of the notice on 2/2/24).
- As part of HUD's implementation of HOTMA, HUD is replacing the Inventory Management System/PIH Information Center (IMS/PIC) with the Housing Information Portal (HIP). With a few exceptions listed in FAQs published by HUD on 2/22/24, PHAs cannot transition their programs to HOTMA prior to HUD implementing HIP and the PHA's software migrating to the new system. Once this occurs, all transactions effective on the PHA's compliance date must be processed using HOTMA regulations. The PHA must inform families whether their income determination is being made using pre- or post-HOTMA regulations.

Section 1.1: Program Components

- On December 12, 2024, HUD published Notice PIH 2024-38, which identifies the provisions of HOTMA 102/104 that PHAs must comply with no later than July 1, 2025. All transactions with an effective date on or after July 1, 2025, must be processed using requirements in Notice PIH 2024-38. The compliance deadline does not apply to other HOTMA 102/104 provisions not listed in the notice.

Provisions	Required Compliance Date
Stop enrolling families in the EID	1/1/24
Use of Form HUD-9886-A	No later than 2/1/25
Income exclusions	No later than 7/1/25
Definitions	No later than 7/1/25
De minimis errors	No later than 7/1/25

HOW TO READ A FEDERAL REGISTER NOTICE

- Rules issued in the *Federal Register* are organized as follows:
 - List of regulations affected
 - Subject
 - Rule status (final, interim, proposed)
 - Effective (implementation) date
 - Contact person for comments
 - Preamble
 - Comments
 - Text of new or revised regulations
- See sample pages following.

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

24 CFR Parts 5, 200, 247, 880, 882, 884,
891, 960, 966, and 982

[Docket No. FR-4495-F-02]

RIN 2501-AC63

**Screening and Eviction for Drug Abuse
and Other Criminal Activity**

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations for the public housing and Section 8 assisted housing programs, and for other HUD assisted housing programs, such as the Section 221(d)(3) below market interest rate (BMIR) program, Section 202 program for the elderly, and Section 811 program for persons with disabilities, and Section 236 interest reduction program. All of these programs were affected by 1998 amendments to the statute authorizing the public housing and Section 8 programs. These amendments give Public Housing Agencies (PHAs) and assisted housing owners the tools for adopting and implementing fair, effective, and comprehensive policies for screening out programs applicants who engage in illegal drug use or other criminal activity and for evicting or terminating assistance of persons who engage in such activity.

DATES: *Effective Date:* June 25, 2001.

FOR FURTHER INFORMATION CONTACT: For tenant-based Section 8 and public housing—Patricia Arnaudo, Senior Program Manager, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4224, Washington DC, 20410; telephone (202) 708-0744 or the Public and Indian Housing Resource Center at 1-800-955-2232. Ms. Arnaudo also may be reached via the Internet at Patricia.S.Arnaudo@hud.gov.

For the Section 8 project-based programs—Willie Spearmon, Director, Office of Housing Assistance and Grants Management, Office of Housing, Department of Housing and Urban Development, Room 4220, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-3000. Mr. Spearmon also may be reached via the Internet at Willie.Spearmon@hud.gov.

Only the Public and Indian Housing Resource Center number is toll-free. Persons with hearing or speech impairments may access the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:
I. Background
Regulations affected

HUD-assisted housing safer places to live on July 23, 1999 (64 FR 40262), which superseded earlier proposed

Subject

Crime prevention in federally assisted

Rule status

engage in illegal drug use or other criminal activity, and both prevention and enforcement will be advanced by the authority to evict and terminate assistance for persons who participate in criminal activity.

The changes proposed in that rule derived from several sources. (See the chart published in the July 23, 1999, proposed rule at 64 FR 40264-40265 for more detail.) Section 9 of the Housing Opportunity Program Extension Act (Pub. L. 104-120, 110 Stat. 834-846, approved March 28, 1996) ("the Extension Act") amended sections 6 and 16 of the United States Housing Act of 1937 (42 U.S.C. 1437a, *et seq.*) ("the 1937 Act"). Sections 428, 506, 545, and 575-579 of the HUD Appropriation Act for Fiscal Year 1999 (Pub. L. 105-276, approved Oct. 21, 1998) amended sections 3, 6, 8, and 16 of the 1937 Act and created other statutory authority

**Implementation or
Comments due date**

V of the HUD Appropriation Act for Fiscal Year 1999 (Pub. L. 105-276, approved October 21, 1998) was designated the Quality Housing and Work Responsibility Act of 1998 and is referenced in this rule as "the QHWRA" or "the 1998 Act." Section 903 of the Personal Responsibility and Work Opportunity Act of 1996 (Pub. L. 104-193, approved August 22, 1996, 110

**Contact person
for comments**

prosecution, custody or commitment after commission of a felony, or for violation of probation or parole.

Although owners and PHAs have been free to deny admission to applicants for assisted housing on the basis of criminal activity, these new statutory provisions mandate denial of admission for specified criminal activity. In implementing the new mandatory provisions, HUD does not impair existing authority of owners and PHAs to deny admission for criminal activity other than that specified in this rule or which has taken place at times other than those specified. In addition,

Preamble
Starts here and goes on

many PHAs and owners may now use other means of obtaining criminal records and may continue to use these other means of obtaining that information. The portion of this rule that addresses access to criminal records, subpart J of part 5, does not affect those other means. However, HUD cautions PHAs and owners to handle any information obtained about criminal records in accordance with applicable State and Federal privacy laws and with the provisions of the consent forms signed by applicants.

The preamble to the July 23, 1999, proposed rule provided additional information about the proposed implementation of the Extension Act and the 1998 Act.

**II. Significant Differences Between This
Final Rule and the Proposed Rule**

This final rule takes into consideration the public comments received on the proposed rule and attempts to simplify the rule where possible. The more significant changes made to the July 23, 1999 proposed rule by this final rule are described below.

1. *Revised and reorganized regulatory text.* HUD has revised and reorganized the majority of the proposed regulatory text. These changes are not substantive, but are designed to streamline the contents of the proposed rule and make the new requirements easier to understand. For example, the final rule uses a more reader-friendly question and answer format. The more significant of these clarifying and organizational changes are described in greater detail in this section.

2. *Cross-reference to generally applicable definitions (§ 5.100).* The final rule eliminates unnecessary redundancy by relocating the definitions of commonly used terms to subpart A of 24 CFR part 5 (see § 5.100 of this final rule). The program regulations using the defined terms have been revised to simply cross-reference to 24 CFR part 5, rather than repeating the generally applicable definitions.

3. *Authority to screen applicants and evict tenants (24 CFR part 5, subpart I).* This final rule reorganizes and clarifies the provisions of the proposed rule concerning the authority of housing providers to screen and evict tenants. Some of the 1998 Act provisions require certain actions, while other provisions authorize various actions. In the proposed rule, this distinction was not always entirely clear. HUD has made several revisions to proposed 24 CFR part 5, subpart I to clarify these

5. Add a new § 200.37 to read as follows:

§ 200.37 Preventing crime in federally assisted housing.

See part 5, subparts I and J of this title, for provisions concerning preventing crime in federally assisted housing, including programs administered under section 236 and under sections 221(d)(3) and 221(d)(5) of the National Housing Act.

PART 247—EVICTIONS FROM SUBSIDIZED AND HUD-OWNED PROJECTS

6. The authority citation for part 247 continues to read as follows:

Authority: 12 U.S.C. 1701q, 1701s, 1715b, 1715l, and 1715z-1; 42 U.S.C. 1437a, 1437c, 1437f, and 3535(d).

7. In § 247.2, revise the last sentence in the definition of “subsidized project” to read as follows:

§ 247.2 Definitions.

* * * * *

Subsidized project. * * * For purposes of this part, *subsidized project* also includes those units in a housing project that receive the benefit of:

(1) Rental subsidy in the form of rent supplement payments under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); or

(2) Housing assistance payments for project-based assistance under Section 8 of the 1937 Act (42 U.S.C. 1437f). However, this part is not applicable to Section 8 project-based assistance under parts 880, 881, 883 and 884 of this title (except as specifically provided in those parts).

8. In § 247.3, revise paragraph (a)(3) to read as follows:

§ 247.3 Entitlement of tenants to occupancy.

(a) * * *

(3) Criminal activity by a covered person in accordance with sections 5.858 and 5.859, or alcohol abuse by a covered person in accordance with section 5.860. If necessary, criminal records can be obtained for lease enforcement purposes under section 5.903(d)(3).

* * * * *

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

9. The authority citation for part 880 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

10. In § 880.607, revise paragraph (b)(1)(iii) to read as follows:

§ 880.607 Termination of tenancy and modification of lease.

* * * * *

(b) * * *

(1) * * *

(iii) Criminal activity by a covered person in accordance with sections 5.858 and 5.859, or alcohol abuse by a covered person in accordance with section 5.860. If necessary, criminal records can be obtained for lease enforcement purposes under section 5.903(d)(3).

* * * * *

PART 882—SECTION 8 MODERATE REHABILITATION PROGRAMS

11. The authority citation for part 882 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

12. In § 882.102, amend paragraph (b)

**Compare with
previous regulation**

follows:

§ 882.102 Definitions.

(a) *Terms found elsewhere.* The following terms are defined in part 5, subpart A of this title: *1937 Act, covered person, drug, drug-related criminal activity, federally assisted housing, guest, household, HUD, MSA, other person under the tenant's control, public housing agency (PHA), Section 8, and violent criminal activity.*

* * * * *

13. In § 882.511, amend paragraph (a) by adding after the heading a paragraph designation (1), and by adding a new paragraph (a)(2).

§ 882.511 Lease and termination of tenancy.

(a) * * *

(2) The lease must provide that drug-related criminal activity engaged in on or near the premises by any tenant, household member, or guest, and any such activity engaged in on the premises by any other person under the tenant's control is grounds for the owner to terminate tenancy. In addition, the lease must provide that the owner may terminate the tenancy of a family when the owner determines that a household member is illegally using a drug or when the owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

* * * * *

§ 882.514 [Amended]

14. In § 882.514, remove paragraph (a)(2) and redesignate paragraph (a)(3) as

paragraph (a)(2), and remove paragraph (g).

15. Add § 882.518 to read as follows:

§ 882.518 Denial of admission and termination of assistance for criminals and alcohol abusers.

(a) *Requirement to deny admission.*—(1) *Prohibiting admission of drug criminals.* (i) The PHA must prohibit admission to the program of an applicant for three years from the date of termination of tenancy if any household member's federally assisted housing tenancy has been terminated for drug-related criminal activity. However, the PHA may admit the household if the PHA determines:

(A) The household member who engaged in drug-related criminal activity and whose tenancy was terminated has successfully completed an approved supervised drug rehabilitation program, or

(B) The circumstances leading to the termination of tenancy no longer exist (for example, the criminal household member has died or is imprisoned).

(ii) The PHA must establish standards that permanently prohibit admission to the program if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

(iii) The PHA must establish standards that prohibit admission of a household to the program if the PHA determines that any household member is currently engaging in illegal use of a drug or that it has reasonable cause to believe that a household member's pattern of illegal use of a drug, as defined in § 5.100 of this title, may

**That portion of the
CFR section not listed
remains unchanged**

standards that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In this screening of applicants, the PHA must perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the housing is located and

**That portion of the
section either above or
below remains
unchanged**

program under standards established by the PHA if the PHA determines that any

Section 1.2 Key Program Documents

CFR 982.151

ANNUAL CONTRIBUTIONS CONTRACT (ACC)

- HUD executes an Annual Contributions Contract (ACC) with the PHA to provide an operating subsidy to assist in covering the operational expenses when the rent collection from families is inadequate.
- An Annual Contributions Contract (ACC) is a written contract between HUD and a PHA.
- Under the ACC, HUD agrees to make payments to the PHA.
- The PHA agrees to administer the program in accordance with HUD regulations and requirements.

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

*HUD Handbook 7465.1, Rev-2,
1-1(a)
CFR 960.202*

- The Admissions and Continued Occupancy Policy (ACOP) is the PHA's principal statement of the policies to be used in the administration of the public housing program.
- The PHA must adopt a written ACOP that establishes local PHA policies for the administration of the program in accordance with HUD requirements.
- The ACOP and revisions must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials, with discretionary ACOP policies included in the PHA Plan.
- The written ACOP does not have to be approved by HUD, but must be available for audit.
- The purpose of the plan is to prevent misunderstandings between PHA staff and residents, to avoid lawsuits and provide consistency of administration.

Industry practice

Section 1.2: Key Program Documents

*HUD Handbook 7465.1,
Rev-2, 1-1(a)
CFR 960.202*

Contents of the Admissions and Continued Occupancy Policy

- PHAs must adopt admissions policies which meet the requirements of:
 - HUD regulations
 - Fair housing laws
 - The Annual Contributions Contract (ACC)
 - State and local laws.
- Admission policies must be reasonable and must be consistent with the PHA's responsibilities as a public body.
- Admission policies must include a tenant selection and assignment plan which covers:
 - The organization of the waiting list
 - The method by which applicants will be chosen from the waiting list and offered available dwelling units
 - The circumstances under which a transfer would take precedence over an admission.

Section 1.2: Key Program Documents

- Admission policies must also include:
 - The PHA's standards for determining:
 - Eligibility
 - Suitability for tenancy
 - The size and type of unit and project needed
 - The PHA's procedures for verifying the information the applicant has provided
 - The PHA's method for achieving deconcentration of poverty and income-mixing in public housing developments
 - The PHA's selection preferences and their relative weights.
- The PHA must post copies of the admission policies in each office where applications are received.
- The PHA must provide the pertinent portion of its admission policies to each applicant who requests it.

CFR 903.3

THE PHA PLAN

- Each PHA submits to HUD:
 - A 5-Year Plan once every five PHA fiscal years
 - An Annual Plan each fiscal year.
- The purpose is to provide local accountability and an easily identifiable source by which public housing residents, tenant-based program participants, and other members of the public may locate basic PHA policies, rules and requirements concerning its operations, programs and services.

Section 1.2: Key Program Documents

CFR 903.6

- A PHA must include in its 5-Year Plan a statement of:
 - The PHA's mission for serving the needs of low-income, very low-income and extremely low-income families in the PHA's jurisdiction
 - The PHA's goals and objectives that enable the PHA to serve the needs of the families.

CFR 903.7

- The Annual Plan contains the discretionary policies of the various components or elements (for example, selection policies) and not the statutory or regulatory requirements of these components.

Contents of the PHA Plan

- A statement of housing needs
- A statement of financial resources
- A statement of the PHA's policies that govern eligibility, selection, and admissions
 - Includes admission preferences, assignment, maintaining the waiting list (including any site-based waiting lists), and deconcentration and income-mixing.
- A statement of the PHA's rent determination policies
 - Includes applicable flat rents
 - HUD has determined that flat rent changes due to PIH 2014-12 constitute a "significant amendment" to the PHA Plan. Implementation requirements differ depending on whether a PHA is classified as a "qualified" or "non-qualified" PHA.

Section 1.2: Key Program Documents

- Qualified PHAs are defined as PHAs that:
 - Have a combined total of no more than 550 combined public housing units and housing choice vouchers, and
 - Are not designated as “troubled” under PHAS (and have not been so designated within the last 12 months), and
 - Do not have a failing SEMAP score within the last 12 months.
- These agencies are exempted from the annual plan requirement under the provisions of the Housing and Economic Recovery Act of 2008 (HERA). However, qualified PHAs must hold a public hearing regarding the flat rent changes.
- Non-qualified PHAs must follow the required procedures for a significant amendment to their PHA Plans. HUD has provided sample amendment language in Appendix A of PIH 2014-12.
- After initial implementation, subsequent annual changes to the HUD-determined FMR amounts do not trigger the significant amendment process.
- A statement of the PHA’s operation and management
- A statement of the PHA grievance procedures
- A statement of capital procedures needed
- A statement of any demolition and/or disposition
- A statement of the public housing projects designated as housing for elderly families or families with disabilities or elderly families and families with disabilities

Section 1.2: Key Program Documents

- A statement of the conversion of public housing to tenant-based assistance
- A statement of the conversion of public housing to project-based assistance under the Rental Assistance Demonstration (RAD) program
- A statement of homeownership programs administered by the PHA
- A statement of the PHA's community service and self-sufficiency programs
- A statement of the PHA's safety and crime prevention measures, including specific information required by the Violence against Women Act (VAWA)
- A statement of the PHA's policies and rules regarding ownership of pets in public housing
- Civil rights certification
- Recent results of PHA's fiscal year audit
- A statement of asset management
- Resident advisory board (RAB) comments
- Other statements and certifications, as required

Industry practice

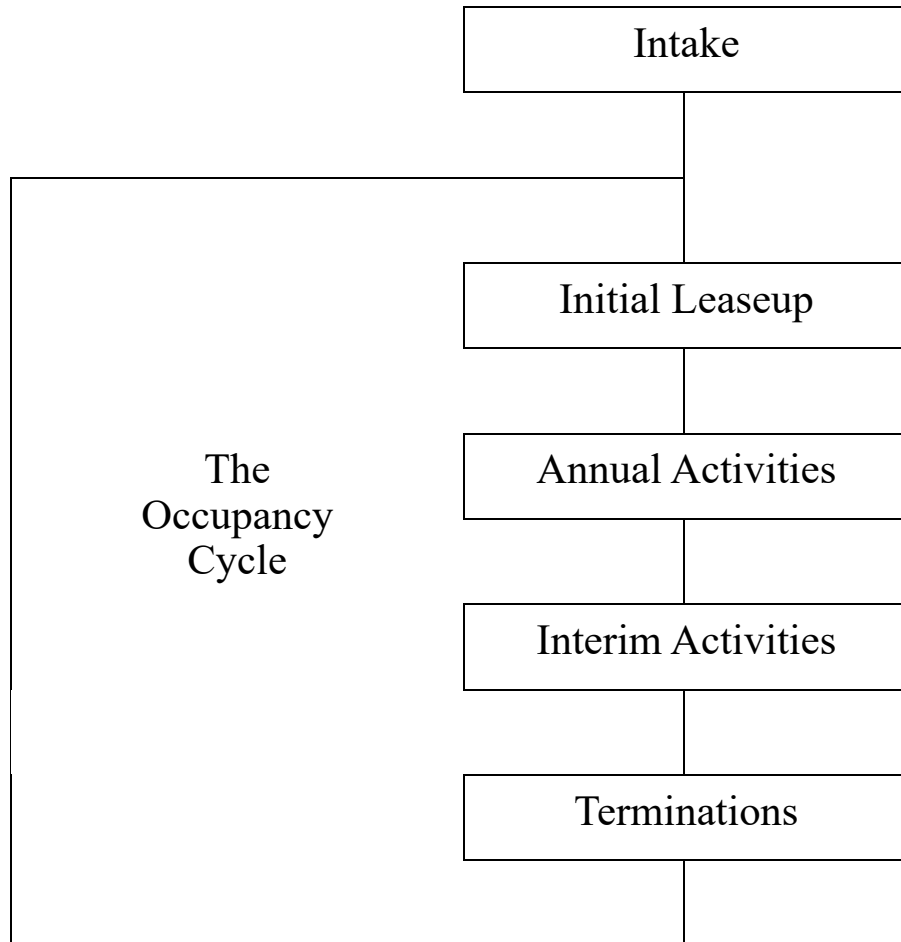
Notice PIH 97-56

THE LEASE

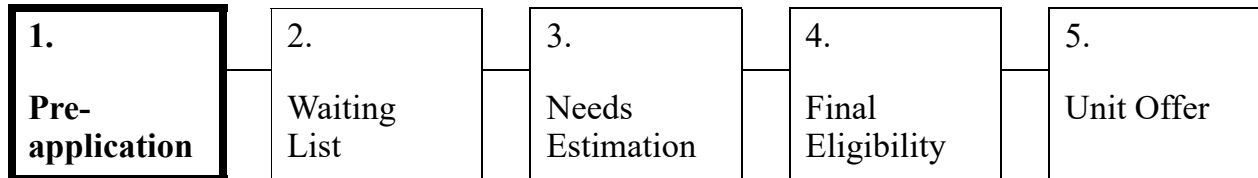
- The lease is the contract between the PHA and the public housing resident family.
- A model lease is provided in HUD's Public Housing Occupancy Guidebook. PHAs are encouraged to review and use the sample provisions in accordance with state and local law and PHA administration policy and practice.

Section 1.3 Overview of the Housing Process

THE PUBLIC HOUSING PROGRAM

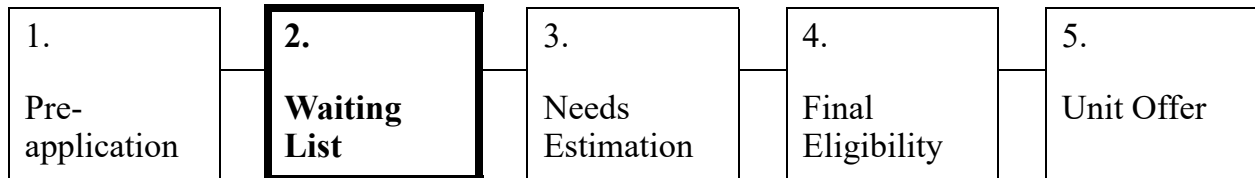


THE INTAKE PROCESS



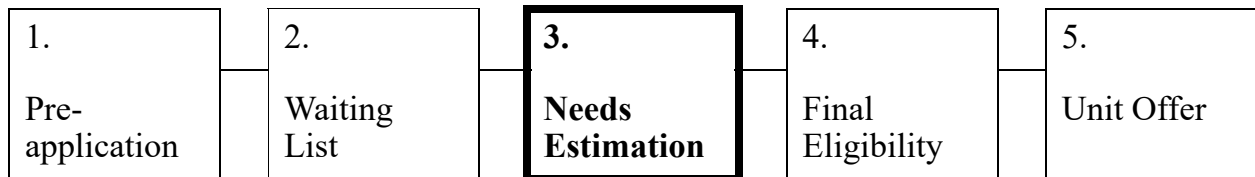
- a. Family submits preapplication if waiting list is open.
- b. Preapplication has less information than full application, but enough to determine preliminary eligibility and placement on list. Usually not verified.
- c. If family is eligible, send letter:
 - Preliminary eligibility
 - Name on waiting list
 - Approximate wait
- d. If family is ineligible, send letter:
 - Notifying of ineligibility
 - Reasons why
 - Informal hearing

THE INTAKE PROCESS



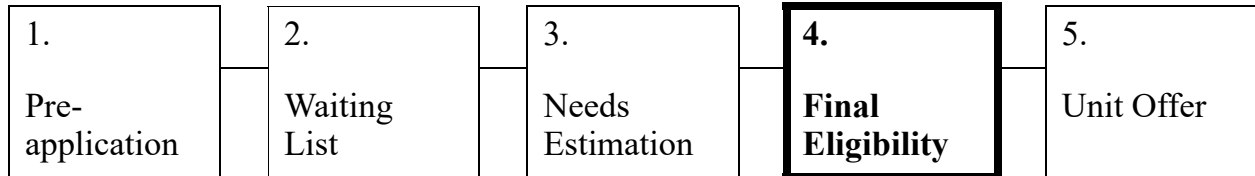
- a. PHA determines waiting list bedroom size according to Occupancy Standards.
- b. Eligible families only go on waiting list.
- c. Waiting list divided by bedroom size for public housing.
 - PH list usually separate from Section 8.
- d. PHA may use date and time, or may apply local preferences used to select among applicants without regard to date and time.
 - PHA must establish local preferences which promote deconcentration and income mixing in public housing developments.
- e. PHAs may establish a system of site-based waiting lists.
 - System of site-based waiting lists must be described in PHA Plan.
- f. PHAs must reserve a minimum of 40% of new admissions to public housing each fiscal year for extremely low-income families.
 - Referred to as “Income Targeting”
 - Extremely low-income families are families whose income does not exceed the higher of the federal poverty level or 30% of area median income
- g. Waiting lists purged every 12 to 18 months (industry practice).

THE INTAKE PROCESS



- a. PHA estimates opening slots by bedroom size, based on projected unit turnover.
 - Should be projecting ahead about 90 days, not waiting until opening occurs.
- b. PHA estimates number of families needed to fill each slot.
 - Will be influenced by accuracy of waiting list and many other factors (i.e. quality and location of unit).
 - Look at past data.
- c. PHA must provide for deconcentration of poverty by attempting to bring:
 - Higher income tenants into lower income public housing developments; and
 - Lower income tenants into higher income public housing developments
- d. PHA verifies preferences for the top “X” number of families on list.
 - PHA sends family preference claim and verification form.
 - If preference doesn't verify, family may be offered a meeting and placed in the proper order on the waiting list.
 - If preference verifies, PHA proceeds to final eligibility verification.
- e. If no response from family, PHA sends notice of withdrawal of assistance and family is removed from waiting list. The PHA may elect to send follow-up letter(s).

THE INTAKE PROCESS



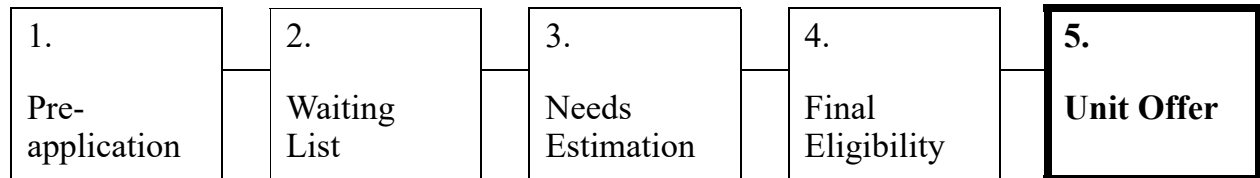
- a. PHA schedules family for interview (or asks family to contact PHA to set up interview).
- b. Family fills out Personal Declaration form; PHA or family fills out application form. Family signs release forms. PHA photocopies documents submitted by family.
- c. PHA follows HUD's verification hierarchy for verifying eligibility factors.
 - If higher-level verifications are not obtained within time frame in ACOP, PHA uses lower levels of verification and documents reason in file.
- d. PHA compares annual income to income limits to determine income eligibility.
- e. PHA verifies social security numbers.
- f. PHA verifies citizenship/noncitizenship status.
- g. PHA calculates total tenant payment from verified information.
- h. PHA offers family choice between income-based rent (TTP) and flat rent.

Notice PIH 2018-18

Section 1.3: Overview of the Housing Process

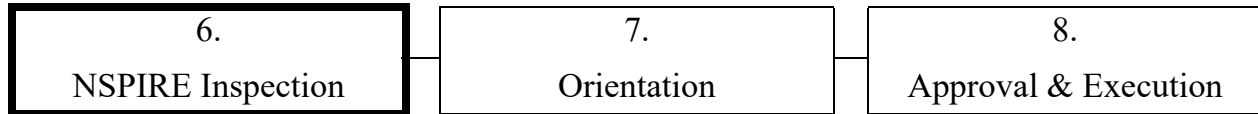
- i. PHA determines if unit actually available for family.
 - If PHA offers system of site-based waiting lists, family is offered unit in development designated.
 - PHA takes into account deconcentration of poverty and income-mixing in deciding to offer unit.
 - Final eligibility is determined and PH unit made ready to offer.
 - If family is ineligible, PHA sends notice of denial and opportunity for informal hearing.
- j. If no unit available, family stays in verified pool of applicants waiting for available unit.

THE INTAKE PROCESS

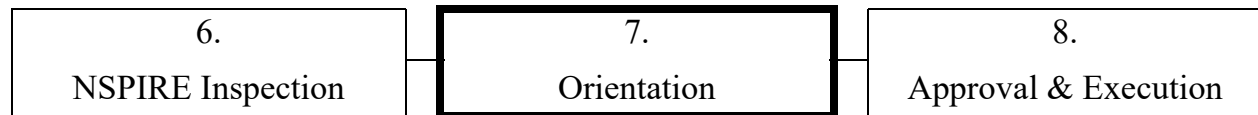


- a. PHA reviews units of appropriate size available.
- b. PHA must develop offer system
 - Plan A (one offer) or Plan B (two or three offers)
 - System of site-based waiting lists has option of adopting Plan A, Plan B, or another reasonable system.
- c. If family refuses offers made, name goes to bottom of waiting list.

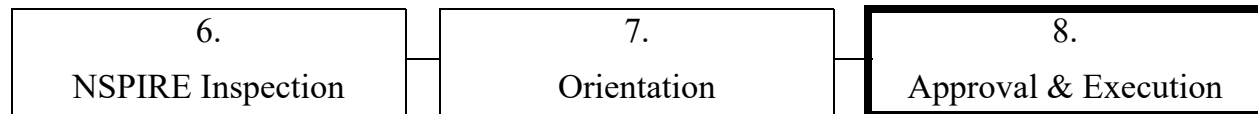
LEASEUP PROCESS



- a. PHA schedules and conducts inspection of vacant unit(s) according to National Standards for the Physical Inspection of Real Estate (NSPIRE)
- .b. PHA prepares unit(s) for move-in.



- a. Orientation is held to explain tenant/PHA obligations and go over lease.
- b. Questions are answered.
- c. Unit is shown to family.



- a. Documents are reviewed:
 - Lease Content
 - Security Deposit
 - Others as required by PHA
- b. Move-in inspection conducted by PHA and family or representative.
- c. PHA and family execute lease.
- d. PHA collects rent and security deposit.
- e. PHA gives family keys.
- f. PHA makes any additional unit repairs.
- g. Assisted tenancy begins on effective date stated in lease.

ANNUAL ACTIVITIES**9. Reexamination**

(If family pays flat rent, the PHA must conduct a reexamination of family income at least once every three years)

- a **Notice to family**
- b **Interview**
- c **Verification**
- d **Calculation**
- e **Notification**

Process similar to 4a-d

10. NSPIRE Inspections

- a **Notice to family**
- b **Inspection**
- c **Repairs Made**
- d **Reinspection if necessary**

**INTERIM ACTIVITIES
(Between Annual Activities)****Interim Reexamination**

Same steps as annual reexamination except only verify changes.

- Or -

NSPIRE Compliance

Same steps as annual inspection except only inspect specified items. Include any deficiencies that may be observed.

TERMINATION OF TENANCY**11. Family**

- a. Family terminates by giving proper written notice or moving.

12. Housing Authority

- a. PHA terminates for violation of lease.
- b. Written Notice according to lease & grievance procedures.

Section 1.4 Fair Housing Enforcement

INTRODUCTION

- Public housing staff must be knowledgeable about nondiscrimination requirements, particularly Section 504 of the 1973 Rehabilitation Act, the Fair Housing Amendments Act of 1988, and the Americans with Disabilities Act, because these laws affect policies and procedures.
- Legal challenges cost both time and money. The PHA can mitigate challenges if the public housing staff understands the intent of fair housing laws and puts them into practice.

HUD's NON-DISCRIMINATION/FAIR HOUSING COMPLIANCE REQUIREMENT

- Every PHA has an affirmative duty to comply with federal fair housing laws.
 - "Affirmative duty" means that PHAs must be vigilant and proactive
 - Every PHA must submit a signed certification to HUD of the PHA's intention to comply with:
 - Fair Housing Act
 - Title VI of the Civil Rights Act of 1964
 - Age Discrimination Act of 1975
 - Executive Order 11063
 - Section 504 of the Rehabilitation Act of 1973
 - Title II of the Americans with Disabilities Act
- The Admissions and Continued Occupancy Policy must include the intent to ensure full compliance with these laws.

Section 1.4: Fair Housing Enforcement

- The PHA must ensure that policies, procedures, and staff conduct are consistent with the PHA's fair housing oath.
- Residents must be briefed about fair housing.
- Residents who believe they have been illegally discriminated against have the right to be put in contact with the local fair housing agency.
- The PHA should never steer an applicant or tenant toward a particular development or area based on their race, national origin, or any other arbitrary classification.
- HUD requires PHAs to maintain records on applicants and tenants for at least three years to provide HUD with racial, ethnic, gender and disability status.
- Every PHA office must have a posted policy on non-discrimination, which must state that the PHA will not discriminate on the basis of:
 - Race
 - Color
 - Sex
 - Religion
 - Disability
 - National origin
 - Family status
 - Age
- "Sex" includes discrimination on the basis of sexual orientation and gender identity.

Executive Order 13988

Section 1.4: Fair Housing Enforcement

*Public Housing Occupancy
Guidebook*

- “Familial status” gives protection to families with children.
- PHAs may not be aware that they may not use lead-based paint (LBP) considerations to deny housing to families with children.
 - PHA must educate family on LBP issues
 - Family chooses whether to occupy unit
- If family with children wishes to remain in unit with LBP hazards:
 - PHA may not seek to terminate tenancy due to the presence of minor children
 - PHA may offer to transfer family
- The act requires equal treatment for all applicants.
 - In limited circumstances, PHA may be required to treat persons with disabilities differently
 - Reasonable accommodation
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, effective March 5, 2012, also requires that HUD-assisted housing be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.
- As part of this rule, administrators and owners of HUD-assisted housing, and owners participating in multifamily programs may not inquire about the sexual orientation or gender identity of an applicant or occupant for the purposes of making eligibility determinations or otherwise making housing available.
 - A private owner that participates in the HCV program becomes subject to the rule at the point when the owner executes a housing assistance payments (HAP) contract with the PHA.

*FR Notice 02/03/12,
Notice PIH 2014-20*

Section 1.4: Fair Housing Enforcement

- The rule does not, however, prohibit any individual from voluntarily self-identifying sexual orientation or gender identity.
- It also does not prohibit lawful inquiries of an applicant or occupant's sex where the housing provided or to be provided to the individual is temporary, emergency shelter that involves the sharing of sleeping areas or bathrooms, or inquiries made for the purpose of determining the number of bedrooms to which a household may be entitled.
- HUD has stated that failure to comply will result in sanctions or corrective action plans as it deems appropriate to remedy any violations.
- Further, on January 20, 2021, the White House issued Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation. The order states that federal laws prohibiting discrimination on the basis of sex, including the Fair Housing Act, also cover discrimination on the basis of sexual orientation and gender identity under the same category.
 - The order requires federal agencies, including HUD, to review any regulations, guidance documents, policies, programs, or other agency actions that were put into effect under any statute or regulation prohibiting sex discrimination and to develop a plan to ensure their consistency with the order.
- In addition to these protections at the federal level, PHAs must be aware of protections that may be provided by state or local ordinance.

Executive Order 13988

OBLIGATION TO AFFIRMATIVELY FURTHER FAIR HOUSING

- PHA must determine whether programs reach all eligible population groups
- Take actions to increase participation by under-served populations
- Market to groups least likely to apply for housing

OTHER STATE AND LOCAL FAIR HOUSING LAWS

- In addition to the classes protected under federal law, PHAs must be aware of protections that may be provided by state or local ordinance.

PROHIBITION AGAINST NATIONAL ORIGIN DISCRIMINATION AFFECTING LIMITED ENGLISH PROFICIENT PERSONS

- National origin protections extend to Limited English Proficient (LEP) persons
- HUD published a Final Notice of Guidance in the *Federal Register* on January 22, 2007 outlining steps PHAs should follow to meet obligations under the law
- Implementation is required by Executive Order 13166
- All entities receiving federal financial assistance (includes PHAs) are covered and have a responsibility to ensure meaningful access to their programs and activities by LEP persons
- **NOTE:** Some PHAs operate in jurisdictions in which English has been declared the official language. Nonetheless, these PHAs continue to be subject to federal nondiscrimination requirements, including LEP

Section 1.4: Fair Housing Enforcement

- Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be LEP, entitled to language assistance with respect to a particular type of service or benefit
- PHA staff must be familiar with their PHA's policies and procedures for dealing with LEP individuals

Section 1.5 Nondiscrimination and Reasonable Accommodation

- This section is an overview of the major federal laws protecting people with disabilities.

SECTION 504 OF THE REHABILITATION ACT OF 1973

- Section 504 requires housing agencies to affirmatively ensure that persons with disabilities are given an equal opportunity to participate in the public housing program.
- A “qualified” person with a handicap:
 - Must be afforded an *opportunity equal* to that afforded to others, and/or
 - Must be provided housing or benefits *as effective* as those afforded to others, and/or
 - *May not be provided different or separate* housing or benefits unless necessary to provide the person with a handicap with housing or benefits that are as effective as those provided to others.
- These regulations make clear that it is not necessary to produce an “*identical*” *result*. Instead, the law affords people with handicaps an “equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement.”
- In each case, *a participant with a disability must ask for an accommodation of their disability before the PHA treats them differently.*

THE FAIR HOUSING AMENDMENTS ACT

- The Fair Housing Act¹ prohibits housing discrimination based on race, color, religion, sex, and national origin, regardless of whether federal funds are involved.
- The Fair Housing Amendments Act (FHAA) of 1988 extended this law to prohibit discrimination against people with disabilities and familial status (known as discrimination against families with children) in almost every kind of housing-related activity, including advertising, renting, selling, and lending.

AGE DISCRIMINATION ACT OF 1975

- Prohibits discrimination on the basis of age in federally-assisted programs and activities.
- Most often involved in protecting rights of older Americans.

TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA)

- Signed into law in 1990, the ADA is the most comprehensive civil rights law for disabled people. Title II of the ADA and the regulations that implement it extended 504's non-discrimination policy to apply to all activities of state and local governments regardless of whether they receive federal funds.
- If your PHA employs more than 50 people, Title II requires the PHA to adopt grievance procedures for anyone denied a reasonable accommodation, *including applicants*. The grievance procedures can be the same as the regular informal hearing procedures, as long as they provide due process.

1. Title VIII of the Civil Rights Act of 1968

Section 1.5: Nondiscrimination and Reasonable Accommodation

Federal Laws Prohibiting Housing Discrimination Against People With Disabilities

	Rehabilitation Act 29 USC 504 29 USC 794	Fair Housing Amendments Act 42 USC 3601	Title II of the Americans with Disabilities Act (ADA)
Prohibited or required practices	<ol style="list-style-type: none"> 1. Cannot discriminate, exclude, or deny benefits solely because of disability. 2. Must provide reasonable modifications in all rules, policies, and procedures. 3. Program must be readily accessible and usable by individuals with disabilities. 	<ol style="list-style-type: none"> 1. Cannot discriminate. 2. Provide reasonable accommodation in rules, policies, and procedures. 3. Allow tenant to make reasonable physical accommodations. 	<ol style="list-style-type: none"> 1. Cannot discriminate, exclude, or deny benefits solely because of disability. 2. Must provide reasonable modifications in all rules, policies, and procedures. 3. Program must be readily accessible and usable by individuals with disabilities.
Housing covered	Any housing that receives federal funds, including public housing agencies and assisted-housing providers.	All housing except owner-occupied 4-, 3-, or 2-family housing	Housing provided by state and local governments and their entities, including public housing agencies.
Definition of a person with a disability	<p>A person who</p> <ol style="list-style-type: none"> 1. has a physical or mental impairment that substantially limits a major life activity, such as walking, thinking, speaking, breathing, hearing, learning, or working. 2. a record or history of an impairment that limits a major life activity, even if the person no longer has the disability or if the disability no longer limits a major life activity. 3. is regarded as having an impairment that limits a major life activity. 	<p>A person who</p> <ol style="list-style-type: none"> 1. has a physical or mental impairment that substantially limits a major life activity, such as walking, thinking, speaking, breathing, hearing, learning, or working. 2. a record or history of an impairment that limits a major life activity, even if the person no longer has the disability or if the disability no longer limits a major life activity. 3. is regarded as having an impairment that limits a major life activity. 	<p>A person who</p> <ol style="list-style-type: none"> 1. has a physical or mental impairment that substantially limits a major life activity, such as walking, thinking, speaking, breathing, hearing, learning, or working. 2. a record or history of an impairment that limits a major life activity, even if the person no longer has the disability or if the disability no longer limits a major life activity. 3. is regarded as having an impairment that limits a major life activity.

Public Housing Eligibility

Basic Program Information

Section 1.5: Nondiscrimination and Reasonable Accommodation

	Rehabilitation Act 29 USC 504 29 USC 794	Fair Housing Amendments Act 42 USC 3601	Title II of the Americans with Disabilities Act (ADA)
Are people with psychiatric disabilities covered?	Yes <ol style="list-style-type: none"> 1. if the psychiatric disability substantially limits a major life activity 2. or if a housing provider thinks the person's psychiatric disability or perceived psychiatric disability limits a major life activity 3. or if the person has a history of psychiatric disability that limits a major life activity, and the housing provider discriminates against the person because of the history. 	Yes <ol style="list-style-type: none"> 1. if the psychiatric disability substantially limits a major life activity 2. or if a housing provider thinks the person's psychiatric disability or perceived psychiatric disability limits a major life activity 3. or if the person has a history of psychiatric disability that limits a major life activity, and the housing provider discriminates against the person because of the history. 	Yes <ol style="list-style-type: none"> 1. if the psychiatric disability substantially limits a major life activity 2. or if a housing provider thinks the person's psychiatric disability or perceived psychiatric disability limits a major life activity 3. or if the person has a history of psychiatric disability that limits a major life activity, and the housing provider discriminates against the person because of the history.
Is current illegal drug use covered?	No If the illegal use of controlled substances occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.	No	No
Is a history of illegal drug use covered?	Yes <ol style="list-style-type: none"> 1. if recovered from addiction, i.e., successfully completed a rehabilitation program and not using, 2. or if participating in a treatment program or self-help group and not currently using drugs. 	Yes <ol style="list-style-type: none"> 1. if recovered from addiction, i.e., successfully completed a rehabilitation program and not using, 2. or if participating in a treatment program or self-help group and not currently using drugs. 	Yes <ol style="list-style-type: none"> 1. if recovered from addiction, i.e., successfully completed a rehabilitation program and not using, 2. or if participating in a treatment program or self-help group and not currently using drugs.
Are people who have alcoholism covered?	Yes	Yes	Yes
Are people with AIDS or who are HIV+ covered?	Yes	Yes	Yes

DEFINITIONS OF THE TERM “DISABILITY”

- This section is an overview of the two definitions of “disability.” The first is the HUD/Social Security definition used for purposes of eligibility as a disabled family, and the HUD allowances and deductions. The second is the ADA definition used for purposes of reasonable accommodation.

HUD DEFINITION OF A DISABLED PERSON

- The HUD definition of a person with a disability is used for purposes of receiving preferences and allowances.

DEFINITION OF A DISABLED PERSON FOR PURPOSES OF REASONABLE ACCOMMODATION

- The definition of a person with a disability for purposes of granting a reasonable accommodation request under either 504, FHAA or the ADA is much broader than the HUD definition of “disability.” The Fair Housing Act defines “handicap” as:
 - “a physical, mental or emotional impairment that substantially limits one or more of a person’s major life activities;
 - “has a record of such impairment; or
 - “is regarded as having such an impairment.”
- This definition is identical to the 504 definition at 29 U.S.C. section 706(8)(B) and the definition of a disabled person under the ADA.

Section 1.5: Nondiscrimination and Reasonable Accommodation

- The physical or mental impairment can include practically any condition, disease, illness, disfigurement or disorder, as long as the impairment substantially limits one or more major life activities. Examples include:
 - Alcoholism
 - Cerebral palsy
 - Cancer
 - Mental illness
 - Emotional disorder
 - Former drug addiction
 - HIV infection
- Major life activities include, but are not limited to:
 - Caring for oneself
 - Performing tasks
 - Walking
 - Seeing
 - Hearing
 - Breathing
 - Learning
 - Working

Section 1.5: Nondiscrimination and Reasonable Accommodation

- These federal civil rights laws were intended to cover a wide range of disabilities and do not require the severity of the HUD definition.
 - This broader definition is used for purposes of reasonable accommodation. This is because the laws were intended to ensure that a person with some limitation due to an impairment was not excluded from a program simply by virtue of that impairment so long as a reasonable shift in a program's rules or practices could allow them full access to the program.
- Qualifying as a person eligible to request an accommodation is the first step in the reasonable accommodation process. It is the establishment of the person's right to make a request of the program.
- However, the person must also show that they are limited by the program due to the nature of their disability.

LIMITATIONS SPECIFICALLY EXCLUDED FROM DISABILITY PROTECTION

- The following three categories are specifically excluded from disability laws' protections:
 - Current drug users
 - People whose alcohol use interferes with the rights of others
 - A person with any disability that poses a direct threat or substantial risk of harm to others, that cannot be controlled with a reasonable accommodation under the public housing program
- In addition, juvenile offenders and sex offenders, by virtue of that status, are not persons with disabilities protected by civil rights and fair housing laws.

NON-DISABLED PEOPLE WHO ARE CONSIDERED DISABLED

- This part of the definition of disability is used only to determine who is protected by civil rights laws.
- A person does not have to have a mental or physical impairment to be discriminated against under fair housing laws.
 - A person is “handicapped” if others regard or treat them as if they are
- If a staff member treats an applicant or tenant as though they had an impairment that substantially limits a major life activity, and because of that perception discriminates against that person, that person may file a discrimination claim under 504, whether or not they are actually disabled, and even though they are not qualified to receive an accommodation.

Section 1.6 Reasonable Accommodation Process

- This section is an overview of the correct approach for a request for a reasonable accommodation.
- The best way to ensure consistent compliance with legal obligations to provide reasonable accommodation is to standardize the procedure for considering such requests. The process should be included in the Admissions and Continued Occupancy Policy, and should describe protocol and steps beginning with the original request for an accommodation and concluding with the resolution of the request.

PHA OBLIGATION TO NOTIFY

- The PHA has an obligation to inform applicants and tenants of the right for any person with disabilities to request a reasonable accommodation. The PHA should review forms, letters, posters and signs for inclusion of this information.
- PHAs should consider adding the following to relevant application and occupancy documents:
 - “If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact (name and phone number).”
- PHAs should create or adopt standardized forms that clearly and simply ask for all the information and verifications the PHA will use in considering the request. It is best to ask the same questions of everyone.
 - However, PHAs must give appropriate consideration to reasonable accommodation requests even if the requester makes the request orally or does not use the PHA’s preferred forms or procedures.

Section 1.6: Reasonable Accommodation Process

- The PHA should have written procedures that spell out:
 - The position in the PHA responsible for overseeing compliance with reasonable accommodation requirements
 - The manner in which the PHA will respond to the request
 - The decision-making process (including a determination of undue burdens or fundamental alterations)
 - The time periods for decision and implementation of the accommodation
 - The right of appeal for unfavorable decisions regarding an accommodation or a particular choice of accommodation
 - The procedure for handling confidential verification forms that may disclose private medical facts.

APPLICANT OR TENANT MUST *REQUEST* A SPECIFIC ACCOMMODATION

- An applicant's or tenant's request triggers the need for an accommodation.
- The PHA should never offer an accommodation until one has been specifically requested. Treating people differently because of a perceived disability is discrimination.

THE REQUEST FOR AN ACCOMMODATION BEGINS A *PROCESS*

- It's important to be aware that sometimes the need for an accommodation first presents itself in the form of a complaint (from or about the applicant or tenant), or through issues of noncompliance.
 - For example, if an applicant is denied admission, or if a tenant is facing lease termination, the need for some type of accommodation may be brought up. This is the signal for the PHA to begin the reasonable accommodation *process*.
- The reasonable accommodation process should be documented beginning with the initial request for an accommodation.
- The PHA's legal protection from a discrimination complaint or lawsuit lies in having *written* proof that consideration was given to the request.

WHAT THE PHA CANNOT ASK

- The general rule is that the PHA **cannot** ask:
 - If a person has a disability (unless it is relevant to whether the applicant qualifies for the program or type of designated development);
 - The nature or extent of the disability;
 - Any question that would require the disabled person to waive or disclose a medical condition or history;
 - Whether any family member has a disability.
- It is always the right of a person with disabilities to not say anything about their disabilities.
 - However, the PHA does not have to provide any accommodation or special preference for that person.
- A public housing program cannot require that the tenant be able to live independently.
 - The PHA can only require that the family meet all its defined family obligations.

WHAT THE PHA CAN ASK

- A PHA can ask only for information that is relevant.
 - If a person is applying for housing designated for individuals with disabilities or a certain type of disability, the PHA may ask if the applicant has a qualifying disability and for verification of that disability.
 - If the person is applying for the public housing program and is single, the PHA may ask if they qualify for a priority over other single applicants.
 - If the person is trying to qualify for allowances that reduce their rent on the basis of a disability (such as the \$400 allowance for elderly and disabled families, the allowance for unreimbursed medical expenses, or the disability assistance allowance), the PHA may ask the person to verify a disability (and disability-related expenses when relevant).
 - If the person requests an accommodation due to their particular disability, you may ask the person to verify they have a disability and the need for the requested accommodation.
 - If, during the denial of admission process, the person asserts the poor history was caused by their disability and that a reasonable accommodation would prevent future violations, or that mitigating circumstances should be taken into account, the family may be asked to verify that:
 - They have a disability
 - The poor history or violation was a result of their disability
 - There are mitigating circumstances related to the disability, and the problems causing the poor history have been reasonably resolved, or that the requested accommodation is reasonable and likely to cure the violation.

TREAT EACH CASE INDIVIDUALLY

- The essential intent of federal anti-discrimination laws is that each case should be treated on its individual merits.
- The PHA's legal protection from a discrimination complaint or lawsuit lies in having written proof that *good-faith, individual consideration was given to that particular person*.

CONSIDER THE APPLICANT'S OR TENANT'S CHOICE OF ACCOMMODATION

- Special consideration should be given to applicant's or tenant's choice of accommodation.
 - Accommodations are not reasonable if they impose undue administrative and financial burdens on the public housing program.
- The request for an accommodation begins a process. The process may include fluid negotiations on a case-by-case basis. What is reasonable in one situation may not be reasonable in another. The PHA may not be able to exactly meet the specific request, but may offer alternative options.

INFORMATION MUST BE ACCESSIBLE

- Information must be provided in an accessible format, when requested. People must be informed of their right to ask for a reasonable accommodation.

CONSIDERATION OF REASONABLENESS OF REQUEST

- A PHA can deny a request for reasonable accommodation if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation.
 - In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable, i.e., if it would impose an undue financial and administrative burden on the PHA or it would fundamentally alter the nature of the PHA's operations.
- The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as:
 - The overall size of the PHA's program with respect to the number of employees, type of facilities, and size of budget
 - The type of operation, including the composition and structure of workforce
 - The nature and cost of the requested accommodation
 - The availability of alternative accommodations that would effectively meet the requester's disability-related needs
- When a PHA refuses a requested accommodation because it is not reasonable, the PHA should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs without a fundamental alteration to the PHA's operations and without imposing an undue financial and administrative burden.
 - If an alternative accommodation would effectively meet the requester's disability-related needs and is reasonable, the PHA must grant it.

Notice PIH 2010-26

REQUIREMENT TO KEEP INFORMATION CONFIDENTIAL

- Under federal privacy laws, a PHA is required to keep confidential any personal information about an applicant or tenant obtained in a confidential manner or from a confidential source.
- An applicant or tenant may sign a consent form to allow the PHA to disclose information in their file, but staff should not talk to anyone about a particular applicant's or tenant's medical status without authorization from the applicant or tenant, preferably in writing.
 - For example, the individual may have a social worker or family member who will help with the annual reexamination and inspection.
- If a PHA receives a verification document that provides a person's diagnosis or details of treatment for a disability or medical condition, the PHA should dispose of it. The PHA should note in the file that a disability (in place of the specific disability information) and any other information requested has been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information.

Notice PIH 2010-26

VERIFICATION

- If a person voluntarily discloses a disability and requests an accommodation, a PHA can require third-party verification that accommodation being requested would remove a barrier that is due to the disability.
- The PHA should define what the PHA considers a valid third-party for verification of a disability.
 - Limiting verification to only physicians is not allowed. Depending on the information sought, a social worker, nurse, or other licensed professional might be competent to verify.
 - A suggested definition could be “a professional competent to render the opinion and knowledgeable about the person’s situation.”
- If a person’s disability is obvious or otherwise known to the PHA, and if the need for the requested accommodation is also readily known or apparent, then the PHA may not request any additional information about the requester’s disability or the disability-related need for the accommodation.
- A PHA may require documentation of the manifestation of the disability that causes a need for a specific accommodation.

Section 1.6: Reasonable Accommodation Process

- It is inappropriate and unnecessary for a PHA to receive actual medical records.
 - A verification form should ask for only as much information about an applicant's or tenant's disability as is necessary to consider the qualification for a particular reason stated by the PHA.
- A PHA may ask the applicant or tenant for authorization to contact the third-party professional to ask clarifying questions that do not go beyond the specific and necessary information required to make a decision.

Section 1.7 Reasonable Accommodation Functions

PROGRAM AREAS

- This section provides practical strategies for implementing the requirements in each function area of the public housing program.
- Per Notice 2002-01(HA), PHAs are required to make reasonable adjustments to their rules, policies, practices and procedures in order to enable an applicant or resident with a disability to have an equal opportunity as that afforded others to fully participate in the program and services of the PHA.
- The PHA should first modify the general program through a self-evaluation and transitional plan.
 - Per Notice PIH 2002-01(HA), all PHAs are encouraged to conduct needs assessments and self-evaluations at least yearly, working with people/residents with disabilities and local advocacy groups.
- Reasonable accommodation pertains to making reasonable adjustments in all functional areas of the public housing program:
 - Applications
 - Admissions
 - Determinations of eligibility
 - Inspections and repairs
 - Leasing
 - Modifications
 - Annual activities
 - Transfers
 - Termination of tenancy
 - Services

Section 1.7: Reasonable Accommodation Functions

- Some examples in these functions may include:
 - Visiting an applicant in their home for an eligibility interview;
 - Conducting a home visit for an annual reexamination;
 - Allowing briefings, annual reexaminations, informal reviews, informal hearings, and grievance hearings to be conducted remotely
 - Not prohibiting an eligible disabled family from accepting a non-accessible unit for which the family is eligible which may become available before an accessible unit;
 - The PHA is required to modify such a non-accessible unit as needed, unless the modification would result in an undue financial and administrative burden.
 - Providing an extra bedroom for a live-in aide;
 - Providing an extra bedroom for special medical equipment;
 - Allowing mitigating factors to be presented in a lease termination grievance;
 - Physically altering a unit;
 - Providing accessible transportation so a tenant may participate in a PHA -sponsored self-sufficiency activity.
- Essential program requirements need not be waived. A reasonable accommodation allows a person with a disability to meet essential requirements of the lease, but it does not require reducing or waiving essential requirements to rules, policies, functions, or physical space.
 - For example, waiving the requirement to pay rent would be waiving an essential program requirement. Knocking out a wall in the public housing unit that would impair the unit's structural integrity is not reasonable.

Section 1.7: Reasonable Accommodation Functions

- Reasonable accommodations are sometimes costly. Congress anticipated this additional financial commitment and made clear that they intended the federal programs to lay out resources where necessary to ensure equal access to persons with disabilities.
- In determining whether a particular accommodation is an undue financial burden, the public housing budget as a whole is considered.

ACCESSIBILITY

- Notice PIH 2002-01(HA), issued on January 22, 2002, reiterates that PHAs are required to make and pay for structural modifications to dwelling units and common areas when needed as a reasonable accommodation for tenants or applicants with disabilities.
 - For example, a PHA may be required to:
 - install a ramp to allow a tenant in a wheelchair access to a dwelling unit; or
 - transfer a family to an available accessible unit or one that can be modified without causing an undue financial and administrative burden.
- Public housing offices and any other facilities used by the office in interaction with the public must be accessible to people with a full range of disabilities.
 - These facilities must be accessible, made so, or be relocated, subject only to the undue administrative and financial burden test.
- PIH 2002-01(HA) specifies accessibility standards for PHAs.

Section 1.7: Reasonable Accommodation Functions

- Required accessible dwelling units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout projects and sites and be available in a sufficient range of sizes and amenities so that people with disabilities have choices of living arrangements comparable to that of other families.
- Per Notice 2002-01(HA), PHAs are required to make reasonable adjustments to their rules, policies, practices and procedures in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit, the common areas of a dwelling or participate in or access other activities conducted or sponsored by the PHA.
- All PHAs are *required* to send Notice PIH 2002-01(HA) to *all* owners (HCV) and to all contractors (public housing).
 - PHAs must send this entire Notice, now and in the future.
 - It's important for PHAs to put this requirement in their Procurement and Contract Management policy.
- If a PHA is out of compliance with 504 (accessibility), HUD can refuse to fund *any* other funding application, or can withhold other payments, even if it's not related to accessibility at all.

PUBLIC HOUSING OR OTHER PHA-OWNED PROPERTY

Request for Reasonable Accommodation or Physical Modification

(THIS FORM IS AVAILABLE IN LARGER FONT OR ALTERNATIVE FORMAT UPON REQUEST)

PLEASE PRINT CLEARLY

Head of Household: _____ TDD/Phone: _____

Address: _____ State/Zip: _____

Currently, I am:

- ☐ An applicant on the waiting list for
 ☐ Public Housing ☐ Other PHA-owned property
☐ Currently living in Public Housing or other PHA-owned property

Household member who needs accommodation: _____

The household member above has a disability because they have a physical, mental, or emotional impairment that limits one or more major life activities or has a record of having such an impairment.

Please fill out all the following information regarding the individual who needs the accommodation(s). Please DO NOT submit medical records or tell us about the nature or severity of your disability.

The purpose of an accommodation is to remove or relieve a barrier posed by the disability-related limitation. As a result of this disability, I am requesting the following reasonable accommodation(s) from the PHA for the disabled household member listed above.

Please answer the following questions.

Section 1.7: Reasonable Accommodation Functions

1. The person with a disability is requesting a **service or support animal (assistance animal)**. Please answer the questions below.
- 1.a. Is the animal a dog that is required because of a disability?
- ☐ Yes. If "Yes", answer question 1.b. below.
- ☐ No. If "No", skip to question #2.
- 1.b. Has the dog been trained to do work or tasks that assist or help you with the limitation(s) posed by your disability? Some examples include guiding an individual who is blind or has low vision, pulling a wheelchair, fetching items, or alerting persons to impending seizures or other medical crises.
- ☐ Yes. (If readily apparent, skip question 1.c. If not readily apparent, go to question 1.c.)
- ☐ No. If "No", go to question #2.
- 1.c. What work or tasks has the dog been trained to do? Note that the PHA is not asking for proof or certification of training. **Do not provide medical information about the nature of your disability.**

2. ☐ As a result of this disability, the household member needs a support animal. *Please note that verification may be required.*

3. ☐ The household member **needs a live-in aide**. *A daily in-home worker or rotating shifts are not equally effective as a reasonable accommodation. Please note that verification may be required.*

4. As a result of this disability, the household member needs the following reasonable accommodation(s) from the PHA. Please check one or more boxes below.

☐ Special unit features ☐ Physical modifications to unit ☐ Physical modifications to common areas

☐ Transfer to another unit that meets my disability-related needs ☐ Other _____

☐ Extra bedroom for medical equipment. *Please note that, if necessary, a PHA inspector may view the equipment to confirm that all sleeping and living spaces are not adequate as an accommodation.*

If necessary, please explain what you need. **Do not provide information about the nature of your disability.**

5. ☐ The household member needs a change in a rule, policy or procedure. (Note that fundamental requirements must still be met). Please specify the necessary change.

Public Housing Eligibility

Basic Program Information

Section 1.7: Reasonable Accommodation Functions

I understand that the information obtained by the PHA will be kept completely confidential and used solely to make a determination on my reasonable accommodation request.

Under the lease and the PHA's Admissions and Continued Occupancy Policy, the PHA requires that statements made and information provided by the tenant be true and accurate, to the best of the tenant's knowledge.

I certify by signing below that all the information provided above is true, accurate and complete to the best of my knowledge.

Signature

Date

For PHA Use ONLY: PHA Certification

- ☐ I certify that this individual's disability is obvious or otherwise known to the PHA and no further verification is required.
- ☐ I certify that this individual's need for the accommodation is readily apparent or known to the PHA and no further verification is required.

Signature of PHA Official

Date

Approval of PHA 504 Coordinator

Date

AUTHORIZATION

I/we authorize the PHA to verify that the above-referenced household member has a disability and that the accommodation(s) requested is necessary in order to remove or alleviate barriers to housing. To verify this information, the housing authority may contact the below-named knowledgeable professional (health care professional if the request is for a support animal) who is knowledgeable about my situation. I understand the information the housing authority obtains will be kept completely confidential and used solely to evaluate the request.

This authorization is requested because third-party verification may be needed.

Name of Professional: _____

Field of Practice: _____ Agency/Clinic/Facility: _____

Email: _____ Phone: (____) _____

Address: _____

X

Signature of household member needing the accommodation (only if 18 years
of age or older)

Date

**** If the household member needing the accommodation(s) is under 18 years of age, are you the parent or guardian of household member needing the accommodation? ☐ Yes ☐ No**

X

Signature of head of household or authorized guardian **

Date

Please return this form as promptly as possible so that the PHA can make a determination on this request.

Property Manager/PHA Representative

Date

Phone

Email

Section 1.8 **Violence Against Women Reauthorization Act (VAWA)**

- VAWA cites congressional findings that assert that women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.
 - These findings also note there is a strong link between domestic violence and homelessness.
- The general purpose of the law is to reduce domestic violence, dating violence, sexual assault, stalking, and human trafficking, and to prevent homelessness.
 - Although the VAWA 2022 statute does not specifically do so, HUD has recently begun including human trafficking as part of the list of victims protected under VAWA, as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24. In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, we have opted to include human trafficking in this text in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.
- The law protects victims of domestic violence, dating violence, sexual assault stalking, and human trafficking who reside in public, assisted, and other types of housing and ensures that such victims have meaningful access to the criminal justice system without jeopardizing such housing.
 - To do so, VAWA amends the 1937 Housing Act. Title VI of VAWA affects the public housing and Housing Choice Voucher (HCV) programs by placing safeguards in the admissions and termination process, including provisions and procedures for certification, confidentiality and notification.
 - HUD encourages PHAs to read the law, inform residents about the requirements of VAWA, and update their PHA Plans accordingly.

CFR 960.200(b)(8)

CFR 5.2005
CFR 5.2007

Section 1.8: Violence Against Women Reauthorization Act (VAWA)

DEFINITIONS

CFR 5.2003

- *Bifurcate* – With respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

CFR 966.4(e)(9)

- PHAs are required to include language in the public housing lease that allows the PHA to consider lease bifurcations in circumstances that involve domestic violence, dating violence, sexual assault, stalking, or human trafficking.
- *Domestic violence* – Includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the user or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:
 - The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim
 - A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner
 - A person with whom the victim shares a child in common
 - A person who commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction

Section 1.8: Violence Against Women Reauthorization Act (VAWA)

- *Dating violence* – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- *Sexual assault* – Any nonconsensual sexual act proscribed by Federal, tribal, or state law, including when the victim lacks the capacity to consent.
- *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's individual safety or the safety of others; or
 - Suffer substantial emotional distress.
- *Affiliated person* – The tenant's spouse, parent, sibling, or child; or any individual, tenant, or lawful occupant living in the tenant's household; or anyone for whom the tenant acts as parent/guardian of a victim of domestic violence, dating violence, sexual assault, or stalking.
- *Victim* – Any victim of VAWA violence/abuse, regardless of actual or perceived sexual orientation, gender identity, sex, or marital status

PHA PLANS

- VAWA requires revisions to the PHA Plan.

CFR 903.6

- The 5-year plan is now required to include a statement about goals, activities, objectives, policies or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

CFR 903.7

- The annual plan must describe:
 - A statement of any activities, services, or programs that the PHA offers specifically to help victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking, to obtain or maintain housing
 - Any other activities, services, or programs that the PHA offers, either directly or in cooperation with other service providers, to such victims
 - Any activities, services, or programs that the PHA offers to enhance victim safety in assisted families and to prevent domestic violence, dating violence, sexual assault, stalking, and human trafficking
- The law does not require PHAs to offer any activities, services, or programs. But it requires that if such activities, services, or programs are offered, they must be described in the annual plan.
- Specific information required by VAWA has been integrated into the PHA Plan templates

Section 1.8: Violence Against Women Reauthorization Act (VAWA)

- VAWA also calls for states and local communities to modify their consolidated plans to incorporate strategies for addressing the housing needs of such victims. Since HUD requires PHAs to ensure that their annual plans are consistent with the consolidated plan for their jurisdictions, PHAs should check to see if their jurisdiction's consolidated plan has addressed this subject before modifying the annual plan.

DENIAL OF ASSISTANCE

CFR 5.2005

- VAWA prohibits PHAs from denying assistance to otherwise qualified applicants on the basis of or as a direct result of the fact that they are victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

CFR 5.2011

- The law further stipulates that any provision of any federal, state, or local law that provides greater protection to such victims takes precedence over VAWA.
- The congressional findings cited by VAWA state that because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.
- The findings also state that victims of domestic violence often return to abusive partners because they cannot find long-term housing.

Section 1.8: Violence Against Women Reauthorization Act (VAWA)

- Unless the PHA informs all applicants of the special protections afforded by VAWA, the PHA may inadvertently deny assistance to an individual who appears to be unsuitable due to bad credit, poor landlord references, or a history of evictions or crime, but is in fact a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.
 - HUD's Public Housing Occupancy Guidebook encourages PHAs to ascertain whether domestic violence is a factor in an applicant's unfavorable rental and tenancy history, as well as past criminal activity.
 - Notice PIH 2017-08 states that the PHA is prohibited from denying assistance or admission, terminating participation, or evicting a tenant based on adverse factors, if the adverse factor is determined to be a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.
 - *Adverse factors* refers to any factor that can be used as a basis for denying admission, terminating assistance, or evicting a tenant.

TERMINATION

CFR 5.2005

- VAWA discusses the public housing program requirements for protection of victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking from lease termination.

CFR 5.2007

- The law also establishes standards for certification, notification and confidentiality for *both applicant and resident* victims.

CFR 5.2011

- For both denials and terminations, this law does not supersede any other federal, state, or local law that provides greater protection to such victims.

NOTIFICATION AND CERTIFICATION

CFR 5.2005(a)

- PHAs and owners are required to provide the Notice of Occupancy Rights (HUD-5380) and certification form (HUD-5382) at the time the individual is provided assistance or admission, and along with any notice of denial or eviction.
 - The Notice of Occupancy Rights is the official HUD informing notice.
 - The notice must be made available in multiple languages per limited English proficiency (LEP) requirements.
- PHAs are not required to demand official documentation or physical proof of domestic violence, dating violence, sexual assault, stalking, or human trafficking before granting an alleged victim any of the special protections afforded by VAWA. The PHA may accept the individual's statement alone.

Notice PIH 2017-08

- HUD recommends documenting in a confidential manner when a verbal statement or other evidence is accepted.

Notice PIH 2017-08

- If the PHA chooses to request an individual document their status as a victim, the PHA must make such a request in writing. Simply providing the victim with the form HUD-5382 does not constitute a written request for documentation.

Section 1.8: Violence Against Women Reauthorization Act (VAWA)

- If the PHA requests documentation, the applicant or participant may submit one of the following:
 - A signed HUD-5382
 - A document signed by a “professional” and the applicant or participant that specifies that the professional believes that the occurrence is grounds for VAWA protections
 - A “professional” can be an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional.
 - Federal, state, tribal, territorial, or police or court records
 - A statement or other evidence provided by the individual, at the PHA's discretion
- Form HUD-5382 may also be filled out and submitted on behalf of a victim.
 - Notice PIH 2017-08 encourages PHAs and owners to advise applicants, tenants, and participants that forms submitted on their behalf will take the place of the victim's own statement.
- Individuals requesting protection cannot be required to provide additional third-party documentation, although the PHA may require third-party documentation if more than one applicant or tenant provides documentation (e.g., two household members each claiming to be the victim and the other the perpetrator) or the submitted documentation contains information that conflicts with existing information already available to the PHA.
 - In such cases, the applicant has 30 calendar days from the date of the PHA's request to submit third-party documentation.
 - Notice PIH 2017-08 provides several clarifications and considerations with respect to requesting third-party documentation in cases where information conflicts.

Section 1.8: Violence Against Women Reauthorization Act (VAWA)

Notice PIH 2017-08

- In addition, PHAs and owners may not conduct further “fact finding” to verify the validity of victim status, although if the PHA or owner already has or receives reliable conflicting information, they may require additional third-party documentation, as noted above.
- Form HUD-5382 states that victims are not expected and cannot be asked or required to claim, document, or prove victim status or VAWA violence or abuse other than as stated in the Notice of Occupancy Rights, Form HUD-5380.

FORM HUD-5382

- Form HUD-5382 is the Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation.
- The current version makes clear that:
 - Victims of sexual assault are protected by VAWA 2013 as well as victims of domestic violence, dating violence, and stalking.
 - The form applies not only to family members but also to affiliated individuals of tenant, participant, and applicant families.
 - An *affiliated individual* is defined in form HUD-5380.
 - Notice PIH 2017-08 clarifies that while guests, unassisted members, and live-in aides are ineligible for VAWA protections, however, as a reasonable accommodation, a tenant or participant can request VAWA protections if a live-in aide is a victim or other reasonable accommodations on a case-by-case basis.
- The form, transmitted as form HUD-5382, includes a space for “your name (if different from the victim’s).”

Section 1.8: Violence Against Women Reauthorization Act (VAWA)

- The form specifically states that whenever a victim asks for or about VAWA protections, any information provided will be kept confidential.
- HUD's form leaves space for the family to provide the name of the perpetrator, if known and can be safely disclosed
- A copy of form HUD-5382 is on the following page.

**CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

Confidentiality Note: Any personal information you share in this form will be maintained by your covered housing provider according to the confidentiality provisions below.

Purpose of Form: If you are a tenant of or applicant for housing assisted under a covered housing program, or you are applying for or receiving transitional housing or rental assistance under a covered housing program, and ask for protection under the Violence Against Women Act ("VAWA"), you may use this form to comply with a covered housing provider's request for written documentation of your status as a "victim". This form is accompanied by a "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380.

VAWA protects individuals and families regardless of a victim's age or actual or perceived sexual orientation, gender identity, sex, or marital status.

You are not expected **and cannot be asked or required** to claim, document, or prove victim status or VAWA violence/abuse other than as stated in "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380.

This form is **one of your available options** for responding to a covered housing provider's written request for documentation of victim status or the incident(s) of VAWA violence/abuse. If you choose, you may submit one or more types of third-party documentation described in Form HUD-5380, in the section titled, "What do I need to document that I am a victim?". Your covered housing provider must give you at least 14 business days (weekends and holidays do not count) to respond to their written request for this documentation.

Will my information be kept confidential? Whenever you ask for or about VAWA protections, your covered housing provider must keep any information you provide about the VAWA violence/abuse or the fact you (or a household member) are a victim, including the information on this form, strictly confidential. This information should be securely and separately kept from your other tenant files. This information can only be accessed by an employee/agent of your covered housing provider if (1) access is required for a specific reason, (2) your covered housing provider explicitly authorizes that person's access for that reason, **and** (3) the authorization complies with applicable law. This information will not be given to anyone else or put in a database shared with anyone else, unless your covered housing provider (1) gets your written permission to do so for a limited time, (2) is required to do so as part of an eviction or termination hearing, **or** (3) is required to do so by law.

In addition, your covered housing provider must keep your address strictly confidential to ensure that it is not disclosed to a person who committed or threatened to commit VAWA violence/abuse against you (or a household member).

What if I require this information in a language other than English? To read this in Spanish or another language, please contact _____; FOR OPWA PROVIDERS – _____ or go to _____.

_____. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to fully benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your

commodations. Your covered housing provider must also ensure effective communication with individuals with disabilities.

Need further help? For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>. To speak with a housing advocate, contact

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,
HARASSING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

Name(s) of victim(s): _____

Your name *(if different from victim's)*: _____

Name(s) of other member(s) of the household: _____

Name of the perpetrator *(if known and can be safely disclosed)*: _____

What is the safest and most secure way to contact you? (You may choose more than one.)

If any contact information changes or is no longer a safe contact method, notify your covered housing provider.

☐ Phone Phone Number: _____

Safe to receive a voicemail: ☐ Yes ☐ No

☐ E-mail E-mail Address: _____

Safe to receive an email: ☐ Yes ☐ No

☐ Mail Mailing Address: _____

Safe to receive mail from your housing provider: ☐ Yes ☐ No

☐ Other Please List: _____

Anything else your housing provider should know to safely communicate with you?

Section 1.8: Violence Against Women Reauthorization Act (VAWA)

- The form contains space for the victim to specify the safest contact method as to not place the victim at risk (the abuser may monitor the mail, email, or phone).
- The PHA must give the individual at least 14 business days to respond to their written request for documentation.
- The PHA may extend the 14-day deadline at its discretion.
- The VAWA certification requirements do not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, stalking, or human trafficking.

CONFIDENTIALITY

- If a tenant inquires or requests any VAWA protections, or represents that they or a household member is a victim, all information provided to a PHA:
 - Must be retained in confidence
 - Must not be entered into a shared database or be provided to any related entity, unless
 - The individual consents or requests in writing;
 - It is required for use in eviction proceedings; or
 - It is otherwise required by applicable law.

Section 1.8: Violence Against Women Reauthorization Act (VAWA)

- For safety and legal reasons surrounding liability to the PHA and harm to a victim, a PHA may want to consider having all VAWA situations handled by a single staff member to limit access and knowledge with regards to the certification process and details regarding the abusive situation.
- Notice PIH 2017-08 offers guidance and best practices for proper communication with victims, specifically for avoiding inadvertent disclosure of information and ensuring the safety of the victim.

OTHER INFORMATION

WAITING LIST PREFERENCES

- With the signing of QHWRA (Quality Housing and Work Responsibility Act) into law in 1998, the regulations pertaining to waiting list preferences at 24 CFR 960.206(b)(4) now include: “Preference for victims of domestic violence. The PHA should consider whether to adopt a local preference for admission of families that include victims of domestic violence.”
- Since Congress had written this into QHWRA, it is a statutory reference
- VAWA does not require such a preference, although Notice PIH 2017-08 provides guidance for establishing such preferences should the PHA wish to do so.

BASIC PROGRAM INFORMATION POST-TEST

I. Match the following terms with their definitions:

1. Annual Contributions Contract (ACC) _____
 2. Admissions and Continued Occupancy Policy (ACOP) _____
 3. 5-Year Plan _____
 4. The lease _____
- a. The contract between the PHA and the public housing resident family
 - b. Includes the PHA's mission and goals and objectives for serving families in their jurisdiction
 - c. The written contract between HUD and the PHA under which HUD agrees to provide funding for the program, and the PHA agrees to comply with HUD requirements
 - d. A HUD-required written plan that establishes local PHA policies for administering the public housing program

II. Roles in Subsidized Housing

1. Congress _____
 2. Department of Housing and Urban Development (HUD) _____
 3. Office of Public and Indian Housing (PIH) _____
 4. State government _____
- a. Sets up PHAs under enabling legislation
 - b. Department of HUD that administers and manages the public housing and HCV programs
 - c. Allocates funds, develops regulations, contracts with PHAs, monitors PHA performance
 - d. Passes authorizing legislation and appropriations bills

III. Fair Housing

1. HUD definition of disability _____
 2. ADA/504/FHA definition of disability _____
- a. Broader definition of disability for purposes of granting a reasonable accommodation request
 - b. Narrower definition of a person with disabilities, used for purposes of receiving preferences and deductions

CHAPTER 2 Eligibility

LEARNING OUTCOMES

- Upon completion of this chapter, you should be able to:
 - Recognize all of the factors of eligibility and how they affect families
 - Discuss waiting list management as it applies to application taking and processing, preferences, and removal from the waiting list
 - Identify the different family types defined by HUD
 - Explain the requirements for disclosure and documentation of social security numbers and the requirements for verification
 - Categorize the different types of citizenship status and family types of applicants as well as the resulting types of families and identify how citizenship status affects eligibility and rent
 - Use income limit data and describe how those limits play a role in the eligibility process
 - Discuss the final eligibility determination stage with an emphasis on the screening and eviction rule

FACTORS OF ELIGIBILITY

CFR 960.201

- An applicant must meet all eligibility requirements in order to receive housing assistance. HUD eligibility factors are:

- The applicant must be a “family”
- The family must be income-eligible

CFR 5.216(b) and 5.216(g)

- Social Security numbers must be disclosed and documented for all household members, except noncontending persons.

CFR 5.506

- A family will not be considered eligible unless the PHA determines that at least one member of the family is a citizen or has eligible immigration status.

CFR 960.203

CFR 960.204

- Meeting the PHA’s standards for tenant selection criteria (suitability requirements), including the standards for criminal activity and/or drug abuse.

Section 2.1 Family Type

HOUSEHOLD

CFR 5.100

- HUD defines “household” as the family and the PHA-approved live-in aide.

FAMILY

CFR 5.403

FR Notice 02/03/12

- HUD defines “elderly,” “disabled” and “displaced” families. “Family” includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person;
 - An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age who has left foster care or will leave foster care within 90 days, and is homeless or at risk of becoming homeless at age 16 or older; or
 - A group of persons residing together. Such group includes, but is not limited to:
 - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family)
 - An elderly family
 - A near-elderly family
 - A disabled family
 - A displaced family
 - The remaining member of a tenant family
- The PHA determines (in the Admissions and Continued Occupancy Policy) what groups other than the HUD-defined groups constitute a family.

Section 2.1: Family Type

50058 Instruction Booklet

- *Cohead* – A person equally responsible for the lease with the head of household. There can only be one cohead per household and a family cannot have both a spouse of head and cohead.
 - The cohead can never be a dependent. If under 18 years of age, they must be declared an *emancipated minor* under the state law of the PHA's jurisdiction.

FR Notice 02/03/12

- *Gender identity* – actual or perceived gender characteristics.
- *Sexual Orientation* – homosexuality, heterosexuality, or bisexuality.

ELDERLY FAMILY

*CFR 5.403, HUD-50058
Instruction Booklet,
FR Notice 02/0312*

- Use for purposes of preference and allowances/ deductions.
- *An elderly family* includes:
 - A family whose head, spouse, cohead or sole member is at least 62 years of age, or
 - Two or more persons at least 62 years of age living together, or
 - One or more persons at least 62 years of age living with one or more live-in aides.
- Nothing in the definition of *elderly family* excludes children.

NEAR-ELDERLY FAMILY

*CFR 5.403,
FR Notice 02/03/12*

- A *near-elderly family* is defined as a family whose head, spouse, cohead, or sole member is:
 - At least 50 years old, but under 62 years of age
 - Two or more such persons living together
 - One or more such persons living with one or more live-in aides.

DISABLED FAMILY

*CFR 5.403,
FR Notice 02/03/12*

- A family whose head, spouse, cohead or sole member is a person with disabilities, or
- Two or more persons with disabilities living together, or
- One or more persons with disabilities living with one or more live-in aides.
- In any case, one of the people with disabilities must be the head or spouse.

HUD DEFINITION OF PERSONS WITH DISABILITIES

- Note: See full definition under “Legislative Reference” on the page following.
- *Person with disabilities* is a person who:
 - Has a disability as defined in 42 U.S.C. Section 423
 - Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)).
 - Has a physical, mental, or emotional impairment that:
 - Is expected to be of long-continued and indefinite duration,
 - Substantially impedes his or her ability to live independently, and
 - Is of such a nature that ability to live independently could be improved by more suitable housing conditions.
- Individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence.
- Individuals whose alcoholism or drug addiction is a material factor to their disability are excluded from the definition.
- Individuals are considered disabled if the disabling mental and physical limitations would persist if the drug or alcohol abuse discontinued.

*42 U.S.C. 423(d)(2)(C) and
42 U.S.C. 1437a(b)(3)(E)
(the Housing Act as amended
by the 1998 Public Housing
Reform Act). See also FR
7/23/99, One Strike Proposed
Rule, preamble
CFR 5.403*

LEGISLATIVE REFERENCE

1. 42 U.S.C. Section 423 (d)(1)(A) defines disability as:

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

In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.”

2. The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)) defines developmental disability in functional terms as:

A severe, chronic disability of a person 5 years of age or older which:

- (A) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (B) is manifested before the person attains age twenty-two;
- (C) is likely to continue indefinitely;
- (D) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and responsive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and
- (E) reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.”

Industry Practice

VERIFICATION OF DISABILITY

- Verified by a knowledgeable professional source that the person meets this criteria, using the exact wording in the HUD definitions.

42 U.S.C. 1437a(b)(3)(E)

- Receipt of Social Security Disability or Supplemental Security Income is verification of disability. If such benefits are not received, the following can provide a basis for verification:

Industry Practice

- Letters regarding qualification for SSI payments
- Proof of residence in an institution
- Documents showing hospitalization for a disability
- Letter from another knowledgeable professional, such as a health or service professional or a social worker
- PHA may not require a statement or verification from a physician when adequate verification is available from other sources.

HUD GUIDANCE ON REASONABLE ACCOMMODATION

CFR 8.11

- HUD advises that if a PHA does not make accommodations for a person with disabilities, they are open to a discrimination suit based on 504 if the accommodation is not an undue financial or administrative burden and it would not fundamentally alter the basic nature of PHA responsibilities.
- Remember that the definition of “disabled” for purposes of reasonable accommodation is much broader than the HUD/Social Security definition used for eligibility and allowances.

DISPLACED FAMILY

CFR 5.403

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

SINGLE PERSONS

CFR 5.403

- All single persons are eligible if they meet other eligibility criteria. A single-person family may be:
 - An elderly person (62 and over)
 - A displaced person
 - A disabled person
 - Any other single person who is not elderly, displaced or disabled, or the remaining member of a tenant family.

Industry Practice

- If single person is pregnant:
 - No allowance for unborn child.
 - Income limit for one-person family is used.

HUD Guidance

- The PHA is not required to distinguish single pregnant women from any other group of singles.

LIVE-IN AIDE

CFR 5.403
CFR 966.4(d)(3)

- A person who resides with person(s) who are elderly, near elderly, and/or have a disability, and:
 - Is determined by the PHA to be essential to the care and well-being of the person(s).
 - Is not obligated for support of the person(s).
 - Who would not be living in the unit except to provide necessary supportive services.

HUD Guidance

- Relatives are not automatically excluded. The relative must meet the requirements stated above to qualify.
- Originally HUD anticipated that live-in aides would be single persons and that only one additional bedroom would be required.

HUD Letter, Chicago Office,
7/3/90

- HUD now allows a live-in aide's family members to reside in the unit, provided:
 - The presence of the live-in aide's family does not overcrowd the unit.
- In making decisions pertaining to the family members of live-in aides, a PHA cannot refuse to approve a particular live-in aide simply because they have children, since this would be familial status discrimination.

HUD Guidance

- At any time, the PHA may refuse to approve a particular person as a live-in aide, or may withdraw such approval, if the person:
 - Commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
 - Commits drug-related criminal activity or violent criminal activity
 - Currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

FOSTER CHILDREN AND ADULTS

CFR 5.603(b)
CFR 5.609(b)(4)
HUD Handbook 7465.1, 3.3(b)

- HUD defines a *foster adult* as a member of the household who is 18 years of age or older and meets the definition of a foster adult under state law. In general, a *foster adult* is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.
- HUD defines a *foster child* as a member of the household who meets the definition of a *foster child* under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

CFR 5.609(c)(2)
CFR 966.4(d)(3)(i)
HUD Handbook 7465.1, 3.3(b)

- Families may have foster children or foster adults live with them if it would not result in overcrowding. PHAs should adopt reasonable policies regarding PHA approval for foster children or foster adults to reside in the unit.
- Foster children are counted for occupancy standards.

CHILD CUSTODY

HB 7465.1, para. 3-3(b) and
CFR 960.257

- PHAs should determine whether to count a child as part of the family in these situations:
 - A family member who does not have full custody of the child.
 - A child who lives only part of the time with the family.
- PHA should consider custody and the amount of time the child spends with the family.

Section 2.1: Family Type

- If the child does not currently reside with the applicant, the PHA should consider the child part of the family only if there is evidence that the child would reside with the family if they were admitted to public housing.
- The same child cannot be claimed by more than one family (i.e., counted more than once in order to have a bedroom in two separate households).
- Children who are temporarily absent from the home due to placement in foster care are considered to be part of the household.

CFR 5.403

REMAINING MEMBER

HB 7465.1, para. 3-5(b)(1)(b)

- The remaining member of a public housing family is a family member listed on the lease who continues to live in the unit after all other family members have left.

HB 7465.1, para. 3-5(b)(3)

- If the remaining member signed the lease, the person could continue in the program under that lease.
- If the remaining member did not sign the lease, the PHA would have to determine whether it would be willing to enter into a lease with that person (considering factors such as suitability for tenancy and their ability to uphold a lease).

ELIGIBLE FAMILIES – IMPORTANT CONSIDERATIONS

*Public Housing Occupancy
Guidebook, FR Notice
02/03/12*

- The PHA must determine eligibility without regard to marital status.
- A child may remain in the unit as a “remaining family member” if the PHA permits an adult to move in as the new head of household
- PHA refusal to allow a tenant to have a foster child or foster children may violate the Fair Housing Act (familial status)
 - *Note:* PHA’s Transfer Policy is important here

Section 2.2 Social Security Number Requirements

- The regulations governing disclosure and verification of Social Security numbers were revised effective January 31, 2010. The new regulations cover the requirements for disclosure and documentation of SSNs for every applicant and resident household member. While applicants and residents must disclose and document SSNs under the new regulations, the actual “verification” of SSNs is performed by the PHA through HUD’s automated systems. The regulations also provide penalties for failure to disclose or document SSNs.

REQUIRED DISCLOSURE

*CFR 5.216;
Notice PIH 2018-24*

- All assistance applicants and residents must disclose a complete and accurate SSN for each member of the household, including foster children, foster adults and live-in aides. Children under the age of six are no longer exempt from the requirement.
- Some household members are exempt from the SSN disclosure requirement. These include:

CFR 5.216(a)

- Individuals who do not contend eligible immigration status (“noncontending” family members in a mixed family paying prorated rent).
 - Note that an individual who previously declared to have eligible immigration status may not change his or her declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements.CFR 5.216(e)
- Current residents who had not previously disclosed a SSN, and who were at least 62 years old on January 31, 2010. The exemption applies at all future reexaminations, and continues if the individual transfers to a new unit or receives another form of housing assistance.

Section 2.2: Social Security Number Requirements

- Household members who have already provided a valid SSN prior to January 31, 2010. The new regulations do not require the PHA to re-verify the SSNs of current residents whose SSNs have been validated through HUD's automated systems.

REQUIRED DOCUMENTATION

*CFR 5.216(g);
Notice PIH 2018-24*

- Several forms of documentation are now acceptable. For each household member, the applicant or resident family may provide any of the following:
 - An original social security card issued by the Social Security Administration.
 - Documentation issued by the Social Security Administration contains the name and SSN of the individual (e.g., a benefit award letter, Medicare card, or printout).
 - An original document showing the individual's name and SSN, issued by a federal, state or local government agency. This could include welfare agency documents, military papers, unemployment insurance documents, or any other government-issued documentation.
- While PHAs must attempt to gather third-party verification of SSNs prior to admission as listed above, PHAs also have the option of accepting a self-certification and a third-party document (such as a bank statement, utility or cell phone bill, or benefit letter) with the applicant's name printed on it to satisfy the SSN disclosure requirement if the PHA has exhausted all other attempts to obtain the required documentation.
 - If verifying an individual's SSN using this method, the PHA must document why the other SSN documentation was not available.
 - If the tenant's SSN becomes verified in EIV, then no further verification is required.

Section 2.2: Social Security Number Requirements

- If the tenant's SSN fails the SSA identity match, then the PHA must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The tenant's assistance must be terminated if they fail to provide the required documentation.

*CFR 5.216(i); Notice
PIH 2018-24*

- Since SSNs for all household members are now matched against SSA records through HUD's automated systems, the PHA must generally accept any of the documents listed above. The PHA may only reject documents which:
 - Are not original
 - Appear to be forged, or
 - Appear to be altered, mutilated, or not legible.

- If the PHA rejects the family's documentation, the PHA should explain why the documents were not acceptable. The PHA should then request acceptable documentation within a specified time frame.

Notice PIH 2018-24

- The PHA verifies the SSN by making a copy of the original documentation submitted, returning it to the individual, and retaining the copy in the family's file. In addition, the PHA records the SSN on line 3n of form HUD-50058 and transmitting the form to HUD in a timely manner.
 - PHAs are required to submit the form no later than 30 calendar days of receiving the SSN documentation to enable HUD to initiate its computer matching efforts for current program participants.

Notice PIH 2018-24

- HUD allows PHAs, at their discretion, to remove and destroy SSN documentation once the SSN has been validated through the EIV system. The EIV printout will be considered adequate to verify the SSN. Doing so minimizes the risk of exposing the individual's SSN.

Section 2.2: Social Security Number Requirements

WHEN DISCLOSURE AND DOCUMENTATION ARE REQUIRED

- The HUD regulations provide differing time frames for SSN disclosure and documentation. The time limits depend upon the assistance program, type of certification, ages of household members and other factors.

*CFR 5.216(b); 5.216(h);
Notice PIH 2018-24*

- For applicant families, the SSN for each household member (except noncontending persons) must be disclosed and documented when program eligibility is being determined. The family may not be admitted to the program until this requirement has been met. If otherwise eligible, the family may retain its place on the waiting list pending SSN disclosure and documentation.

CFR 5.216(e)

- Current residents who have not previously disclosed a SSN for any non-exempt household member must do so at the next interim or annual reexamination. This includes children under six for whom a SSN was not previously provided, family members who certified that they had not been assigned a SSN, and other household members.

*CFR 5.216(e)(2);
Notice PIH 2018-24*

- When adding a new household member to a resident family, the time frames depend upon the age of the new member and whether he or she has been assigned a SSN.
 - If the new household member is at least six years old, or is under six and already has a SSN, the SSN must be disclosed and documented at the time of the request, or during processing of the interim reexamination to add the new member. The new member cannot be added to the household until this requirement is met.

Section 2.2: Social Security Number Requirements

- If the new household member is under the age of six and has not been assigned a SSN, the resident must disclose and verify the child's SSN within 90 days of the child's addition to the household. The PHA must allow an additional 90 days if it determines that failure to comply was outside the control of the resident, or was due to unforeseen circumstances. The PHA must include the child as part of the household during this period and must provide the family with any related benefits such as allowances and deductions.

PENALTIES FOR FAILURE TO DISCLOSE/DOCUMENT SSNs

*CFR 5.218;
Notice PIH 2018-24*

- The PHA must deny assistance for an applicant family if the regulatory requirements for SSN disclosure and documentation are not met. The applicant must disclose and document the SSN for every household member (except noncontending persons) in order to qualify for the program.
- The PHA must terminate tenancy of resident households if the regulatory requirements for SSN disclosure and documentation are not met. Tenancy must be terminated for the entire household if these requirements are not met for every non-exempt household member.
 - The PHA must defer termination for a period not to exceed 90 days if it determines that the resident's failure to meet the requirements was due to unforeseen circumstances outside the control of the family, and if it is reasonably likely that the resident will be able to disclose and document the SSN(s) by the deadline.
- The PHA must deny admission or terminate the family's tenancy or assistance, or both, if the family submits falsified SSN documentation.
- The head of household may not remove a household member from the family composition in order to avoid these penalties. Prorated assistance is not permitted in this situation.

Section 2.3 Restriction on Assistance to Noncitizens

EFFECTIVE DATE AND PURPOSE OF RULE

- Based on the requirements of Section 214 of the Housing & Community Development Act of 1980
- Effective date: 6/19/95, revised by an interim rule issued 11/29/96, and final rule dated 5/12/99.
- The purpose of the regulation is to:
 - Provide implementation procedures
 - Ensure only citizens, nationals, and certain categories of eligible immigrants are assisted
 - Preserve family status

DEFINITIONS

CFR 5.504(b)

- *Child*: A member of the family other than the family head or spouse who is under 18 years of age.
- *Citizen*: Citizen/national of the United States.
- *Evidence of citizenship or eligible immigration status*: The documents which must be submitted to establish citizenship or eligible immigration status.
- *Head of household*: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.
- *Mixed family*: A family including citizens or eligible immigrants, and members without citizenship or eligible immigration status.
- *National*: A person who owes permanent allegiance to the United States; e.g., as a result of birth in a U.S. territory or possession.

Section 2.3: Restriction on Assistance to Noncitizens

HUD Guidance

- *Noncitizen*: A person who is neither a citizen nor national of the United States.
- *Spouse*: The marriage partner, either a husband or wife, who must be divorced to dissolve the relationship. Includes common law marriages, but not boy/girl friends, significant others or co-heads.
- *USCIS*: The United States Citizenship and Immigration Services (formerly INS: Immigration and Naturalization Service).

RULES FOR ADMISSION

CFR 5.512(a) and (b)

- No family applying for federal assistance may receive such assistance prior to the affirmative establishment and verification of eligibility of at least one family member.

CFR 5.506 (a)
CFR 5.514(c)

- However, if a PHA elects not to affirmatively establish and verify eligibility before providing assistance to a family, the PHA must terminate the tenancy if the verification process results in a determination that no family member has eligible immigration status.

GENERAL PROVISIONS

CFR 5.506

- Financial assistance in HUD's public housing program is restricted to:
 - Citizens
 - Noncitizens who have eligible immigration status

NOTIFICATION REQUIREMENTS

CFR 5.508(f)

- All families must be notified of the requirement to submit evidence of their citizenship status when they apply.

CFR 5.502

- Where feasible, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Section 2.3: Restriction on Assistance to Noncitizens

ELIGIBILITY FOR ASSISTANCE

HUD Guidance

- To determine the family type and eligibility status of any family, the eligibility of each individual in the family must be established first.

CFR 5.500

- Individuals will fall into one of these categories:
 - Citizens or nationals
 - Eligible immigrants 62 or older
 - Other eligible immigrants
 - Ineligibles, including noncitizen students on student visas

CFR 5.522

- Providing housing assistance to noncitizen students is prohibited.
 - This prohibition extends to the ineligible noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student
 - The prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance.

Public Housing Eligibility

Eligibility

Section 2.3: Restriction on Assistance to Noncitizens

NONCITIZEN RULE ELIGIBILITY CHART¹		Continued Assistance	Prorated Assistance
1.	PARTICIPANT in occupancy on 6/19/95 AND:		
a.	Head or spouse is eligible and family includes no non-eligible members other than head or spouse, or parents or children of head or spouse	YES	NA
b.	Mixed family, other than in 1.a above	NO	YES
c.	No eligible members	NO	NO
2.	PARTICIPANT in occupancy after 6/19/95 AND:		
a.	Mixed family	NO	YES
b.	No eligible members	NO	NO
3.	APPLICANT mixed family	NA	YES
4.	NONCITIZEN STUDENT APPLICANT or PARTICIPANT AND:		
a.	Living alone	NO	NO
b.	Living with accompanying immigrant spouse and/or children	NO	NO
c.	Living with citizen spouse or children	NO	YES
d.	Living with nonaccompanying eligible immigrant spouse or children	NO	YES

¹ This chart does not include applicant or participant families in which all members have citizenship or eligible immigration status. These families will be eligible for full assistance and Section 214 options are not applicable.

Section 2.3: Restriction on Assistance to Noncitizens

Notice PIH 2001-27

- An FAS citizen who is a lawful resident of the United States (including territories and possessions) is eligible for housing assistance.
 - FAS stands for ‘the Freely Associated States’
 - Republic of the Marshall Islands
 - Federated States of Micronesia
 - Republic of Palau

FAMILY CATEGORIES

CFR 5.500

- After the status of each person has been determined, families will fall into one of the categories below:
 - All members are either citizens or eligible immigrants.

CFR 5.504(b)

- Some members are eligible and some are ineligible (mixed family).

CFR 5.500

- All members are ineligible immigrants.

- The determination of family type is based on individual determinations:

CFR 5.504(b) and 5.506(a)

- An **eligible** family will be comprised of citizen(s), national(s) or noncitizen(s) with *eligible* immigrant status. Eligible families receive full assistance.

CFR 5.504(b) and 5.506(a)

- An **ineligible** family is one in which no member is a citizen, national or eligible immigrant. Ineligible families are denied assistance.

CFR 5.504(b)

- **Mixed families** are comprised of citizen(s) or eligible noncitizen(s) and those without citizenship or eligible noncitizen status. Mixed families receive prorated assistance.

Section 2.3: Restriction on Assistance to Noncitizens

VERIFICATION REQUIREMENTS

- CFR 5.508*

 - Unlike the third-party verification process for income eligibility, verification of citizenship or national status is provided directly by the family.
- CFR 5.508(b)(1)*

 - Persons who claim citizenship or national status by executing a signed declaration (Section 214 Status)
- CFR 5.508(b)(2)*

 - Persons 62 and older who claim eligible immigration status by executing a signed declaration and providing proof of age
- CFR 5.508(e)*

 - Persons who declare themselves ineligible or don't contend eligibility status
- CFR 5.508(b)(1)*

 - PHAs may require verification of either U.S. citizenship or national status in the form of a U.S. passport, resident alien card, registration card, social security card or other appropriate documentation.
- CFR 5.508(b)(3)*

 - For noncitizens who claim eligible immigration status (other than persons 62 and older), required verification consists of:
 - A signed declaration of eligible immigration status
 - A United States Citizenship and Immigration Services (USCIS) card or other USCIS document
 - A signed verification consent form
- CFR 5.512*

 - Eligible immigration status must be verified.
 - Verification of eligible immigration status may be obtained through accessing the Systematic Alien Verification for Entitlements (SAVE) Program's Automated Status Verification System (ASVS) online.
 - <http://uscis.gov/graphics/services/save.htm>

Section 2.3: Restriction on Assistance to Noncitizens

REQUIRED DOCUMENTATION

- PHA documents:

CFR 5.508(b)(3)

- Declaration of Section 214 Status

CFR 5.508(b)(3)

- Verification Consent Form

CFR 5.508(e)

- Listing of Non-Contending Family Members

CFR 5.508(f)

- Notice of Section 214 Requirements

*HUD Guidebook 7465.7,
Restrictions on Assistance to
Noncitizens, Chapter 6*

- Eligible immigration documents [copies of originals only]

TIMEFRAME FOR SUBMISSION

- For applicants:

CFR 5.508(g)(1)

- At any stage of the application process, but not later than the date the PHA verifies other eligibility factors

CFR 5.508(g)(3)

- New occupants joining a resident family:

- At the first interim or regular reexam following the person's occupancy

CFR 5.508(h)

- A time extension may be granted in writing by the PHA, if needed, for the individual to obtain the needed documentation.

- Extension for submission of required documents shall not exceed 30 days

CFR 5.508(g)(5)

- For each family member this is a one-time requirement. If the family moves between units or between programs and the PHA has previously obtained the required verification, the family is not required to produce the documentation again.

Section 2.3: Restriction on Assistance to Noncitizens

FAMILIES ASSISTED AS OF 6-19-95

- The protections afforded these families relates to whether the PHA implemented the noncitizens rule before or after 11/29/96.¹
- Families assisted when the noncitizen rule was implemented may have been eligible for full continued assistance.
- For more information refer to Chapter 10 of HUD Guidebook 7465.7, Restrictions on Assistance to Noncitizens, dated July 1995.

TERMINATION FOR ALLOWING INELIGIBLE INDIVIDUALS TO LIVE IN UNIT

CFR 5.514(c)(iii)

- The PHA must terminate assistance for at least 24 months to a family that knowingly permits an ineligible individual to reside on a permanent basis in the family's unit.
 - Termination does not apply to ineligible individuals already in the household where the family's assistance has been prorated.

1. On this date, a change in the rule was published and effective. Families who had been provided certain protections prior to that date were not affected, but, after that date, any other families receiving benefits would be considered under the new rule.

Section 2.3: Restriction on Assistance to Noncitizens

Learning Activity 2-1: Social Security/Noncitizens

- The Martinez family is applying for assistance.

Relation	Name	Age	Citizenship Status	SSN
Head	Alberto Martinez	36	Ineligible Noncitizen	Does not have one
Spouse	Maria Martinez	35	Ineligible Noncitizen	Does not have one
Son	Juan Martinez	8	Eligible Citizen	238-44-2342
Daughter	Elsa Martinez	5	Eligible Citizen	445-23-2584
Other Adult	Laura Alvarez	34	Eligible Noncitizen	239-32-2353
Other Adult	Inez Martinez	63	Eligible Noncitizen	325-33-2234

1. Does this family qualify for the program under the noncitizens rule?
 - a. Yes, because at least one member meets the requirement under Section 214
 - b. No, because neither the head nor spouse are citizens or eligible immigrants
 - c. No, because only the children are citizens
 - d. Yes, because there is one adult in the family that meets the requirement under Section 214
2. What documentation concerning their Social Security/Immigration information would the PHA need in the file?

Section 2.3: Restriction on Assistance to Noncitizens

3. Which family members are eligible for the program under the noncitizens rule?
 - a. Juan and Elsa
 - b. Inez and Laura
 - c. No one
 - d. Juan, Elsa, Laura, Inez
4. If the family refused to disclose Elsa's SSN, what action may the PHA take?
 - a. The PHA may deny assistance
 - b. The PHA must deny them assistance
 - c. The PHA has no authority to require Elsa to disclose her SSN
 - d. The PHA may subpoena the Social Security Administration to obtain information
5. What must the PHA do if Inez has not provided documentation of her SSN?
 - a. Admit the family and require the documentation within 60 days
 - b. Inez does not have to provide documentation of her SSN because she is elderly
 - c. The family cannot be admitted until the documentation is provided
 - d. Inez can sign a certification to document her SSN

SAMPLE FORMS FOR NONCITIZENS

- From HUD Guidebook 7465.7, *Restrictions on Assistance to Noncitizens*, July 1995:
 - Appendix C. Model Declaration of Section 214 Status
 - Appendix D. Model Verification Consent Form
 - Appendix E. Model Listing of Ineligible Family Members
 - Appendix F. Model Notice of Section 214 Requirements
- See Chapter 3 for copies of sample forms.

Section 2.4 Income Limits

INCOME LIMITS AT ADMISSION

*HB 7465.1, para. 3-1(c);
Federal Register, Vol. 63 #190,
10/1/98*

- HUD establishes income limits annually (by family size) for the area in which the PHA is located:

*1937 Housing Act, Sec. 3(b);
HB 7465.1, para. 3-1(a)*

- Low income Limit: 80% of area median
- Very Low Income Limit: 50% of area median

CFR 5.603(b)

- Extremely Low Income Limit: Higher of the federal poverty level or 30% of area median income (see Income Targeting)

CFR 960.201(a)(2)

- No family other than a low-income family is eligible for admission to a PHA's public housing program.

HB 7465.1, para. 3-1(a)

- PHAs must use HUD income limits and may not establish their own.

HB 7465.1, para. 3-2(a)(5)

- Annual income is compared to the eligibility income limit (80 percent of AMI) and is applied *only at admission* as a test for eligibility.

*HB 7465.1, para. 3-2(a)(9)
Notice PIH 2019-11*

- Once admitted, a family is no longer subject to initial eligibility income limit requirements in order to retain eligibility, or for unit transfers. After admission, however, the family is subject to the over-income limit, which is calculated by multiplying the very low-income limit (VLI) by 2.4, as adjusted for family size.

HB 7465.1, para. 3-1(b)

- Because income limits are based on family size, a change in family composition may affect the family's income eligibility for admission.

HB 7465.1, para. 3-1(b)(2)

- There is no family minimum income restriction.

HB 7465.1, para. 3-2(a)(6)

- Transfers from other programs (other PHAs and Section 8) must be treated as new admissions.

Section 2.4: Income Limits

HUD'S INCOME LIMITS:

- www.huduser.gov/portal/datasets/il.html

INCOME LIMIT RESTRICTIONS

HB 7465.1, para. 3-1(b)

- Applicants are subject to the income limits of the area where the project is located and the family is initially assisted.

CFR 903.7(c)(2)
CFR 960.204(a)(2)(i)

- The PHA may establish criteria for selection of residents designed to produce a mix of incomes in the PHA's public housing developments.

CFR 960.202(d)

- PHAs must comply with HUD-prescribed reporting requirements necessary to monitor compliance with income eligibility restrictions.

HB 7465.1, para. 3-1(a)(2)

- HUD may establish higher or lower income limits based on prevailing construction costs or unusually high or low family incomes in the area.

Section 2.5 Occupancy

OCCUPANCY STANDARDS

DEFINITION

- Occupancy standards are criteria established by the PHA for determining the appropriate type of public housing project, and size and type of unit, needed for families of different sizes and compositions.

TYPES OF PROJECTS/DEVELOPMENTS

Mixed Population Developments

CFR 960.102

- A mixed population development is a public housing development, or portion of a development, that:
 - Was reserved for elderly families and disabled families at its inception (and has retained that character), or
 - If it was not so reserved at inception, the PHA has since obtained HUD approval to give preference in tenant selection for all units in the development (or portion of development) to elderly and disabled families.

*CFR 960.407(a) &
HB 7465.1, para. 5-2(b)(1)*

- Formerly referred to as “elderly-designated projects”
- PHAs must give elderly and disabled families equal preference in admission to mixed population developments.
- PHAs may not establish a limit on the number of elderly or disabled families to be accepted for occupancy in a mixed population development.

HB 7465.1, para. 5-2(b)(2)

- PHAs may not set a minimum age (like 50 or 55) for the admission of persons with disabilities to mixed population developments.

General Occupancy Developments

- Referred to as “family” developments
 - Includes elderly, disabled, and families
- PHAs may not give a preference to one protected class over another for general occupancy developments
 - Example: No elderly preference over families with children

Designated Elderly Developments

- Developments which include only families whose head or spouse is 62 or older
- HUD must approve application

Designated Disabled Developments

- Developments which include only families whose head or spouse is disabled
- HUD must approve application

TYPE OF UNIT NEEDED

CFR 960.407

- In selecting elderly families and disabled families to occupy units in mixed population developments, the PHA must first offer units with special accessibility features for persons with disabilities to families who require the accessibility features of such units.

HB 7465.1, para. 5-2(a)

- PHAs must make every reasonable effort to provide units which are specially designed for accessibility to families with members who have disabilities that require such units.

HB 7465.1, para. 5-2(c)

- Accessible or barrier-free units are specially designed units which may have ramps, grab bars, lower counters, or special facilities for those persons with mobility problems or sight or hearing impairments.

HB 7465.1, para. 5-2(c)

- Many people with disabilities do not require a specially-designed unit.

HB 7465.1, para. 5-2(c)

- Some families that do not meet the HUD household definition of disabled may need a specially-designed unit for one of their family members.

HB 7465.1, para. 5-2(c)

- If a unit can be adapted to either disability-accessible or more general usage, the PHA can decide whether to target it for applicants with disabilities or treat it like any other unit.
- If an applicant needs accessibility features and no suitable units are available, PHA should consider modifying unit unless this would impose an undue financial or administrative burden.

Transfer vs. Waiting List for Accessible Units

- Before offering a vacant accessible unit to a non-disabled applicant, PHA should offer such units:
 - First, to a current occupant of another unit of the same or other development, having a disability that requires the special features of the vacant unit (in effect, a transfer of the occupant with disabilities from a non-accessible unit to the vacant accessible unit)
 - Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.
- To avoid vacancies, and if there is no eligible applicant who requires a specially-designed unit of a particular size, the PHA may wish to:
 - Slightly overhouse an applicant needing a specially-designed but smaller unit, or
 - House an applicant needing that size unit but not requiring special features.
- When offering a specially-designed (accessible) unit to a non-disabled applicant, the PHA must require the applicant to sign an agreement to move to an available non-accessible unit within 30 days when either a current resident or an applicant with a disability needs the unit.
 - The lease agreement signed with the applicant must also contain this requirement.

HB 7465.1, para. 5-2(c)

SIZE OF UNIT NEEDED

PH Occ GB, p. 62

- HUD does not specify the number of persons who may live in various sizes of units.

HB 7465.1, para. 5-1(a)(2)

- PHA must establish occupancy standards which assist as many families as possible without overcrowding the units or project, as well as make every reasonable effort to minimize vacancies.

HB 7465.1, para. 5-1(a)(3)

- These standards must comply with any requirements of state or local law.

HB 7465.1, para. 5-1(a)(5)

- PHAs may have different standards for certain projects if this would not cause or perpetuate patterns of occupancy which would be inconsistent with Title VI of the Civil Rights Act of 1964 or the Fair Housing Act.
- PHAs must establish deconcentration and income-mixing goals.
- PHAs may consider approaches to achieve goals of deconcentration and income mixing such as:
 - Skipping over certain families on waiting lists based on incomes
 - The establishment of certain preferences such as working preferences
 - Incentives

Section 2.5: Occupancy

- The ACOP should address the following elements:
 - If babies under a specified age may share a bedroom with parents or with two siblings
 - How the PHA will handle foster children in establishing unit size
 - If the size of bedrooms will be a factor in determining the minimum or maximum number of residents in the unit
 - Whether the PHA will permit applicants to be on waiting sub lists for more than one unit size, or whether the PHA requires each applicant to state the size unit for which he/she wishes to be listed
 - Whether the PHA will count an unborn child or a child in the process of being adopted as a family member in determining unit size (the PHA must count children who are added to the family by birth, adoption or court-awarded custody only after these events have occurred).

PH Occ GB, p. 64

- The *Public Housing Occupancy Guidebook* suggests the following occupancy standards:
 - Generally, two people are expected to share each bedroom, except that units will be so assigned that:
 - Persons of different generations or opposite sex get their own bedroom, except for husband and wife,
 - Two children of the opposite sex will not be required to share a bedroom
 - An unborn child will not be counted as a person in determining unit size. A single pregnant woman may be assigned to a one-bedroom unit.
 - A Live-in-Aide shall be assigned a bedroom, unless the family agrees to accept a smaller unit.
 - A family that qualifies for more than one unit size may be placed on the larger and smaller size waiting lists.
 - A family that chooses to occupy a smaller size unit must agree not to request a transfer until their family size changes.

Section 2.5: Occupancy

PH Occ GB, p. 62

- PHA must not establish a policy that has the effect of discriminating against families with children.
 - Example: PHA must allow a parent with one child to occupy the unit if a married couple would be allowed.

HB 7465.1, para. 5-1(a)(6)

- When determining unit size, PHAs must include all children anticipated to live in dwelling unit. These include:
 - Children who are in process of being adopted by an adult
 - Children whose custody is being obtained by an adult
 - Foster children

CFR 5.403

- NOTE: PHA must also include children who are temporarily absent from home due to placement in foster care.
- The following table (or a variation) is an example that may be adopted:

Number of Bedrooms	Min. Number of Persons	Max. Number of Persons
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10

- A family may need a larger unit size than suggested by the guidelines because of a disability of a household member.
- If “reasonable accommodations” are not made by the PHA allowing such a family to apply and obtain such a unit, it may be considered unlawful.

Other HUD Guidance

- | | |
|------------------------------------|--|
| <i>HB 7465.1, para. 5-1(b)(4)</i> | <ul style="list-style-type: none">• PHA should consider the size of the unit and the size of the bedrooms as well as the number of bedrooms. |
| <i>HB 7465.1, para. 5-1(b)(5)</i> | <ul style="list-style-type: none">• PHAs with many efficiencies but few one-bedroom units may want to reserve one- bedroom units for two-person families. |
| <i>HB 7465.1, para. 5-1(b)(6)</i> | <ul style="list-style-type: none">• PHAs may want to adopt standards which permit a lower level of occupancy in certain projects:<ul style="list-style-type: none">- To compensate for lack of larger families on waiting lists, or- To help market units in hard-to-rent projects. |
| <i>HB 7465.1, para. 5-1(b)(10)</i> | <ul style="list-style-type: none">• A PHA may want to provide space for a child who is away at school but who lives with the family during school recesses. |
| <i>HB 7465.1, para. 5-1(b)(11)</i> | <ul style="list-style-type: none">• To avoid vacancies, a family may be provided a larger unit than needed. The lease must include a provision that they will move to the right size unit when a larger size family is found and a suitable smaller unit is available. |
| <i>HB 7465.1, para. 5-2(d)(3)</i> | <ul style="list-style-type: none">• Non-elderly applicants may be offered a unit if there are not enough elderly applicants. |
| <i>HB 7465.1, para. 5-2(d)(1)</i> | <ul style="list-style-type: none">• PHAs should consider the suitability of a project in relation to the family's needs. If appropriate size units exist in both a general occupancy project and a project for the elderly, elderly families with children and young disabled persons may be better housed in the general occupancy project. |

OCCUPANT TYPES

TENANTS EMPLOYED BY THE PHA

HB 7465.1, para. 6-3(b)(1)

- Public housing applicants who work or expect to work for the PHA are subject to the same admission requirements as other applicants.

HB 7465.1, para. 6-3(b)(1)(a)

- The work they are to do for the PHA may not be a condition of their admission.

HB 7465.1, para. 6-3(b)(1)(b)

- They may not be given a selection preference based on their willingness to work for the PHA.

HB 7465.1, para. 6-3(b)(2)

- Public housing tenants who work for the PHA are subject to all of the occupancy requirements and have all the same rights and responsibilities as other public housing tenants.
 - The work they do for the PHA may not be a condition of their tenancy.
 - Any amounts they receive for their employment must be counted as income in computing their rent.
 - The PHA may not lower the amount they are required to pay as rent as compensation for their employment.

HB 7465.1, para. 6-3(b)(3)

- The PHA does not need HUD authorization in order to employ public housing tenants.

RESIDENT EMPLOYEES

HB 7465.1, para. 6-3(a)(1)

- Employees who are required to live in public housing as a condition of their job:
 - Are not considered public housing tenants.
 - Are not subject to the same requirements and do not have the same rights as public housing tenants.
- Examples of this are that they:
 - Do not have to qualify as a lower income family
 - Are not subject to the PHA's tenant selection procedures
 - Do not have their rent calculated according to HUD regulations
 - Are not subject to HUD lease and grievance provisions
 - Would not be able to remain in public housing if their employment were terminated

HB 7465.1, para. 6-3(a)(2)

- PHAs may charge employees who are required to live in public housing, as a condition of their job, some reasonable rent.
- The rent can be a flat amount not related to the person's income. PHAs may also provide the apartment to the employees rent-free.

HB 7465.1, para. 6-3(a)(4)

- PHAs must get HUD approval to house PHA employees in any public housing dwelling unit which has been previously designated for use by public housing tenants.

Section 2.5: Occupancy

HB 7465.1, para. 6-3(c)(1)

- It is advisable for PHAs to have a lease with employees who are required to live in public housing.
- A standard private-market lease would usually be acceptable, although the PHA should add a provision making the person's continued occupancy contingent on their employment.

HB 7465.1, para. 6-3(c)(2)

- An employee who resides in public housing may apply to become a public housing tenant, but would have to qualify and be selected like any other applicant.

HB 7465.1, para. 6-3(c)(3)

- All the provisions and procedures related to employees who are required to live in public housing also apply in cases where the PHA wants to house persons from public or private agencies to provide tenant-oriented services.

HB 7465.1, para. 6-3(d)(2)

- Employees who are required to live in public housing as a condition of their jobs are reported on Form HUD-51234. The PHA does not fill out a Form HUD-50058 for them.

OCCUPANCY BY POLICE

CFR 960.505

- “Police officer” is defined as a person who, during the time of residence in public housing, is employed on a full-time basis as a duly licensed, professional police officer by a federal, state or local government or by any agency of these governments.
- An officer of an accredited police force of a housing agency may qualify.
- For the purpose of increasing security for the residents of public housing, PHAs may allow police officers to reside in public housing.
- The PHA must include in the PHA’s Agency/Annual Plan:
 - The number and location of units to be occupied by police officers
 - The terms and conditions of police officer tenancies
 - A statement that such occupancy is needed to increase public housing security for residents

Section 2.6 Waiting List Management

INITIAL APPLICATION

APPLICANT STATUS

- An applicant does not have any “right” or entitlement:
 - To be listed on the waiting list
 - To any particular position on the waiting list
 - To be admitted to the program
- Applicants do have a right to bring a judicial action to challenge a PHA violation of a constitutional or statutory requirement.

INITIAL APPLICATION FOR ASSISTANCE

HB 7465.1, para. 2-1(a)(2)

- All potentially eligible persons who express a desire to participate in the program must be given an equal opportunity to apply for assistance whenever the waiting list is open.

*HB 7465.1,
para. 1-3(a)(1) & (2)*

- The PHA is responsible for receiving and processing applications in a way which treats all applicants fairly and consistently.

HB 7465.1, para. 2-1(a)(1)

- For each applicant, there must be a written application form for admission and placement on the waiting list.

HUD Guidance

- HUD recommends that PHAs use a preapplication that collects only the information necessary to make a preliminary eligibility determination. A complete application is then taken just prior to the offer of a public housing unit.

Section 2.6: Waiting List Management

HUD Guidance

- An exception to this procedure is if the waiting list for the applicable bedroom size is short (e.g., families could be selected within six months).
 - The PHA may then bypass the preapplication and take a full application. In addition, the PHA could opt to take full applications for all families, regardless of the wait, but this is time-consuming.

Industry Practice

- Applications may be taken by the PHA using any of the following methods:
 - On an ongoing basis
 - At specific hours of the day or days of the week
 - At regularly scheduled intervals (for example, quarterly)
 - For specific bedroom sizes (only when the waiting list does not provide enough applicants to meet the PHA's needs)
 - For a specific time period (for example, two weeks) when the PHA requires additional applicants to meet the PHA's needs

Industry Practice

- Applications may be received by mail, e-mail, phone, FAX, in person, at the PHA's offices, and/or other methods and locations as determined by the PHA.

Notice PIH 2009-36

- Form HUD-90026, Supplement to Application for Federally Assisted Housing, must be provided to families "at the time of application." The form gives the family the option to provide contact information for a friend, family member, organization, or advocate that can assist in providing services or special care to the family, and in resolving any tenancy issues that may arise.
 - The family is not required to provide the information.
 - The PHA should give the family the opportunity to revise or remove contact information at admission, annual reexamination, or at any other time.

Section 2.6: Waiting List Management

HB 7465.1, para. 2-1(a)(2)

- The PHA must accept an application even if an informal discussion reveals the applicant may not be eligible (unless the waiting list is closed).

HB 7465.1, para. 2-1(b)(10)

- Families should not be discouraged from applying or be rejected out of hand, based on “apparent ineligibility.”

HUD Guidance

- Preapplications are acceptable with formal eligibility determination delayed until the family nears the top of the waiting list.

CFR 960.208

- Applicants must be admitted, placed on the waiting list, or rejected.
- If the family is obviously ineligible, the PHA must notify the applicant in writing of the:
 - Reason(s) for the determination, and
 - Family’s right to an informal hearing.

CRITERIA FOR WHO MAY APPLY

- PHA may adopt criteria defining what families may apply under a public notice.
 - For example, the public notice might announce that the PHA is only accepting applications for 1-bedrooms from elderly/disabled families.
- May decide that applications will only be accepted from families who qualify for certain preferences, types of projects, or certain sizes of dwelling units.

OPENING AND CLOSING THE WAITING LIST

- The PHA should develop policies on how they plan to inform the public when they open, close or restrict the waiting list.
- PHA may stop accepting new applications when the waiting list is adequate to fill potentially available units within a PHA-determined period of time.
- *Note:* Public Housing Guidebook references CFR Section 982 regarding opening and closing the waiting list.
 - Section 982 is applicable to the Housing Choice Voucher program
 - Public housing regulations do not specify procedures for opening and closing the list

PURGING THE WAITING LIST

HB 7465.1, para. 2-3(2)

- Purging of waiting list is up to PHA discretion.
- Waiting list should be sufficient to fill available openings.
- The Public Housing Occupancy Guidebook suggests the PHA should purge the waiting list at least annually.
- Suggestions:
 - Send update forms to advocacy organizations (social services, shelters, homeless providers)
 - Advertise update with instructions on obtaining update forms if not received by mail

REMOVAL FROM WAITING LIST

CFR 960.204

- The PHA's Admissions and Occupancy Policy must state criteria for removal from the waiting list; for example, failure to respond to requests for information or updates.

CFR 8.4

- Policy must not violate rights of disabled persons under regulations.

CFR 8.11

- Applicants with disabilities who do not respond within time frames should be reinstated IF they did not respond due to a *verified reason connected to a disability and have requested reinstatement*.
- Must provide reasonable accommodation, such as home visits for those who cannot come to the office.

CFR 8.11

- PHA is obligated to make application process available to applicants with a full range of disabilities.

HB 7465.1, para. 1-2(a)

- PHAs must document the reason any applicant's name was removed from the waiting list.

HB 7465.1, para. 2-3(b)(7)

- PHAs should not remove an applicant's name from the waiting list unless:
 - Applicant requests it,
 - Applicant was clearly advised of a requirement to notify the PHA of his/her continued interest by a particular time and failed to do so, or
 - PHA has made reasonable efforts to contact the applicant to determine if there is continued interest, but has been unsuccessful, or
 - PHA has notified the applicant of its intention to remove the applicant's name because of ineligibility

Section 2.6: Waiting List Management

- The Public Housing Occupancy Guidebook distinguishes between “withdrawing” and “rejecting” applications
- Withdrawing applications:
 - Applicant request
 - No response to purge letter (includes mail returned)
 - No response to PHA request for interview or additional information
 - Give deadline to reschedule
 - No informal hearing rights
- Rejecting applications:
 - Denials due to ineligibility or screening
 - Must give written notice
 - Has right to in informal hearing

ORGANIZING WAITING LISTS

GENERAL REQUIREMENTS

CFR 1.4(b)(2)(ii)

HB 7465.1, para. 5-6(a)(1)

- PHAs must organize the waiting list(s) to assure that applicant selection takes place according to Program requirements and PHA policy.

PH Occ GB, p. 31

- Essential application information for waiting list placement:
 - Family name
 - Family type (elderly, family member(s) with disabilities)
 - Date and time of application receipt
 - Unit size
 - Any admission preferences for which the family may be eligible
 - Amount of annual income
 - Whether special unit is needed
 - Racial and ethnic designation of Head of Household

CFR 1.4(b)(2)(ii)

- The waiting list must contain enough information to allow selection from the waiting list according to the PHA's Admissions and Continued Occupancy (ACO) Policy.

CFR 960.201(c)

- Any system the PHA uses to maintain its waiting list must document how and when applicants are selected, in a way that allows for a clear, easy-to-understand HUD management review.

HUD Guidance

- The waiting list is the beginning of a "paper trail" and must enable a reviewer to immediately determine the selection process to compare with the PHA's policies.

Section 2.6: Waiting List Management

HB 7465.1, para. 5-7(a)(1)

- PHAs must organize their waiting lists in a manner which easily permits them to identify which applicants need which type of project, size and type of unit, and the priority each applicant has for admission based on the preferences and date and time.

CFR 982.205(b)(2)(i)

- Applicants must have an opportunity to apply and be considered for the PHA's housing choice voucher waiting list if it is open to new applicants.

HB 7465.1, para. 5-6(b)(1)

- Several sublists (or lists within lists) may be created in order to more easily identify who should be offered an available unit.
 - For example, elderly and disabled families for "mixed population" developments (formerly referred to as "elderly-designated" developments).

MERGER AND CROSS-LISTING

CFR 982.205(a)(1)

- PHAs may merge tenant-based waiting list with other assisted housing programs.
 - PHA discretion
 - Subject to HUD requirements for each covered program

NON-MERGED WAITING LIST: CROSS-LISTING

CFR 982.205(b)(2)

- If a PHA elects *not* to merge tenant-based and public housing waiting lists:
 - And the tenant-based waiting list is open when a family is placed on the public housing waiting list:
 - the PHA must offer to place the family on its tenant-based waiting list.
 - And the public housing waiting list is open when a family is placed on the tenant-based waiting list:
 - the PHA must offer to place the family on the public housing waiting list.

Section 2.6: Waiting List Management

SUB-WAITING LISTS

- PHA may need to sort by:
 - Mixed populations developments
 - General occupancy developments
 - Designated elderly developments
 - Designated disabled developments
 - Accessible units

SITE-BASED WAITING LISTS

*Federal Register Site-based
Waiting List notice, 1/7/97 and
CFR 903.7(b)(2)*

- Upon approval by HUD, PHAs may adopt and implement site-based waiting lists.
 - PHA submits application to HUD before submission of PHA Plan, or
 - Includes in PHA Agency Plan
 - Must determine if this is a significant amendment to the PHA Plan
- Purpose of site-based waiting lists:
 - Promote deconcentration of poverty; and
 - Assure that applicants can make informed choices
- PHAs must provide applicants full information regarding any options available with respect to the selection of developments in which to reside.
- Under site-based waiting list systems, applicants may apply directly at the site or designate the project or projects in which they seek to reside.
- PHAs must disclose an estimate of the time period the applicant would likely have to wait to be admitted to each site based on unit differences such as size and accessibility.

CFR 903.7(b)(2)(ii)

Section 2.6: Waiting List Management

- | | |
|------------------------------|--|
| <i>CFR 903.7(b)(2)</i> | <ul style="list-style-type: none">• The PHA system for selection from site-based waiting lists must be consistent with all applicable civil rights and fair housing laws and regulations. |
| <i>CFR 903.7(b)(2)(iii)</i> | <ul style="list-style-type: none">• The adoption of site-based waiting lists may not be in conflict with any imposed or pending court order, settlement agreement or complaint brought by HUD. |
| <i>CFR 903.7(b)(2)(v)(A)</i> | <ul style="list-style-type: none">• The PHA shall assess any changes in racial, ethnic or disability-related tenant composition at each PHA site that may have occurred during the implementation of the site-based waiting list, based on confirmed and accurate MTCS occupancy data.• At least every three years, PHA must use independent testers to assure that the site-based system is not being implemented in a discriminatory manner.• HUD will monitor implementations to ensure that racial steering does not occur.• Admissions and Continued Occupancy Policy, Tenant Selection and Assignment Plan, must be revised and approved.• When family is admitted, family is taken off other site-based waiting lists |

SPECIAL TARGETING WITHIN LISTS

- | | |
|--|---|
| <i>HB 7465.1, para. 5-7(a)(1) & CFR 960.407(b)</i> | <ul style="list-style-type: none">• In public housing, if a family requires an accessible unit, it should be noted so that when that type of unit becomes available, the next family with that need can be quickly located. |
| <i>HB 7465.1, para. 5-6(a)(4)</i> | <ul style="list-style-type: none">• A PHA may have one waiting list for projects for the elderly and another for general occupancy, as long as an elderly family is permitted to be listed on either or both if unit size and type are appropriate. |

Section 2.7 Preferences

ADMISSION PREFERENCES

BACKGROUND

Admissions/Occupancy Final Rule, FR 3/29/00

- The Quality Housing and Work Responsibility Act of 1998 repealed the use of federal preferences effective October 1, 1998, and references to federal preferences were removed from HUD regulations as of 3/29/00.

QHWRA Notice, FR 2/18/99

- A PHA may choose to use as local preferences any of the preferences that were formerly known as federal preferences.

CFR 960.206(a)

- A PHA may adopt a system of local preferences for selection of families admitted to the PHA's public housing program.

CURRENT REGULATIONS GOVERNING PREFERENCES

HB 7465.1, para. 5-6

- Adoption and implementation of local preferences is subject to income targeting, deconcentration and income-mixing requirements.
- In public housing, the size and type of unit, and type of project, take precedence over selection preferences.

HUD Guidance

- Preferences are optional.
- A preference overrides date and time of application. The more preferences a PHA has, the less impact date and time will have.

HUD Guidance

- Preferences affect only the order of applicants on a PHA's waiting list.
 - They do not make anyone eligible who was not otherwise eligible.

Section 2.7: Preferences

- A PHA's selection preferences must be described in its PHA Plan and ACOP.
 - PHA Plan significant amendment
- A PHA's system of local preferences must be consistent with its PHA plan and the consolidated plan for the jurisdiction.
- CFR 960.206(a)*
 - A PHA must base its selection preferences on local housing needs and priorities, as determined by the PHA.
 - In determining local housing needs and priorities, the PHA must use generally accepted data sources and consider public comment on its PHA plan and the consolidated plan for the relevant jurisdiction.
- HUD Guidance*
 - A PHA should clearly define any preferences that it adopts.
 - The definitions should be simple enough so that:
 - Families claiming preferences clearly understand what they are claiming
 - Preferences can be easily verified
- CFR 960.206(a)(4)*
 - A PHA must inform all applicants about available preferences and provide them with an opportunity to show that they qualify for available preferences.
- CFR 960.206(a)(3)*
 - A PHA may limit the number of applicants that may qualify for any local preference.
 - A PHA must inform applicants of the right to change preference status while on the waiting list.
- CFR 960.206(e)(1)*
 - A PHA must use either of the following to select among applicants with the same priority for admission:
 - Date and time of application
 - A drawing or other random choice technique

Section 2.7: Preferences

CFR 960.206(e)(2)

- The method for selecting applicants must leave a clear audit trail to verify each applicant has been selected in accordance with the method specified in the PHA Plan.

HUD Guidance

- If a PHA wishes to change its current preference system, the PHA must give notice and opportunity for public comment.
 - This requirement is applicable even if the new system is simply based on date and time of application.
 - An opportunity for public comment can be a public meeting or an opportunity to submit written comment.
 - The PHA may not implement the new preference system before the system has been added to the PHA's plan and approved by the Board.

LOCAL PREFERENCES IN CURRENT REGULATIONS

RESIDENCY PREFERENCE

CFR 960.206(b)(4)(i)

- Residency requirements are prohibited, but residency preferences are allowed.

CFR 960.206(b)(1)(ii)

- A residency preference is a preference for admission of persons who reside in a specified geographic area.
 - The specified geographic area may be a county or municipality, but it may not be smaller than the PHA's jurisdiction.

CFR 960.206(b)(1)(i)

- A PHA may adopt or implement a residency preference only in accordance with nondiscrimination and equal opportunity requirements listed at 24 CFR 5.105(a).

HUD Guidance

- Residency preferences no longer require HUD approval, but they are subject to HUD audit and review for compliance with nondiscrimination and equal opportunity requirements.

Section 2.7: Preferences

- CFR 960.206(b)(1)(iii)*
 - Any residency preference that a PHA adopts must be included in the statement of policies governing eligibility, selection, and admission in the PHA's annual plan.
 - The policies must specify that the residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- CFR 960.206(b)(1)(iv)*
 - A residency preference must not be based on how long an applicant has lived or worked in the preference area.
- CFR 960.206(b)(1)(v)*
 - Applicants who work or have been hired to work in a residency preference area must be treated as residents of the preference area.
 - Graduates of or active participants in education and training programs in a residency preference area may be treated as residents of the area if the programs are designed to prepare individuals for the job market.

PREFERENCE FOR WORKING FAMILIES

- CFR 960.206(2)*
 - A PHA may adopt a preference for working families.
 - A working family is one whose head, spouse, or sole member is employed.
- HUD Guidance*
 - A PHA must decide whether this includes a family in training.
- CFR 960.206(2)*
 - If a PHA adopts a preference for working families, it must extend the benefit of the preference to families whose head and spouse or sole member is age 62 or older or is a person with disabilities.
- Admissions/Occupancy Final Rule, FR 3/29/00 (preamble)*
 - A working family preference cannot be based on the amount of earned income.

PREFERENCE FOR VICTIMS OF DOMESTIC VIOLENCE

QHWRA Notice, FR 2/18/99
CFR 960.206(b)(4)

- HUD urges PHAs to consider adopting a preference for admission of families that include a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.
 - Although the VAWA 2022 statute does not specifically do so, HUD has recently begun including human trafficking as part of the list of victims protected under VAWA, as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24. In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, we have opted to include human trafficking in this text in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.
- *Domestic violence* – Includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:
 - The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim
 - A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner
 - A person with whom the victim shares a child in common
 - A person who commits acts against an youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction

Section 2.7: Preferences

- *Dating violence* – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- *Sexual assault* – Any nonconsensual sexual act proscribed by Federal, tribal, or state law, including when the victim lacks the capacity to consent.
- *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's individual safety or the safety of others; or
 - Suffer substantial emotional distress.
- In defining this preference, a PHA may wish to consider the following guidelines in line with the old federal preferences:
 - An applicant may qualify for a preference for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking if the applicant:
 - Vacated a unit because of such violence
 - Lives in a unit with a person who engages in such violence
 - An applicant who qualifies for the preference should certify that the person who engaged in the violence will not reside with the applicant family unless the PHA gives advance written approval.
 - If the family is admitted, the PHA may deny or terminate assistance for breach of the agreement.

CFR 5.2003

HUD Guidance

- Public Housing Occupancy Guidebook suggests this preference may be part of a broader preference for families displaced by natural disaster, government action or domestic violence.

SINGLES PREFERENCE

CFR 960.206(5)

- A PHA may adopt a preference for single persons who are elderly, displaced, homeless, or disabled over other single persons.
 - If no singles preference is adopted, singles will have equal preference status with everyone else.

PREFERENCE FOR PERSON WITH DISABILITIES

CFR 960.206(3)

- A PHA may adopt a preference for admission of families that include a person with disabilities.

CFR 960.407

PREFERENCE FOR MIXED POPULATION DEVELOPMENTS

HUD Guidance

- The PHA must give equal preference to elderly families and disabled families in priority for admission to mixed population developments.
- Mixed projects can include a family with children; for example, an elderly person with a minor, or a disabled person and a minor.
- PHAs may not exclude elderly or disabled families with children from projects for the elderly/disabled having units of the appropriate size.
 - If an appropriate size unit exists in both a general occupancy project and a project for the elderly/disabled, the family may be assigned to the general occupancy project.
 - If children will be included in an elderly population, the PHA should consider an orientation program for both groups to help overcome apprehension.

CFR 960.407

- The PHA must not establish a limit on the number of elderly families or disabled families who may be accepted for occupancy in mixed population developments.
- In offering available units to elderly families and disabled families, the PHA should first offer units with accessible features to families that include persons with disabilities who require the accessibility features of the unit.

NEAR-ELDERLY PREFERENCE FOR PUBLIC HOUSING

HUD Guidance

- The PHA may give a preference for “near-elderly” families over “displaced” or “other singles” in a mixed population development.
- The PHA may give a “near-elderly” preference over “displaced” and “other singles” in projects designated for elderly.
- A near-elderly preference is generally given when there are not enough elderly and disabled to fill mixed population developments or not enough elderly to fill designated elderly developments.

HUD Guidance

- The PHA must conduct outreach to attract elderly families before adopting this discretionary preference.
- The PHA may admit eligible near-elderly families if there are elderly families on the waiting list but none of them is interested in moving into the project that has the vacancy.

PREFERENCE FOR NON-PUBLIC HOUSING OVER-INCOME FAMILIES

24 CFR 960.206(b)(6)

- The PHA may give a preference for admission of non-public housing over-income families who are paying the alternative non-public housing rent and are on a NPHOI lease who become income-eligible and are eligible for admission to the public housing program.
 - These are former public housing families who still reside in the development but are paying the non-public housing rent and are on an NPHOI lease due to having been over-income for 24 consecutive months.
- Tenants living in HCV or PBV units that are relocated due to an HQS deficiency must be given a selection preference by the PHA for public housing, where applicable, if the family is unable to lease a new unit within the period provided by the PHA under paragraph 24 CFR 982.404(e)(1) and the PHA owns or operates public housing.
- The PHA must offer, and, if accepted, provide the family a selection preference for an appropriate size public housing unit that first becomes available for occupancy after the time period expires.

FORMER FEDERAL PREFERENCES

- A PHA may elect to adopt as local preferences any of the former federal preferences and establish its own criteria for meeting the qualifications for the preferences.
- Since the former federal preferences have been removed from the regulations, NMA does not cite CFR references for them.

DISPLACEMENT PREFERENCE

- Applicants qualify for an involuntary displacement preference under either of the following conditions:
 - They have been involuntarily displaced and are *not* living in standard permanent replacement housing.
 - *Standard permanent replacement housing* is decent, safe, sanitary housing of adequate size occupied by a family under a lease or occupancy agreement.
 - Standard permanent replacement housing does not include transient facilities, such as motels, hotels, or temporary shelters for homeless families or victims of domestic violence.
 - They will be involuntarily displaced within a time frame established by the PHA from the date of preference status certification.
- Applicants may be considered involuntarily displaced if they have vacated or must vacate their unit for any of the following reasons:
 - Disaster (e.g., flood, fire, earthquake)
 - Governmental action (e.g, code enforcement, neighborhood redevelopment)
 - Housing owner action
 - The applicant must be unable to prevent the action (e.g., the unit is being sold, converted into a condo, or closed for rehab; the owner is taking the unit off the rental market as a result of a legally authorized act; the owner wants the unit for personal or family use).
 - The action may not be a rent increase.
 - The applicant must have met all previously imposed occupancy conditions.

Section 2.7: Preferences

- Avoidance of reprisal
 - The applicant family was involuntarily displaced because a member provided information on criminal activities to a law enforcement agency.
 - The PHA may establish appropriate safeguards to conceal the identity of families requiring such protection.
- Hate crimes
 - The applicant family must have vacated a unit because a member was the victim of one or more hate crimes.
 - *Hate crime* means actual or threatened physical violence or intimidation that is directed against a person or his or her property and is based on a person's race, color, religion, sex, national origin, disability, or familial status.
 - The hate crimes should have occurred recently or be of a continuing nature.
- Unit inaccessibility
 - A member of the applicant family must have a mobility or other impairment that makes the person unable to use critical elements of the unit.
 - The owner must *not* be legally obligated to make changes to the unit.

SUBSTANDARD HOUSING PREFERENCE

- A PHA may adopt an admission preference for families living in substandard housing.
- Housing may be considered substandard if it meets any of the following criteria:
 - The housing is dilapidated by either of these standards:
 - It does not provide safe and adequate shelter and endangers the health, safety, or well-being of the resident family.
 - It has one or more critical defects or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding, whether the defects involve original construction or are a result of continued neglect or lack of repair from serious damage to the structure.
 - The housing has one or more of the following deficiencies:
 - No operable indoor plumbing
 - No usable flush toilet inside the unit for the exclusive use of the family
 - No usable bathtub or shower inside the unit for the exclusive use of the family
 - No electricity or inadequate or unsafe electrical service
 - No safe or adequate source of heat (see Notice PIH 2018-19 for the requirements for minimum heating standards in public housing units)
 - No kitchen if the unit should have one
 - The housing has been declared by a government official to be unfit for habitation.

Section 2.7: Preferences

- Homeless families are considered to be living in substandard housing.
 - *A homeless individual or family* is one who lacks a fixed, regular, and adequate nighttime residence and has a primary nighttime residence that is:
 - A supervised public or privately operated shelter designated to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill)
 - An institution that provides temporary residence for individuals intended to be institutionalized
 - A public or private place not designed for or ordinarily used as a regular sleeping accommodation for humans
 - Any individual or family who is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of the children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing are also considered homeless under this definition.

FR Notice 1/4/22

RENT BURDEN PREFERENCE

- The PHA may provide a preference to an applicant family that is paying a disproportionate amount of its monthly income toward rent.
 - For example, the PHA may offer a preference to applicants who are paying more than 50% of their monthly income towards rent and utilities.
- Rent is the actual monthly amount due under a lease or occupancy agreement between a family and current landlord plus utilities not included in rent (purchased by family).

PREFERENCE PROHIBITIONS

- CFR 960.206(3)*
 - HUD Guidance*
 - CFR 960.203(a) and CFR 960.206(a)(1)*
- A PHA may not adopt a preference for admission of:
 - Persons with a specific disability
 - Families who agree to participate in the family self-sufficiency program
- A PHA may not give elderly a preference over families with children in general occupancy units.

USING PREFERENCES TO SELECT APPLICANTS

WEIGHING PREFERENCES

- Industry Practice*
- A PHA must develop a system for applying local preferences in selecting applicants. The methods for applying preferences include:
 - Lumping—all applicants who qualify for any preference are treated equally
 - Aggregating—two preferences outweigh one, three outweigh two, etc.
 - Ranking—ordering by number (applicants who qualify for the first preference are assisted first, etc.)

CERTIFICATION/VERIFICATION OF PREFERENCE

- HUD Guidance*
- At the time of initial application, applicants only need to certify that they are eligible for a preference; they do not have to verify their eligibility.
- Industry Practice*
- Agency policy must describe preference verification procedures and requirements.

NOTICE OF PREFERENCE DENIAL

PH Occ GB p. 38

- The requirement to provide notice of preference denial was eliminated from the HUD regulations when the federal preference language was removed.
- PHAs should document local preference denial and provide the family with a method of disputing the denial.
- When the PHA determines an applicant does not qualify for a local preference, the PHA should provide prompt, written notice of the determination.
- The notice should contain:
 - A brief statement of reasons for the determination, and
 - Notice that the applicant has a right to meet with a PHA representative to review the determination.
- The PHA can decide which PHA representative will meet with the family to discuss the denial of preference.
- Applicants may exercise other rights if they believe they have been discriminated against.
- *Note:* The Public Housing Occupancy Guidebook states that the PHA “must” offer an informal meeting to an applicant who does not qualify for preference
 - References CFR 5.410(g)
 - This section does not exist
 - No regulatory requirement for this
 - Done by most PHAs

Section 2.8 Tenant Selection Policies and Requirements

CFR 960.202(a)(1)

- PHAs are required to adopt written policies for admission of tenants, and these policies are subject to HUD review at any time upon request. Admission policies must be designed:

CFR 960.202(a)(2)(i)

- To provide for income targeting of admissions to extremely low-income families in accordance with the regulations.

CFR 960.202(a)(2)(ii)

- To provide for the deconcentration of poverty and income-mixing in accordance with the PHA Plan regulations.

CFR 960.202(a)(2)(iii)

- To prevent admission of applicants whose habits and practices would be a detriment to other residents and the PHA environment.

CFR 960.202(a)(2)(iv)

- To establish policies which are reasonable and objective for selection among otherwise eligible families.

CFR 960.202(a)(2)(iv) and (v)

- Tenant selection policies must include:
 - Requirements for applications and waiting lists.
 - Policies for verifying factors pertaining to acceptance or rejection of applicants.
 - Policies for transfer of participants between units, projects, and programs. For example, a PHA could develop criteria such as "...has met all previous obligations under current program, including payment of any and all charges due to the PHA."

Section 2.8: Tenant Selection Policies and Requirements

REQUIREMENT TO PUBLICIZE

CFR 960.202(c)

- Selection policies must be duly adopted and publicized by:
 - Posting copies in each office where applications are received, and
 - Furnishing copies to tenants upon request. PHA may furnish for free or provide at the tenant's expense.

INCOME TARGETING

CFR 960.202(b)(1)

- In each fiscal year, at least forty percent of a PHA's new admissions to public housing must have incomes that do not exceed thirty percent of the area median income as published by HUD.
- HUD refers to this income group as extremely low income families.
- *Example:* The following list is in preference order. Select two for Income Targeting.

1.	Very Low Income
2.	Very Low Income
3.	Extremely Low Income
4.	Very Low Income
5.	Low Income
6.	Extremely Low Income
7.	Extremely Low Income

Section 2.8: Tenant Selection Policies and Requirements

FUNGIBILITY

- “Fungibility” is the term HUD now uses to describe the “credits,” or limited extent to which provisions allow targeting requirements in public housing and tenant-based assistance to be interchangeable or *fungible*.

CFR 960.202(b)(2)(i)

- If a PHA also operates a housing choice voucher (HCV) program, and the number of extremely-low income families admitted to the voucher program exceeds the 75 percent targeting requirement for the program, the excess will be credited against the PHA’s basic targeting requirement in the public housing program, for the same fiscal year.
- There are limits on the number of HCV admissions that can be credited against the public housing targeting requirement.

CFR 960.202(b)(2)(ii)

- Fungibility “credits” only can be used to drop the annual requirement for housing extremely low income families below forty percent, by the *least* of the following amounts.

CFR 960.202(b)(2)(ii)(A)

1. Ten percent of public housing waiting list admissions during the PHA fiscal year;

CFR 960.202(b)(2)(ii)(B)

2. Ten percent of the families initially given Section 8 tenant-based assistance during the PHA fiscal year, or

CFR 960.202(b)(2)(ii)(C)

3. The number of families other than extremely low income families who have been admitted to public housing in projects located in census tracts having a poverty rate of thirty percent or more.

Section 2.8: Tenant Selection Policies and Requirements

INCOME MIXING

CFR 903.7(c)(1)

- PHAs should design selection to produce a mix of incomes in public housing developments.

CFR 903.2

- HUD requires the PHA to establish goals which are designed to bring higher income tenants into lower income public housing projects, and bring lower income tenants into higher income public housing projects.
 - The PHA must determine and compare the relative tenant incomes of each development
 - Develop incentives to attract higher-income families into lower-income developments and lower-income families into higher-income developments
 - PHAs must devote appropriate attention to these goals and make any appropriate changes in their site-based admission policies.

DECONCENTRATION OF POVERTY

CFR 903.7(b)

*Rule to Deconcentrate Poverty,
Final Rule, 12/22/00*

BACKGROUND

- Applicable to PHAs with fiscal years commencing on and after October 1, 2001
- Rule applies to applicants to public housing and residents seeking voluntary transfers within public housing developments

APPLICABILITY

CFR 903.2(b)(1)

- Applies to general occupancy (family) public housing developments
 - These are referred to as “covered” developments

Section 2.8: Tenant Selection Policies and Requirements

CFR 903.2(b)(2)

NOT SUBJECT TO DECONCENTRATION REQUIREMENT

- PHAs with under 100 public housing units;
- PHAs which house only elderly persons or persons with disabilities, or both;
- Developments operated by a PHA which consist of only one general occupancy (family) development;
- Developments approved for demolition or for conversion to tenant-based assistance; and
- Developments which include public housing units operated in accordance with a HUD-approved mixed-finance plan using HOPE VI or public housing funds awarded before the effective date of the rule (March 7, 2001).
 - Provided that the PHA certifies (and includes reasons for the certification) as part of its PHA Plan that exemption from the regulation is necessary to honor an existing contractual agreement or be consistent with a mixed-finance plan.

STEPS FOR IMPLEMENTATION

- ***NOTE:** Following is the methodology without adjusting for unit size. PHA may adjust income for unit size in accordance with procedures prescribed by HUD in PIH Notice 2001-4.*

CFR 903.2(c)(1)(i)

Step 1: Determine PHA-wide family income

- Determine on an annual basis the average income of all families residing in developments subject to the deconcentration requirement.
 - PHA may use median income instead of average, provided that PHA includes a written explanation justifying the use of median income in the PHA Plan.

Section 2.8: Tenant Selection Policies and Requirements

CFR 903.2(c)(1)(ii)

Step 2: Determine average income of each development

- Determine the average income of all families residing in each covered development.

CFR 903.2(c)(1)(iii)

Step 3: Determine whether each covered development falls above, within or below the Established Income Range

- The established income range is from 85 to 115 percent (inclusive) of the average family income (the PHA-wide average income for covered developments as defined in Step 1), except that the upper limit shall never be less than the income at which a family would be defined as an extremely low income family under 24 CFR 5.603(b).

*Public Housing Agency Plans:
Deconcentration –
Amendments to Established
Income Range Definition;
Final Rule, Federal Register
8/6/02*

- Final rule published August 6, 2002 revised the definition of the EIR to read:
 - 85 percent of PHA-wide average income to the greater of:
 - 115 percent of PHA-wide average income, or
 - The highest income at which a family would be defined as extremely low income (i.e., the higher of 30 percent of area median or the federal poverty level)
- The final rule ensures that developments with average income at or below the higher of 30 percent of area median or the federal poverty level can not be considered “higher income developments.”
 - Moving lower income families into these developments will not result in deconcentration
 - These developments are included within the EIR

Section 2.8: Tenant Selection Policies and Requirements

CFR 903.2(c)(1)(iv)

Step 4: Determine whether or not developments outside the EIR are consistent with local goals and strategies in PHA Plan

- PHA may explain or justify the income profile for these developments as being consistent with and furthering two sets of goals:
 - Goals of deconcentration of poverty and income mixing (bringing higher income tenants into lower income developments and vice versa); and
 - Local goals and strategies contained in the PHA Plan.

CFR 903.2(c)(1)(iv)

- Elements of explanations or justifications that may satisfy these requirements may include (but are not limited to) the following:

CFR 903.2(c)(1)(iv)(A)

- The covered development or developments are subject to consent decrees or other resident selection and admission plans mandated by court action;

CFR 903.2(c)(1)(iv)(B)

- The covered development or developments are of the PHA's programs, strategies or activities specifically authorized by statute, such as:
 - Mixed finance developments;
 - Homeownership programs;
 - Self-sufficiency strategies; or
 - Other strategies designed to deconcentrate poverty, promote income mixing, increase the incomes of residents, or the income mix is otherwise subject to individual review and approval by HUD;

CFR 903.2(c)(1)(iv)(C)

- The covered development's or developments' size, location and/or configuration promote income deconcentration, such as scattered site or small developments;

CFR 903.2(c)(1)(iv)(D)

- The income characteristics of the covered development or developments are sufficiently explained by other circumstances.

Section 2.8: Tenant Selection Policies and Requirements

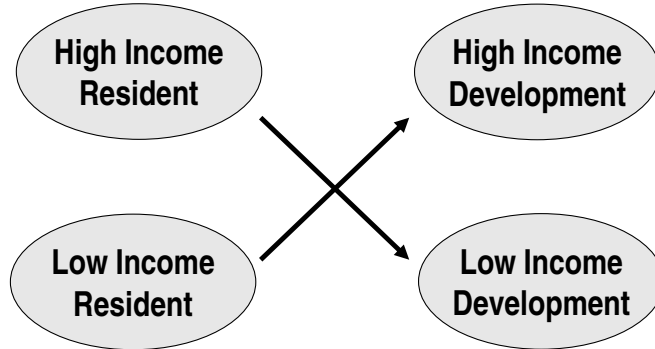
CFR 903.2(c)(1)(v)

Step 5: Determine Deconcentration Policy

- Where the income profile for a covered development is not explained or justified in the PHA Plan, the PHA shall include in its admission policy its specific policy for deconcentration of poverty and income mixing to applicable covered developments.
- The PHA's deconcentration policy may include, but is not limited to:
 - Providing incentives to encourage families with incomes below the EIR to accept units in developments above the EIR or vice versa, including:
 - Rent incentives;
 - Affirmative marketing plans; or
 - Added amenities.
 - Targeting investment and capital improvements;
 - Establishing a preference for admission of working families in developments below the EIR;
 - Skipping a family on the waiting list to reach another family in an effort to further the goals of the PHA's deconcentration policy;
 - Providing other strategies permitted by statute and determined by the PHA in consultation with residents and the community through the PHA Annual Plan process.

Section 2.8: Tenant Selection Policies and Requirements

The “X Factor” Concept



- High income resident to low income development
- Low income resident to high income development

CFR 903.2(c)(2)

DETERMINATION OF COMPLIANCE WITH DECONCENTRATION REQUIREMENT

- HUD will consider a PHA to be in compliance with the deconcentration requirement if:
 - The PHA's income analysis shows that the PHA has no general occupancy (family) developments to which the deconcentration requirements apply;
 - The average incomes of all covered developments are within the EIR;
 - The PHA has covered developments with average incomes above or below the EIR and the PHA provides sufficient explanation in its PHA Plan that supports that the income mix of these development(s) is consistent with and furthers the goal of deconcentration and income mixing, and the PHA therefore need not take further action to deconcentrate poverty; or
 - The PHA's deconcentration policy provides specific strategies the PHA will take that can be expected to promote deconcentration of poverty and income mixing.

Section 2.8: Tenant Selection Policies and Requirements

CFR 903.2(c)(4)

OTHER NOTES ON DECONCENTRATION

- A family has the sole discretion whether to accept an offer of a unit made under a PHA's deconcentration policy.
 - The PHA may not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy.
 - In accordance with PHA policies, the PHA may uniformly limit the number of offers received by applicants.

CFR 903.2(c)(5)

- Nothing in the deconcentration rule relieves a PHA of the obligation to meet the income targeting requirement.

Section 2.9 Evaluating Full Eligibility

FULL APPLICATION STAGE

- When family is close to top of waiting list (close to unit offer), the PHA conducts an in-depth interview with the family in order to determine if they are eligible for admission to public housing.
- *CFR 960.201(a)* PHA verifies and/or documents:
 - Type of family
 - Income/assets of all family members
 - Appropriate allowances and/or deductions
- *CFR 960.206(a)*
 - Local preference claims
 - Documentation required by local PHA policy
- *CFR 5.216*
 - Social Security numbers for all household members, except noncontending persons
- *CFR 5.512*
 - Citizenship or immigration status of all family members
- *CFR 960.203(c)* In addition, the PHA must determine if the family is “suitable” in accordance with its tenant selection criteria.
- *HUD Guidance* Because the tenant selection and verification process may take up to 90 days to complete, PHAs should schedule applicant interviews well in advance of when a unit will be available.

Section 2.9: Evaluating Full Eligibility

HUD Guidance

- When selected from the waiting list, the family should be interviewed by the PHA, and a detailed application completed.

HUD Guidance

- The PHA should provide applicants enough notice that they can gather any preliminary documentation requested and arrange their schedule to attend the interview.

HUD Guidance

- PHAs should state in their ACO Policy how they will treat applicants who reach the top of the waiting list in one bedroom size, but need a different unit size.

HUD Guidance

- Examples:
 - If there has been a change in family composition, place the family on the waiting list of the appropriate bedroom size in the order they would have been on that list based upon the date of application and applicable preferences.
 - If the PHA made a mistake in the original bedroom size designation, the PHA should offer family the next appropriate size unit.

CFR 8.6

- PHA should provide materials or assistance for sight-impaired and hearing-impaired persons, when requested.

APPLICATION INQUIRIES

CFR 100.202(c)

- Generally, PHA may not inquire if an applicant, a person residing or intending to reside with an applicant, or any person associated with an applicant is a person with a disability or inquire as to the nature or severity of the disability.
- PHA must make inquiries only about the nature and severity of a disability to the extent necessary to determine whether a family qualifies for any deduction or preference or needs a reasonable accommodation.

CFR 100.202(c)

- PHA may make inquiries to determine applicant's eligibility, level of benefits, and suitability for tenancy provided such inquiries are made of all applicants whether or not they appear to be persons with disabilities.
- This includes:

CFR 100.202(c)

- Inquiring whether an applicant is a current illegal abuser or addict of a controlled substance or is currently engaging in the illegal use of drugs.
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.
- Inquiring to determine if applicant is qualified for unit available only to persons with disabilities, such as an independent group residence or project serving frail elderly.
- Inquiring to determine if applicant is entitled to priority for specially designed unit, such as barrier-free.
- Inquiring to verify individual's disability to determine whether "reasonable accommodation" in rules, practices, or services requested by an applicant with a disability may be necessary.

Section 2.9: Evaluating Full Eligibility

CFR 110.10(a)(2)

- PHAs must prominently display a Fair Housing poster at:
 - Any office where applications are taken
 - (For public housing) every project building except single-family dwellings

APPLICANT INTERVIEWS

HUD Guidance

- The interviewer should:
 - Explain the program to the applicant, including the family's responsibilities while receiving assistance.
 - Collect the documentation the applicant brings to the interview and give clear instructions and deadlines for additional information needed to complete the application process.
 - Assist the applicant in completing the required forms, and obtain the applicant's authorization to verify the information provided.
 - Determine on a preliminary basis whether the applicant is eligible.
 - Inform the applicant that a final eligibility determination will be made when the information provided is verified.

CFR 960.208

- If, as a result of the interview, the applicant is determined ineligible, the applicant must be informed in writing of the reasons for the determination.

CFR 960.208

- The notice must state:
 - The reasons why the applicant is ineligible; and
 - That the applicant may request an informal hearing.

HUD Guidance

- Applicants who appear to be eligible must sign the necessary verification consent forms and be encouraged to assist in the verification process by asking employers or other parties to return the forms to the PHA in the time period specified by the PHA.

INTERVIEW FORMS

AUTHORIZATION FOR RELEASE OF INFORMATION/PRIVACY ACT NOTICE (FORM HUD-9886-A)

CFR 5.230
HUD-50058 IB, p. 2

24 CFR 5.230(b)(2)

- Form HUD-9886-A, Authorization for Release of Information/Privacy Act Notice, is a consent form that all adult family members (including the head and spouse, regardless of age) must sign.
- HOTMA removed the requirement for participants to sign and submit the Form HUD-9886-A at every annual reexamination.
- On or after January 1, 2024, current program participants must sign the Form HUD-9886-A at the next interim or regularly scheduled reexamination. After all applicants or participants over the age of 18 in a family have signed a consent form once on or after January 1, 2024, family members do not need to sign and submit subsequent consent forms at the next annual or interim reexamination except:
 - When any person 18 or older becomes a member of the family
 - When a family member turns 18 years of age
 - As required by HUD or in the PHA administrative instructions
- The PHA has the discretion to establish policies around when family members must sign consent forms when they turn 18. PHAs must establish these policies stating when family members will be required to sign consent forms at intervals other than at reexamination.
 - The executed form remains effective until:
 - The family is denied assistance, or
 - Assistance is terminated, or
 - The family provides written notification to the PHA to revoke consent

Section 2.9: Evaluating Full Eligibility

EIV User's Manual

- PHA staff may not view information available through HUD's EIV system unless there is a signed Form HUD 9886-A in the household's file.
- Form HUD-9886-A authorizes both HUD and PHAs to obtain:
 - Information about wages and unemployment compensation from state wage information collection agencies (SWICAs)
 - Information about salary and wages from current and former employers
 - Information about unearned income from financial institutions

HUD-9886-A

- In addition, Form HUD-9886-A authorizes HUD alone to obtain:
 - Information about wages, self-employment income, and payments of retirement income from the Social Security Administration (SSA)
 - Information about unearned income from the Internal Revenue Service (IRS)
- Form HUD-9886-A may be used only for the purposes specified on the form.
- PHAs must generate other types of consent forms to verify items not covered under the Form HUD-9886-A.

24 CFR 5.323(c)

- While the family is obligated to release information to the PHA, this does not apply if the applicant or participant, or any member of the assistance applicant's or participant's family revokes their consent with respect to the ability of the PHA to access financial records from financial institutions, unless the PHA establishes a policy that revocation of consent to access financial records will result in denial or termination of assistance or admission.

CFR 5.232

Penalties for Failing to Sign Consent Forms

- If any member of an applicant family does not sign and submit the consent form as required, the PHA shall deny assistance and admission to public housing.

PERSONAL DECLARATION FORM

- The HUD Office of Inspector General (OIG) suggests using a personal declaration form at all (re)certification interviews.
 - Such a form is a statement in the tenant's own handwriting
 - Head of household should complete prior to (re)certification interview
 - Interviewer should review form for completeness before continuing interview

Authorization for the Release of Information/Privacy Act Notice to the U.S. Department of Housing and Urban Development and the Housing Agency/Authority (HA)

U.S. Department of Housing and Urban Development, Office of Public and Indian Housing

PHA or IHA requesting release of information (full address, name of contact person, and date):

Authority: Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, as amended by Section 903 of the Housing and Community Development Act of 1992 and Section 3003 of the Omnibus Budget Reconciliation Act of 1993. This law is found at 42 U.S.C. 3544. This law requires you to sign a consent form authorizing: (1) HUD, and the Housing Agency/Authority (HA) to request verification of salary and wages from current or previous employers; (2) HUD and the HA to request wage and unemployment compensation claim information from the state agency responsible for keeping that information; and (3) HUD to request certain tax return information from the U.S. Social Security Administration and the U.S. Internal Revenue Service.

Section 104 of the Housing Opportunity and Modernization Act of 2016. The relevant provisions are found at 42 U.S.C. 1437n. This law requires you to sign a consent form authorizing the HA to request verification of any financial record from any financial institutions as defined in the Right to Financial Privacy Act (12 U.S.C. 3401)), whenever the HA determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits.

Purpose: In signing this consent form, you are authorizing HUD and the above-named HA to request income information from the sources listed on the form. HUD and the HA need this information to verify your household's income, in order to ensure that you are eligible for assisted housing benefits and that these benefits are set at the correct level. HUD and the HA may participate in computer matching programs with these sources in order to verify your eligibility and level of benefits.

Uses of Information to be Obtained: HUD is required to protect the income information it obtains in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. HUD may disclose information (other than tax return information) for certain routine uses, such as to other government agencies for law enforcement purposes, to Federal agencies for employment suitability purposes and to HAs for the purpose of determining housing assistance. The HA is also required to protect the income information it obtains in accordance with any applicable State privacy law. HUD and HA employees may be subject to penalties for unauthorized disclosures or improper uses of the income information that is obtained based on the consent form.

Private owners may not request or receive information authorized by this form.

Who Must Sign the Consent Form: Each member of your family who is 18 years of age or older must sign the consent form. Additional signatures must be obtained from new adult members joining the family or whenever members of the family become 18 years of age.

Persons who apply for or receive assistance under the following programs are required to sign this consent form:

Public Housing
Housing Choice Voucher
Section 8 Moderate Rehabilitation

Failure to Sign Consent Form: Your failure to sign the consent form may result in the denial of eligibility or termination of assisted housing benefits, or both. Denial of eligibility or termination of benefits is subject to the HA's grievance procedures and Section 8 informal hearing procedures.

Revocation of consent: If you revoke consent, the PHA will be unable to verify your information, although the data matches between HUD and other agencies will continue to automatically occur in the Enterprise Income Verification (EIV) System if the family is not terminated from the program.

Sources of Information to be Obtained

State Wage Information Collection Agencies. (This consent is limited to wages and unemployment compensation I have received when I have received assisted housing benefits.)

U.S. Social Security Administration (HUD only) (This consent is limited to the wage and self-employment information and payments of retirement income as referenced at Section 6103(l)(7)(A) of the Internal Revenue Code.)

U.S. Internal Revenue Service (HUD only) (This consent is limited to unearned income [i.e., interest and dividends].)

Information may also be obtained directly from: (a) current and former employers concerning salary and wages; and (b) financial institutions as defined in the Right to Financial Privacy Act (12 U.S.C. 3401), whenever the HA determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits. I understand that income information obtained from these sources will be used to verify information that I provide in determining eligibility for assisted housing programs and the level of benefits. Therefore, this consent form only authorizes release directly from employers and financial institutions of information.

Consent: I consent to allow HUD or the HA to request and obtain income information from the sources listed on this form for the purpose of verifying my eligibility and level of benefits under HUD's assisted housing programs. I understand that HAS that receive income information under this consent form cannot use it to deny, reduce or terminate assistance without first independently verifying what the amount was, whether I actually had access to the funds and when the funds were received. In addition, I must be given an opportunity to contest those determinations.

This consent form remains effective until the earliest of (i) the rendering of a final adverse decision for an assistance applicant; (ii) the cessation of a participant's eligibility for assistance from HUD and the PHA; or (iii) The express revocation by the assistance applicant or recipient (or applicable family member) of the authorization, in a written notification to HUD or the PHA.

Signatures:

Head of Household		Date	
Social Security Number (if any) of Head of Household		Other Family Member over age 18	Date
Spouse	Date	Other Family Member over age 18	Date
Other Family Member over age 18	Date	Other Family Member over age 18	Date
Other Family Member over age 18	Date	Other Family Member over age 18	Date

Privacy Advisory. Authority: The Department of Housing and Urban Development (HUD) is authorized to collect this information by the U.S. Housing Act of 1937 (42 U.S.C. 1437 et. seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and by the Fair Housing Act (42 U.S.C. 3601-19). Purpose: This form authorizes HUD and the above-named HA to request income information to verify your household's income in order to ensure that you are eligible for assisted housing benefits and that these benefits are set at the correct level. Failure to provide any of the requested information may result in a delay or rejection of your eligibility approval.

Penalties for Misusing this Consent: HUD and the HA (or any employee of HUD or the HA) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on the form HUD 9886 is restricted to the purposes cited on the form HUD 9886. Any person who knowingly or willfully requests, obtains, or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD or the HA for the unauthorized disclosure or improper use.

OMB Burden Statement. The public reporting burden for this information collection is estimated to be 0.16 hours for new admissions and .08 hours for household members turning 19, including the time for reviewing, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Collection of information income and assets is required for program eligibility determination purposes. The submission of the consent form is necessary (form-HUD 9886) so that PHAs can carry out the requirements of Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, as amended by Section 903 of the Housing and Community Development Act of 1992 and Section 3003 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 3544) and Section 104 of HOTMA to ensure that HUD and PHAs can verify eligibility and income information for applicants and participants. This information collection is protected from disclosure by the Privacy Act. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to the Office of Public and Indian Housing, US. Department of Housing and Urban Development, Washington, DC 20410. When providing comments, please refer to OMB Approval No. 2577-0295. HUD may not conduct and sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Section 2.10 Suitability

- The PHA should fairly and objectively determine whether the family will be a suitable tenant.

STANDARDS FOR PERSONS JOINING A RESIDENT FAMILY

- The same standards of tenant suitability used for applicants should be used for a person or persons joining a family already in occupancy.
- The PHA should determine that the person meets its standards prior to adding that person's name to the family's lease.

CFR 960.203(a)

PROHIBITED SELECTION CRITERIA

- Tenant selection criteria and information to be considered must be reasonably related to individual attributes and behavior of an applicant.
 - NOT related to those which may be imputed to a particular group or category of persons of which an applicant may be a member.
- Admission to the program must never be based on:
(Note: Regulatory for HCV; safe harbor for PH)
 - The presence of family members that include the following:
 - Unwed parents
 - Recipients of public assistance
 - Children born out of wedlock
 - The family's decision to participate in a family self-sufficiency (FSS) program

Section 2.10: Suitability

- Admission must never be based upon the following protected classes:
 - Age, race, color, religion, sex or national origin
 - Families with children (familial status)
 - Persons with disabilities

HB 7465.1, para. 3-2(b)

- PHAs may not require that:
 - Applicants have a minimum income
 - Applicants work
 - Eligible families apply for welfare or other benefit programs

ALLOWABLE SELECTION CRITERIA

- The primary objective of the PHA is to avoid a concentration of families with serious social problems in PHA developments
- Normal screening should look at past conduct as an indicator of future conduct.
 - The PHA should ask itself what the likelihood is that past or present behavior will continue if the family is housed in public housing.
 - Will the family's behavior in present or prior housing have an adverse affect on:
 - The health, safety, or welfare of others
 - The peaceful enjoyment of the premises by others
 - The physical environment of the development
 - The financial condition of the development

CFR 960.205(b) & HB 7465.1, para. 4-1(a)(2)

Section 2.10: Suitability

CFR 960.203(c)

- It is a statutory requirement that PHAs be assessed under PHAS for screening applicants. PHAs that have adopted policies, implemented procedures, and can document that they successfully screen out and deny admission to applicants with certain drug and other criminal histories receive PHAS points.
 - Under the current interim PHAS rule, effective March 25, 2011, this component will be reviewed but not scored until the final PHAS rule is published.
- The PHA should determine whether the family has a history of:
 - Not meeting financial obligations, especially rent
 - A lack of credit history has no bearing on eligibility
 - Disturbing neighbors
 - Destroying property
 - Living or housekeeping habits which could adversely affect the health, safety, or welfare of other tenants
 - Criminal activity, especially involving violence toward persons or property and drug-related criminal activity
- Applicants should be informed about what aspects of their background will be checked.

DENIAL OF ADMISSION

- In considering the elements discussed below, the PHA's focus should *not* be on whether the applicant or tenant happens to have a disability.

SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

- On May 24, 2001, HUD released the Final Rule on "Screening and Eviction for Drug Abuse and Other Criminal Activity."
 - The effective date is June 25, 2001.
- Up until the Final Rule was published, the Proposed Rule's provisions, referred to as "One Strike," were in effect as of October 1, 1999, based on QHWRA Guidance and instructions issued by HUD on December 22, 1999.
- The Final Rule does not include the term "one strike."
- The purpose of the Screening and Eviction Final Rule is to provide PHAs with tools to adopt and implement fair, effective and comprehensive policies for screening out applicants who engage in illegal drug use or other criminal activity.
- HUD clarifies the distinction between denial actions that are mandated and those that are permitted for PHAs.

REQUIRED DENIAL OF ADMISSION

CFR 960.204(a)

- PHA denial is *required* for the following persons:

CFR 960.204(a)(1)

1. Persons evicted for drug-related criminal activity

- PHA standards must prohibit admission of an applicant to public housing for three years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity.
 - *Drug-related criminal activity* means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.
- However, the PHA may admit the family if the PHA determines:
 - The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or
 - The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).

CFR 960.204(a)(2)

2. Persons engaging in illegal use of a drug

- The PHA must establish standards that prohibit admission of a family to the PHA's public housing program if:
 - The PHA determines that any household member is currently engaging in illegal use of a drug; or
 - The PHA determines that it has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.

CFR 960.204(a)(3)

3. Persons convicted of methamphetamine production

- The PHA must establish standards that permanently prohibit admission to public housing if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

CFR 960.204(a)(4)

4. Persons subject to lifetime sex offender registration requirement

- The PHA must establish standards that prohibit admission to public housing if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.
 - PHAs may only create policies that permanently deny admission to sex offenders subject to lifetime registration requirements as per the regulatory requirements, and may not implement policies that automatically deny admission to applicants for the duration of their sex offender registration requirement, regardless of circumstances, if it is less than life.
- In the screening of applicants, the PHA must perform necessary criminal history background checks in the state where the housing is located and in other states where household members are known to have resided.
 - Notice PIH 2012-28 specifies how this requirement can be fulfilled. Which ever method the PHA chooses must be included in its admissions and continued occupancy policy.
- Should the process reveal an applicant's household includes an individual subject to a state lifetime registered sex offender registration, the PHA must offer the family the opportunity to remove that individual from the household.

*HUD FAQs on Notice
PIH 2012-28*

Notice PIH 2012-28

CFR 960.204(b)

5. Persons that abuse or show a pattern of abuse of alcohol

- The PHA must establish standards that prohibit admission to public housing if the PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.
- Remember: Simple abuse of alcohol is not grounds for denial of admission or eviction.
- There are two circumstances under which a family is ineligible for the program based on asset ownership.
 - First, assistance may not be provided to any family if the family's net assets exceed an amount that is adjusted annually by HUD. For 2024, the amount is \$100,000. For 2025, the amount increased to \$103,200.
 - Second, the family has real property that is suitable for occupancy by the family as a residence and the family has:
 - A present ownership interest in the real property;
 - A legal right to reside in the real property; and
 - The effective legal authority to sell (based on State or local laws of the jurisdiction where the property is located) the real property.

STANDARDS FOR PHA TENANT SELECTION CRITERIA

- HUD does not impair existing authority of the PHA to deny admission for criminal activity:
 - Other than that specified in the rule, or
 - Which has taken place at times other than those specified.
- The PHA may also deny admission to applicants who currently owe rent or other amounts to the PHA in connection with public housing or Section 8 programs.

HB 7465.1, para. 4-1(a)(3)

Section 2.10: Suitability

HB 7465.1, para. 4-1(b)(6)

- Collection alternatives may be offered in lieu of denial with a specific timetable for repayment incorporated into the lease.

CFR 960.203(d)

- In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to:
 - The time, nature and extent of the applicant's conduct including the seriousness of the offense.
 - In a manner consistent with the PHA's policies, procedures and practices of this section, consideration may be given to factors which might indicate a reasonable probability of favorable future conduct, for example:
 - Evidence of rehabilitation; and
 - Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs.

HB 7465.1, para. 4-1(b)(4)

- Home visits and interviews provide valuable information for making determination of suitability for tenancy.

HUD Guidance

- A family who has a mixed credit record, or one good and one bad prior reference from a landlord, would be an example of when a home visit would be helpful.
- Home visits may not be useful for families who do not live alone while on the waiting list.
- The Public Housing Occupancy Guidebook provides some sample forms for families who are not living independently.
 - Verification of Ability to Comply with Lease Terms (third party completes)
 - PHA Checklist – Ability to Comply with Lease Terms (applicant completes)

Section 2.10: Suitability

HUD Guidance

- The PHA could consider cases in which the family is likely to improve its financial situation because:
 - Its rent will be lower once it is admitted; or
 - It is participating in a job training program or has improved job prospects which will probably result in higher family income.

HUD Guidance

- Applicant's behavior toward PHA staff should be considered in relation to future behavior toward neighbors
 - Physical or verbal abuse or threats
 - May be basis for denial
- PHA should run criminal background check for all jurisdictions where family lived for at least the last three years.
- Ability to comply with lease terms
 - Some PHAs require additional check for elderly and disabled families only
 - Unlawful violation of civil rights
 - Assumption based on membership in protected class rather than individual attributes
- The final determination should take into consideration that when a marginal applicant is admitted, an applicant who clearly meets the standards is not admitted.
- In screening with respect to criminal activity:
 - The PHA may require an applicant to exclude a household member in order to be admitted to the housing program, where that household member has participated in or been culpable for actions that warrants denial.
 - The PHA may, where a statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.

HEADING ARREST RECORDS

Notice PIH 2015-19

- An arrest alone is not proof that an applicant has engaged in disqualifying criminal activity and therefore may not be used as the basis for a denial. The mere fact that someone has been arrested does not itself prove that the individual engaged in criminal activity. However, if evidence of an arrest is found as part of the eligibility determination, the PHA may consider other factors and circumstances surrounding the arrest as the basis for the denial. While HUD has stated that it may be advisable to wait until the arrest disposition, PHAs may continue to obtain and review police reports, records of disposition of any criminal charges, and/or other evidence associated with the arrest in order to make a termination determination. Further, HUD's Office of General Counsel has stated that blanket denial policies may be discriminatory under the Fair Housing Act since these policies fail to consider the nature, severity, and the recency of the circumstances surrounding the arrest or conviction.

CONSIDERATION OF REHABILITATION

CFR 960.203(d)(2)

- In determining whether to deny admission for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the PHA may consider:
 - Whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or
 - Has otherwise been rehabilitated successfully.

- For this purpose, the PHA may require the applicant to submit evidence or documentation.
- If rehabilitation is not an element of the eligibility determination, the PHA may choose not to consider whether the person has been rehabilitated.

DRUG USE BY APPLICANTS; OBTAINING INFORMATION FROM DRUG TREATMENT FACILITY

CFR 960.205(b)

Definitions

- *Currently engaging in illegal use of a drug:* Illegal use of a drug occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.
 - PHA policy must define “recent”
- *Drug abuse treatment facility:* An entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use and is either an identified unit within a general care facility, or an entity other than a general medical care facility.

Authorization by Household Member for PHA to Receive Information from a Drug Abuse Treatment Facility

CFR 960.205(c)

- The PHA may require each applicant to submit for all household members who are at least 18 years of age, and for each family head or spouse regardless of age, one or more consent forms signed by such household member that:
 - Requests any drug abuse treatment facility to inform the PHA only whether the facility has reasonable cause to believe that the household member is currently engaging in illegal drug use
 - Complies with the form of written consent

Section 2.10: Suitability

- Authorizes the PHA to receive such information from the drug abuse treatment facility, and to utilize such information in determining whether to prohibit admission to the household member
- The consent form submitted for a proposed household member must expire automatically after the PHA has made a final decision to either approve or deny the admission of the person.

PHA Request for Information from Drug Use Treatment Facility

CFR 960.205(d)

- The PHA may request that a drug abuse treatment facility disclose whether the facility has reasonable cause to believe that the proposed household member is currently engaging in the illegal use of a drug.
 - The PHA's request to the facility must include a copy of the consent form signed by the proposed household member.
 - A drug abuse treatment facility is not liable for damages based on any information required to be disclosed under this provision if such disclosure is consistent with section 543 of the Public Health Service Act.
 - The PHA is not obligated to request information from a drug treatment facility, and is not liable for damages for failing to request or receive such information.
 - A drug abuse treatment facility may charge the PHA a reasonable fee for information provided.

Prohibition of Discriminatory Treatment of Applicants

CFR 960.205(e)

- A PHA may request information from a drug abuse treatment facility only if the PHA has adopted and has consistently implemented either of the following policies, obtaining a signed consent form from the proposed household members:
- **Policy A – Request for all families:**
 - Under Policy A, the PHA must submit a request for information to a drug abuse treatment facility before admitting any family to public housing. For each such family, the request must be submitted for each proposed household member.
- **Policy B – request for certain household members:**
 - Under Policy B, the PHA must submit a request to a drug abuse treatment facility only with respect to each proposed household member:
 - Whose criminal record indicates prior arrest or conviction for any criminal activity that may be a basis for denial of admission; or
 - Whose prior tenancy records indicate that the proposed household member:
 - Engaged in the destruction of property;
 - Engaged in violent activity against another person; or
 - Interfered with the right of peaceful enjoyment of the premises of other residents.

Confidentiality of Information

CFR 960.205(f)

- Each PHA that receives information from a drug abuse treatment facility must establish and implement a system of records management that ensures that any information which the PHA receives from the facility about a person:
 - Is maintained confidentially
 - Is not misused or improperly disseminated
 - Is destroyed, as applicable:
 - Not later than 5 business days after the PHA makes a final decision to admit the person; or
 - If the PHA denies the admission of such person as a household member, in a timely manner after the date on which the statute of limitations for the commencement of a civil action based on that denial has expired.

PHA ACCESS TO CRIMINAL RECORDS AND INFORMATION

- Although the regulations provide a mechanism for obtaining access to criminal records, HUD recognizes that many PHAs use other means of obtaining that information.
- HUD regulations do not affect those other means.
 - HUD cautions PHAs to handle any information obtained about criminal records in accordance with applicable state and federal privacy laws and with the provisions of the consent forms signed by applicants.

Special Authority

CFR 5.903

- The “Screening and Eviction Final Rule” authorizes PHAs to obtain criminal records from a law enforcement agency to screen applicants for admission to public housing.
 - *Law enforcement agency* is defined as the National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records.
- Other definitions relating to access of records:
 - *Adult* is a person who is 18 years of age or older or who has been convicted of a crime as an adult under any federal, state, or tribal law.
 - *Responsible entity* means a PHA administering a public housing program under an annual contributions contract with HUD.
- To obtain records under the authority of 24 CFR 5.903, PHAs must require that every applicant family submit a consent form and that the form be signed by each adult household member.
- Following a PHA request, a law enforcement agency:
 - Must send promptly to the PHA a certified copy of any criminal conviction records concerning the household member that the law enforcement agency has possession of or control over
 - May charge the PHA a reasonable fee for releasing the criminal conviction records
- A PHA may not pass along to an applicant the costs of a criminal records check.

Permitted Use and Disclosure

CFR 5.903(e)

- PHAs are permitted to use criminal records obtained under the authority of 24 CFR 5.903 only for:
 - Applicant screening
 - Lease enforcement and eviction of public housing residents
- A PHA may disclose the criminal records that it receives from a law enforcement agency under the authority of 24 CFR 5.903 only to:
 - Officers or employees of the PHA
 - Authorized representatives of the PHA with a job-related need to access the information (for example, a PHA hearing officer conducting an administrative grievance hearing concerning a proposed eviction)
- If disclosure of criminal records obtained under the authority of 24 CFR 5.903 is necessary in connection with judicial proceedings, a PHA is not responsible for controlling access to or knowledge of the records after the disclosure.

Opportunity to Dispute

CFR 5.903(f), CFR 960.204(c)

- If a PHA's decision to deny admission to an applicant, enforce a lease, or evict a tenant is based on criminal record information, the PHA must notify the household of the proposed action and:
 - Supply the subject of the record and the applicant or tenant with a copy of the information
 - Provide the opportunity for the subject and the applicant or tenant to dispute the accuracy and relevance of the information before the denial or eviction action

Records Management

CFR 5.903(g)

- PHAs must have a system of records management that ensures that criminal records received from a law enforcement agency under the authority of 24 CFR 5.903 are:
 - Maintained confidentially
 - Not misused or improperly disseminated
 - Destroyed once the purpose for which the records were requested has been accomplished, including expiration of the period for filing a challenge to the PHA action or final disposition of litigation

Improper Release and Civil Liability

CFR 5.903(h)

- HUD regulations under 24 CFR 5.903 provide for conviction for a misdemeanor and fine of not more than \$5000 for:
 - Any person who knowingly and willfully requests or obtains criminal records information under false pretenses
 - Any person who knowingly and willfully discloses criminal records information to any individual not entitled under law to received the information
- A PHA may be liable to applicants or tenants affected by:
 - Negligent or knowing disclosure of criminal records information obtained by an officer, employee, or authorized representative if the disclosure is not authorized by the regulations
 - Any other negligent or knowing action inconsistent with applicable regulations
- Applicants or tenants may bring civil action for damages.

Special Authority to Access Sex Offender Registration Information

CFR 5.905

- A PHA that administers public housing under an annual contributions contract (ACC) with HUD must carry out background checks necessary to determine whether applicants are subject to a state sex offender registration program.
- The background checks must be carried out in the state where the housing is located and in states where the household members are known to have resided.

Notice PIH 2012-28

- With regard to this requirement, Notice PIH 2012-28 states explicitly that applicants for admission into HUD-assisted housing programs must provide a complete list of all states in which any household member has resided.
- Alternatively, PHAs may use a national database covering sex offender registries in all states, such as the Dru Sjodin National Sex Offender Database, in lieu of asking for a complete list of states on the application.
 - The Dru Sjodin National Sex Offender Database can be found on the Web at: <http://www.nsopw.gov>
- The PHA must state which of the two methods listed above it will use in its admissions and continued occupancy policy.
- The state or local agency that collects and is responsible for sex offender registration information must provide a PHA with requested information in a prompt manner.
- The state or local agency providing sex offender registration information to a PHA may charge a reasonable fee for the service.

Section 2.10: Suitability

- The same requirements for access to criminal records apply to sex offender registration information regarding:
 - Records management
 - PHA obligation to notify the household
 - PHA obligation to provide a copy of the information to the subject of the record and the applicant or tenant
 - Household opportunity to dispute the information
- The records management requirements for sex offender registration information do not apply to information that is considered public or that is obtained by a PHA other than under the authority of 24 CFR 5.905.

ADMISSION OF APPLICANTS WITH DISABILITIES

CFR 100.204(a)

- Applicants with disabilities who do not meet PHA's criteria for suitability for tenancy must be admitted if applicant can meet PHA's criteria for suitability through "reasonable accommodations."

HUD Guidance

- Do NOT require a physical examination as a condition of admission.
- Do NOT impose conditional leases requiring persons with disabilities to participate in supportive activities.
- If applicant cannot provide customary information requested such as landlord references and credit reports, PHA should consider other sources of information:
 - Personal references
 - Institutions where applicant has lived
 - Doctors
 - Therapists and service agency personnel

Section 2.10: Suitability

HB 7465.1, para. 4-2(a)(6)

- Objectionable behavior that impacts on a disabled applicant's ability to fulfill essential lease obligations may be basis for rejection if such behavior cannot be corrected by "reasonable accommodations" even if the behavior is related to the disability. These may include:
 - Failure to pay rent
 - Disturbing neighbors
 - Destroying property
 - Living or housekeeping habits adversely affecting the health, safety, or welfare of other tenants

NOTICE TO INELIGIBLE APPLICANTS

- If applicant is determined ineligible, they must be provided prompt notice of this determination.
- The notice must state:
 - Reason(s) why ineligible;
 - That applicant may request informal hearing.

INFORMAL HEARINGS

- The purpose of the hearing is to:
 - Resolve applicant disputes with the PHA without legal action, and
 - Correct PHA errors.

CFR 960.208

- Families must be notified of their right to an informal hearing when the PHA determines they are ineligible for admission.
- All hearings should be conducted by a non-involved person designated by the PHA who must be someone other than those who made or approved the decision.
- Hearings may be conducted in-person or remotely, depending on PHA policy. See Notice PIH 2020-32 for the requirements regarding conducting remote informal hearings.

Section 2.10: Suitability

CFR 960.208

- PHAs have latitude in establishing reasonable timeframes for families to request a hearing as well as the timeframe for the PHA's final determination.

HUD Guidance

- Examples of reasonable timeframes would be to:
 - Allow the family seven to ten calendar or working days to request a review/hearing, and
 - Allow the PHA 14 calendar days to issue a final decision following the review/hearing.

HUD Guidance

- Statements should be:
 - Carefully worded to avoid unnecessary questioning of every PHA decision, and
 - Clearly stated so that the family knows which decisions they have a right to appeal and which they do not.
- PHAs need to carefully select a qualified and impartial person to conduct the hearing.
- If the original decision is made by a high-ranking official within the PHA, the PHA may have difficulty finding an appropriate person to conduct the hearing.
- Small PHAs should consider using the staff of neighboring PHAs if there are no other available persons.
- The PHA may use the services of an outside mediator.
- Applicants may present oral or written objections to the decision. Applicants may retain counsel or other representative, if desired, at his/her own expense.
- After the hearing is completed, the PHA should promptly notify the applicant in writing of the final decision and state the reasons for its determination.
- All requests for a hearing, supporting documentation, and copy of the final decision must be retained in the family's file.

Section 2.10: Suitability

- HB 7465.1, para. 4-4(a)(2)*
 - A PHA may determine that:
 - The applicant is ineligible, or
 - The PHA does not have an appropriate size and type of unit in its inventory
- HB 7465.1, para. 4-4(a)(3)*
 - The grievance procedures for public housing tenants do not apply to PHA determinations affecting applicants.
- HB 7465.1, para. 4-4(b)(5)*
 - PHAs could consider providing an informal hearing to applicants who disagree with the position they have been given on the waiting list, the size and type of unit they will be offered, or other factors affecting their application.

APPLICANT SELECTION PROCEDURES

- HB 7465.1, para. 5-7(a)(1)*
 - The PHA must offer the unit to an applicant needing that size and type of unit in that type of project.
- HB 7465.1, para. 5-7(a)(1)*
 - The PHA must make the offer in sequence, until someone accepts it, in order of priority, based on the tenant selection plan and date and time, using the local preference list.
 - PHAs can match characteristics of the family with the types of units available (for example, number of bedrooms).
 - PHAs must give preference to families that include person(s) with disabilities for units with special accessibility features.
- HB 7465.1, para. 5-7(a)(2)*
 - The PHA must adopt procedures limiting the duration of a vacancy, due to turnover, to the minimum amount of time necessary.

Section 2.10: Suitability

HB 7465.1, para. 5-7(a)(3)

- Each PHA must follow its tenant selection plan, adopted by the PHA and approved by HUD, which describes the PHA's offer system and the procedures for dropping applicants who refuse the offers to the bottom of the waiting list.

HUD Guidance received verbally 9/1/99

- The PHA must specify an offer system and include it in the Admissions & Continued Occupancy Policy and in the PHA's Agency Plan.
- PHA policy determines the number of days an applicant can consider a unit offer.

SITE-BASED WAITING LISTS

- The Admissions and Continued Occupancy Policy should define how offers are made on site-based waiting lists.

NON-SITE-BASED WAITING LISTS

- The following plans are examples of PHA offer systems.

Plan A (1 Offer Plan)

HB 7465.1, para. 5-7(a)(4)(a)

- This plan is NOT based on the distribution of vacancies in the PHA's projects.

HB 7465.1, para. 5-7(a)(4)(a)

- The applicant is offered a suitable unit. If the applicant refuses it, their name goes to the bottom of the waiting list.

HB 7465.1, para. 5-7(b)(1)

- Only under this plan is an applicant given only one offer before their name goes to the bottom of the waiting list.

Plan B (2-3 Offer Plan)

- HB 7465.1, para. 5-7(a)(4)(b)* • This plan is based on the distribution of vacancies in the PHA's projects.
- HB 7465.1, para. 5-7(a)(4)(b)* • The PHA determines how many locations within its jurisdiction have available units of suitable size and type in the appropriate type or project.
- HB 7465.1, para. 5-7(b)(2)* • The PHA must offer an applicant at least two suitable units before putting the applicant's name on the bottom of the waiting list.
- HB 7465.1, para. 5-7(b)(2)* • The first offer must be rejected before the second offer is made.
- HB 7465.1, para. 5-7(b)(2)* • If there is only one suitable unit available, and the offer is rejected, the applicant maintains the same position on the waiting list until another suitable unit is offered.
- HB 7465.1, para. 5-7(b)(3)* • The PHA may have to make three offers to some applicants, but only two offers to others, depending on the availability of units.
- HB 7465.1, para. 5-7(a)(4)(b)* • If a suitable unit is available in:
 - *3 or more locations:* The applicant may be offered a suitable unit in the location with the highest number of vacancies.
 - If the offer is rejected, the applicant must be offered a suitable unit in the location with the second highest number of vacancies.
 - If that offer is rejected, the applicant must be offered a suitable unit in the location with the third highest number of vacancies.
 - If that offer is rejected, the applicant's name must be put at the bottom of the waiting list.

Section 2.10: Suitability

- **2 locations:** The applicant must be offered a suitable unit in the location with the higher number of vacancies.
 - If the offer is rejected, the applicant must be offered a suitable unit at the other location.
 - If that offer is rejected, the applicant's name must be moved to the bottom of the waiting list.
- **1 location:** The applicant must be offered a suitable unit in that location.
 - If the offer is rejected, the applicant must be offered the next suitable unit that becomes available, whether it is at the same location as the first offer or at another location.
 - If the applicant rejects the second offer, the applicant's name must be put at the bottom of the waiting list.

OFFERS NOT COUNTED

HB 7465.1, para. 5-7(a)(5)

- Under any tenant selection plan, the PHA must maintain a record of the units offered, including location, date, circumstances of each offer, and each rejection or acceptance.

HB 7465.1, para. 5-7(a)(5)

- PHA must note reason(s) for any rejection.

HB 7465.1, para. 5-7(b)(6)

- Any applicant would *not* be considered to have been offered a unit if:

HB 7465.1, para. 5-7(b)(6)(a)

- Unit is not of the proper size and type, and the applicant would be able to reside there only temporarily

HB 7465.1, para. 5-7(b)(6)(b)

- Unit contains lead-based paint, and accepting the offer could result in subjecting the applicant's children under seven (7) years of age to lead-based paint poisoning

Section 2.10: Suitability

HB 7465.1, para. 5-7(b)(6)(c)

- Applicant is unable to move at the time of the offer and presents clear evidence to the PHA's satisfaction, such as:
 - A physician's verification that the applicant has just undergone major surgery and requires a period to recuperate.
 - Court verification that the applicant is serving on a jury which has been sequestered.

HB 7465.1, para. 5-7(b)(6)(d)

- Accepting the offer would result in undue hardship to the applicant not related to consideration of race, color, national origin, or language, such as making employment or day care facilities inaccessible, and the applicant presents clear evidence substantiating this to the PHA's satisfaction.

FURTHER GUIDANCE

HB 7465.1, para. 5-7(b)(7)

- A "location" (site) is not always the same as a project.

HB 7465.1, para. 5-7(b)(7)(a)

- A location may have more than one project.

HB 7465.1, para. 5-7(b)(7)(a)

- HUD defines a site as any common geographic area undivided by natural or man-made barriers (such as rivers, highways, railroads, or other major obstructions) that block or impede normal pedestrian traffic.

HB 7465.1, para. 5-7(b)(7)(b)

- Individual dwelling units in a scattered site project may be grouped and identified as one location if they are within a block of each other.

HB 7465.1, para. 5-7(b)(8)

- The "highest number of vacancies" means:

HB 7465.1, para. 5-7(b)(8)(a)

- Vacancies in units of all sizes and types, not just the size and type the applicant needs.

HB 7465.1, para. 5-7(b)(8)(b)

- The actual number of vacancies, not the number of vacancies as a percentage of all units in that location.

Section 2.10: Suitability

HB 7465.1, para. 5-7(b)(4)

- The PHA may adopt a policy defining “Bottom of the Waiting List” to mean that the family will be denied any preferences for a specified period of time in order to keep the family from coming back to the top of the waiting list too quickly.
- Refusal of unit offer
 - According to the Public Housing Occupancy Guidebook, the PHA may either:
 - Drop applicant to bottom of waiting list by changing date and time of application, OR
 - Remove applicant from waiting list and require re-application
 - Differs from previous HUD guidance

RETENTION OF DOCUMENTS

HB 7465.1, para. 1-3(a)(9)

- PHAs must maintain information on the race, ethnicity, sex, and age of the head of household of all families that submit an application for admission and of all tenants in occupancy.

HB 7465.1, para. 1-3(a)(9) and 1-2(a)

- PHAs must keep in the tenant’s file a copy of each family’s application for admission to public housing.

HB 7465.1, para. 5-7(a)(5)

- Documents must be readily available in the applicant file to indicate when and why the applicant was selected.
- The preapplication should indicate the date and time it was received and the applicant’s preference status.
- The file should contain a dated notice to the applicant of selection for processing and a clear record of units offered, including location, date, circumstances of each offer and each rejection or acceptance.
- The PHA should document why the offer was rejected.

Section 2.10: Suitability

HB 7465.1, para. 1-2(a)

- The PHA must document its determination that an applicant is eligible and meets the PHA's admission standards.
 - The Public Housing Occupancy Guidebook states that PHAs "usually" or "typically" retain withdrawn or rejected applications for three years or until the next HUD occupancy audit
 - Differs from previous HUD guidance
 - Now a PHA policy issue

Learning Activity 2-2: Factors of Eligibility/Denial of Assistance

Based on the criteria below, check whether you must, may, or may not deny admission to public housing according to HUD regulations

Factor	Must	May	May Not
1. The family does not meet the PHA or HUD definition of a 'Family'			
2. The head does not have a SSN			
3. The family does not disclose a SSN for a household member who is a U.S. citizen or eligible noncitizen			
4. A household member is currently engaging in use of an illegal drug			
5. Neither the head nor spouse are U.S. Citizens			
6. No family member is a U.S. Citizen, National or an eligible immigrant			
7. The head has a SSN, but refuses to disclose their number			
8. The family refuses to provide a birth certificate or other PHA-required documentation to verify citizenship			
9. The family's annual income is above the Very-Low Income limit (50% of Area Median)			
10. The family's annual income is above the Low-Income limit (80% of Area Median)			
11. The family has history of disturbing neighbors and destroying property			
12. A household member subject to a lifetime sex offender requirement			

Public Housing Eligibility

Eligibility

Section 2.10: Suitability

Factor	Must	May	May Not
13. The family has no income and refuses to work			
14. The family has children below the age of 18			
15. A household member convicted for methamphetamine production on the premises of federally assisted housing			
16. A family member cannot live independently			
17. A family member has been convicted for selling marijuana while living in federally assisted housing			
18. Family currently owes rent/other amounts to any PHA under Section 8/PH programs			
19. The family refuses to sign consent forms			
20. A household member demonstrates a pattern of alcohol abuse that threatens the health, safety, or right to peaceful enjoyment of other residents on the premises			
21. The family receives TANF benefits			
22. The family has a history of not meeting its financial obligations			

ELIGIBILITY POST-TEST

Waiting List Management

1. Purging the waiting list on an annual basis is mandatory for all PHAs.
 - a. True
 - b. False
2. HUD regulations require that all applications be received in person.
 - a. True
 - b. False
3. Donna Davis is blind and applied for public housing several years ago. Her name was recently taken off the waiting list because she did not respond to a purge letter. She stated that the reason she did not respond to is because her mail reader failed to inform her of the requirement to respond to the purge letter. The PHA must:
 - a. Require her to submit a new application
 - b. Grant her a reasonable accommodation by reinstating her on the waiting list with her initial date and time
 - c. Allow her to go back on the waiting list, but at the bottom
 - d. Only allow her to submit a new application if she finds a new mail reader

Occupancy

4. Police officers can only reside in public housing if their income is below the low income limit (80% of area median income)
 - a. True
 - b. False
5. If a mom, her 17 year old son, and 13 year old daughter live in a two-bedroom unit:
 - a. The daughter can share a sleeping room with the mom, but not with the son
 - b. The son cannot share a bedroom with the mom
 - c. Anyone can sleep wherever they want—it's a free country
 - d. They'll have to move
6. Mixed Population Developments are:
 - a. Reserved solely for elderly families
 - b. Reserved for families that contain both eligible citizens and ineligible noncitizens
 - c. Reserved for both elderly and/or disabled families
 - d. Developments with broad mix of incomes

7. When a resident employee loses their employment:
 - a. They can no longer reside in public housing
 - b. They can remain in public housing if the residents like them
 - c. They can remain in public housing per the approval of the executive director
 - d. They can remain in the unit, but are now charged the flat rent

Preferences

8. Applicants may claim a preference even after they have been placed on the waiting list.
 - a. True
 - b. False
9. If the PHA changes its preference system, the PHA needs to notify only those applicants who will most likely be selected within the following six months.
 - a. True
 - b. False
10. The Uptown Housing Authority has implemented a residency preference. Chris Smith currently does not reside in their jurisdiction. However, yesterday he was hired to work in their jurisdiction. Does he get the residency preference?
 - a. Depends on PHA policy
 - b. No, because he does not reside in their jurisdiction
 - c. No, because he has not started working in their jurisdiction
 - d. Yes, because he has been hired to work in their jurisdiction
11. Which of the following preferences is allowable?
 - a. Elderly preference in general occupancy units
 - b. Preference for families making over \$10,000 per year
 - c. Preference for persons in a wheelchair
 - d. Preference for the spouse of a veteran
12. Which statement is accurate regarding verification requirements for preferences:
 - a. The PHA must verify preferences before placement on the waiting and before offering a unit
 - b. The PHA may verify preferences before placement on the waiting, but must verify them before offering a unit
 - c. The PHA does not ever need to verify preferences
 - d. The PHA only needs to verify preferences when they are suspicious that the family is lying

Tenant Selection

13. A PHA may skip a family on the waiting list to reach a family that will further deconcentration of poverty goals.
 - a. True
 - b. False
14. All of the following statements are true regarding the requirements for the PHA's tenant selection policies *except*:
 - a. They may not discriminate against any of the federally protected classes
 - b. They must be consistent with applicable state laws
 - c. Their criteria must relate to individual attributes of applicants, not a group or category
 - d. They PHA may not look at the past as an indicator of whether they will be a suitable tenant

Unit Offers

15. If the PHA has implemented Plan A, the family is only given one offer.
 - a. True
 - b. False
16. If the PHA has implemented Plan B, the family may be given several offers before their name is dropped from the waiting list.
 - a. True
 - b. False
17. All of the following are good causes for not accepting an offer except:
 - a. Unit is not the right size or type
 - b. Court verification that an applicant is serving on a jury that is sequestered
 - c. Unit contains lead-based paint and there are children under the age of 7
 - d. The family does not like the color of the paint
 - e. The unit does not contain accessibility features needed for a person with a disability

CHAPTER 3 Sample Eligibility Forms

APPLICATION/PERSONAL DECLARATION FORM

Industry Practice

- The PHA should have head of household complete a Personal Declaration Form prior to every interview evaluation, including the initial one.
- It is a statement in the tenant's own handwriting that later may become strong evidence of criminal intent if facts are misrepresented.
- The interviewer reviews it for completeness and has the applicant complete any items left blank before proceeding with the interview.

APPLICATION FOR PUBLIC HOUSING

Housing Authority Name

APPLICATION FOR PUBLIC HOUSING

Phone:
TTY/TDD:
Website:

Important Information

Please read the following carefully before completing the application form

Your Right to an Interpreter	You have the right to request an interpreter at no cost to you.	
<p><i>Arabic</i> عربي</p> <p>يحق لك الحصول على خدمات ترجمة فورية دون أي مقابل. يُرجى منك أن تشير بإصبعك إلى لُغتك كي نستدعي المترجم المعني. . يُرجى منك الإنتظار لحين استدعاء المترجم.</p>	<p><i>Haitian Creole</i> Kreyòl Ayisyen</p> <p>Ou gen dwa a yon entèprèt gratis. Tanpri montre nou lang pa w la. N ap rélé yon entèprèt pou ou. Tanpri ret tann.</p>	<p><i>Hmong</i> Hmoob</p> <p>Koj muaj cai txais kev pab txhais lus dawb tsis them nyiaj. Thov taw tes rau koj hom lus nov. Mam hu tus txhais lus. Thov nyob tos.</p>
<p><i>Russian</i> Русский</p> <p>Вы имеете право на услуги бесплатного переводчика. Укажите, пожалуйста, на Ваш язык. Переводчик будет вызван. Пожалуйста, подождите.</p>	<p><i>Serbo-Croatian</i> Srpsko-Hrvatski jezik</p> <p>Vi imate pravo na besplatnog prevodioca. Molimo vas da pokažete na vaš govorni jezik. Prevodilac će biti pozvan. Hvala i molimo vas da sačekate.</p>	<p><i>Somali</i> Soomaali</p> <p>Waxaad xaq u leedahay in tarjumaan lacag la'aan ah laguugu yeero. Fadlan farta ku fiiq luqaddaada. Tarjumaan ayaa laguugu wacayaa. Ee fadlan sug!</p>
<p><i>Spanish</i> Español</p> <p>Usted tiene derecho a un intérprete gratis. Por favor, señale su idioma y llamaremos a un intérprete. Por favor, espere.</p>	<p><i>Swahili</i> Swahili</p> <p>Ni haki yako kuwa na mtafsiri bila malipo yoyote. Tafadhali chagua lugha yako kati ya hizi. Mtafsiri ataitwa. Tafadhali ngoja.</p>	<p><i>Tagalog</i> Tagalog</p> <p>Ikaw ay may karapatan na magkaroon ng tagapagsalin na walang bayad. Ituro ang iyong wika. Ang tagapagsalin ay tatawagin. Maghintay.</p>
<p><i>Thai</i> ไทย</p> <p>ท่านมีสิทธิขอสามแปลภาษาโดยไม่เสียค่าใช้จ่ายใดๆ กรุณาชี้ที่ภาษาของท่าน กรุณารอสักครู่ เราจะโทรศัพท์เรียกสามให้ท่าน</p>	<p><i>Vietnamese</i> Tiếng Việt</p> <p>Quý vị có quyền được một thông dịch viên miễn phí. Xin chỉ vào ngôn ngữ của quý vị. Chúng tôi sẽ gọi một thông dịch viên. Vui lòng chờ trong giây lát.</p>	<p><i>Urdu</i> اردو</p> <p>آپ مفت ترجمانی کی خدمات کے مستحق ہیں۔ براہ کرم اپنی زبان کی طرف اشارہ کیجئے۔ آپ کے لئے ایک ترجمان کا انتظام کیا جائیگا۔ براہ کرم انتظار کیجئے۔</p>

If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.

- The application must be completed in the handwriting of the head of household. Incomplete applications will not be processed.
- Use the full legal name of each person listed on the application as it appears on their social security card.
- Please print all answers.
- Answer all questions on the application form. Do not leave any questions blank. If a question does not apply to you such as *"What is your telephone number,"* and you do not have a telephone, write "none."
- All yes/no questions **must** be checked to indicate whether your response is a "yes" or "no."
- If there is not enough space to answer a particular question or to provide any additional explanation that you want to make, please feel free to attach one or more pages to the application.
- The legal head of household and spouse/cohead (if any) must sign and date the application form.
- Where indicated on this form, the questions apply to all members of the family listed on the application.
- The information that you provide on this application must be true and complete. It is a violation of federal and state criminal law to make false statements on an application for housing assistance. If you do not understand a question, please ask your housing representative.
- Be advised that the PHA will conduct criminal background checks and sex offender registration checks on all adult household members, including live-in aides.

In order to qualify for public housing, an applicant must:

- Be a family as defined in the Housing Agency's Admission and Continued Occupancy Policy (ACOP). The PHA provides equal access regardless of gender identity, sexual orientation, or marital status. A copy of the ACOP is either posted or available at the housing agency office.
- Meet the HUD requirements under the Noncitizen Rule.
- Have an annual income at the time of admission that does not exceed the income limits established by HUD. These income limits are posted in the PHA's office.
- Provide documentation of Social Security numbers for all family members or certify that they do not have Social Security numbers.
- Pay any money owed to the PHA or any other housing authority.
- Not be subject to lifetime sex offender registration requirements.
- Sign authorization forms so that the PHA can verify the various eligibility requirements.
- Not have any household members who are engaged in any criminal activity that threatens the life, health, safety, or right to peaceful enjoyment of the premises by other residents, and not have any household members who are engaged in drug-related or violent criminal activity.
- Qualify as a suitable renter after the PHA conducts screening of prior rental history and financial responsibility.

Americans with Disabilities Act

We need your help to ensure all of our programs, services, and activities are fully accessible to persons with disabilities. If you encounter any type of barrier that prevents you from receiving the full benefit of our programs, services, or activities, please let us know.

APPLICATION FOR PUBLIC HOUSING

PART A: INFORMATION ABOUT MEMBERS OF THE HOUSEHOLD

List all **persons age 18 or older** (head/spouse/cohead regardless of age) who will be living in the home, beginning with the head of household. Each box must be completed for each member. No one except those listed on this form may live in the unit.

NAME	Relation to Head	Disabled? Y/N	Sex M/F	Date of Birth	Soc. Security # or Alien Registration #
1.	HEAD				
2.					
3.					
4.					
5.					

CHILDREN 17 AND YOUNGER

List all children who will be living in the home, oldest to youngest.

NAME	Relation to Head	Sex M/F	Date of Birth	Soc. Security # or Alien Registration #	School Name
6.					
7.					
8.					
9.					
10.					

RACE AND ETHNICITY OF HEAD OF HOUSEHOLD

Race: Check the appropriate race. (More than one category can be entered if applicable.)

- ☐ White
 ☐ Black/African American
 ☐ American Indian/Alaskan Native
☐ Asian
 ☐ Native Hawaiian/Other Pacific Islander

Ethnicity: (Check the appropriate ethnicity.) ☐ Hispanic or Latino ☐ Not Hispanic or Latino

Answer the following questions about all members of the household:

- Has any adult who will live in the home previously lived in a State other than this State? ☐ Yes ☐ No
If yes, which family member(s)? _____ State lived? _____
_____ State lived? _____
- Does anyone other than an adult who will live in the home share custody of any of the children listed?
☐ Yes ☐ No If yes, who? _____
- Is there anyone not listed on the application who is temporarily absent from the home?
☐ Yes ☐ No If yes, who? _____
- Has anyone who will be living in the home ever used another name, other than the one they are using now?
☐ Yes ☐ No If yes, who? _____
- Is there anyone, other than the head, spouse, or cohead, who will be living in the home who is 18 or over and a full-time student?
☐ Yes ☐ No If yes, who? _____
- Does anyone in your household require any type of accommodations to fully utilize our programs and services?
☐ Yes ☐ No If yes, who? _____
What do they require? _____
- Does your family need a ground floor unit, if the building does not have an elevator?
☐ Yes ☐ No If yes, who? _____

APPLICATION FOR PUBLIC HOUSING

PART B: PRESENT AND PREVIOUS HOUSING INFORMATION

List your current address and landlord information. Then list all prior addresses and landlords for the past five (5) years.

Current landlord	_____	Phone: _____
Address _____	City/state/zip _____	How long? _____
Previous landlord	_____	Phone: _____
Address _____	City/state/zip _____	How long? _____
2nd Previous landlord	_____	Phone: _____
Address _____	City/state/zip _____	How long? _____
3rd Previous landlord	_____	Phone: _____
Address _____	City/state/zip _____	How long? _____

PART C: CRIMINAL BACKGROUND AND OTHER INFORMATION

These questions apply to you and all of the members of your household.

All adult household members will be required to sign a consent for the Housing Authority to check for criminal records.

- Has any household member ever been convicted of any crime? ☐ Yes ☐ No
If yes, how many times? _____ What crime(s)? _____
- Is any household member a subject to lifetime sex offender registration? ☐ Yes ☐ No
If yes, who? _____ In what State(s)? _____
- Is any household member currently using illegal drugs? ☐ Yes ☐ No If yes, who? _____
- Has any household member ever been evicted from any type of housing? ☐ Yes ☐ No
If yes, explain when, where and for what reason. _____

- Does any household member abuse alcohol in a way that threatens the health, welfare or safety of other persons?
☐ Yes ☐ No If yes, Explain _____

- Has any household member received rental assistance in public housing, Section 8 Housing Choice Voucher, or other housing assistance? ☐ Yes ☐ No
If yes, when? Year(s) _____ Housing Agency Name _____
Under what name? _____ Who was Head of Household? _____

APPLICATION FOR PUBLIC HOUSING

PART D: INFORMATION ABOUT THE INCOME OF MEMBERS OF THE FAMILY.

(Income includes money or contributions from any and all sources paid to or on behalf of a family member.)

1. Did you or any family member file a federal income tax return for the past year? ☐ Yes ☐ No
If yes, who? _____

2. Do you or any member of the family receive any of the following or expect to receive any of the following during the next twelve (12) months?
 - Wages, salaries, tips, fees, or commissions from an employer? (full or part time) ☐ Yes ☐ No
 - Compensation for personal services? ☐ Yes ☐ No
 - Income from the operation of a business or profession? ☐ Yes ☐ No
 - Interest, dividends, or other income from real or personal property? ☐ Yes ☐ No
 - Payments from Social Security? ☐ Yes ☐ No
 - Payments from annuities? ☐ Yes ☐ No
 - Payments from insurance policies? ☐ Yes ☐ No
 - Payments from retirement funds? ☐ Yes ☐ No
 - Payments from pensions? ☐ Yes ☐ No
 - Payments from disability benefits? ☐ Yes ☐ No
 - Payments from death benefits? ☐ Yes ☐ No
 - Lump-sum payments for the delayed start of periodic payments? ☐ Yes ☐ No
 - Unemployment compensation? ☐ Yes ☐ No
 - Disability compensation? ☐ Yes ☐ No
 - Worker's compensation? ☐ Yes ☐ No
 - Severance pay? ☐ Yes ☐ No
 - Welfare assistance payments? ☐ Yes ☐ No
 - TANF payments? ☐ Yes ☐ No
 - Alimony payments? ☐ Yes ☐ No
 - Child support payments? ☐ Yes ☐ No
 - Regular contributions or gifts from anyone? ☐ Yes ☐ No
 - Money from self employment? ☐ Yes ☐ No
 - Regular or special military pay? ☐ Yes ☐ No
 - Regular contributions from anyone? ☐ Yes ☐ No
 - Financial assistance to attend school ☐ Yes ☐ No

3. List the sources and amounts of all income (money) expected for the coming 12 months for all family members from any and all sources.

Family Member Name	Income Source	Amount \$	Frequency – (Circle one)
			Week Month Year
			Week Month Year
			Week Month Year
			Week Month Year
			Week Month Year
			Week Month Year
			Week Month Year
			Week Month Year
			Week Month Year
			Week Month Year

APPLICATION FOR PUBLIC HOUSING

PART E: INFORMATION ABOUT THE ASSETS OF ALL MEMBERS OF THE FAMILY

(An asset is something of value that can be converted to cash)

1. Do you or any family member own or have access to any of the following?

Savings account? ☐ Yes ☐ No Checking account? ☐ Yes ☐ No
 Certificate of deposit? ☐ Yes ☐ No Money market account? ☐ Yes ☐ No

Family Member Name	Bank Name	Account Number	Balance

2. Do you or any family member own or have access to any of the following?

Stocks? ☐ Yes ☐ No Bonds? ☐ Yes ☐ No
 Real property (land)? ☐ Yes ☐ No Trust funds ? ☐ Yes ☐ No
 Pensions? ☐ Yes ☐ No Individual retirement accounts? ☐ Yes ☐ No
 Inheritances? ☐ Yes ☐ No Life insurance policies? ☐ Yes ☐ No
 Any other type of capital investment? ☐ Yes ☐ No

Explain any "Yes" answers below.

Family Member Name	Type of Asset	Account Number	Value

PART F: INFORMATION ABOUT HOUSEHOLD EXPENSES

1. Does any family member have expenses for child care of a child age 12 or younger? ☐ Yes ☐ No

If yes, complete the following:

Minor's Name	Care Provider			Amount Monthly
	Name	Address	Phone Number	

2. Is any portion of these childcare expenses reimbursed from an outside agency or person? ☐ Yes ☐ No

If yes, how much is reimbursed per month? \$ _____

3. Do you pay a care attendant to provide care for a disabled family member so that an adult family member can work?
 (Could be the person with disabilities) ☐ Yes ☐ No If yes, complete the following:

Care Attendant			Amount Monthly
Name	Address	Phone Number	

4. Are you paying for any type of equipment for a disabled family member that enables an adult member to work? (Could be the person with disabilities). ☐ Yes ☐ No

If yes, what is the anticipated monthly cost? \$ _____

5. Indicate the dollar amount for your monthly living expenses as listed below:

Item	Monthly Amount	Last Date Paid	Paid By Whom
Rent			
Electric			
Gas			
Water			
Telephone			
TV cable			
Car payment(s)			
Car insurance			
Gas for car			
Life insurance			
Health insurance			
Loan			
Rentals			
Furniture			
Food			
Credit cards			

Medical Expenses (These questions only apply if the head, spouse or cohead is 62 years or older or is disabled)

Do you or any member of the family pay for any of the following items?

Medical insurance premiums? ☐ Yes ☐ No

Long term care insurance? ☐ Yes ☐ No

Out of pocket prescription expenses? ☐ Yes ☐ No

Past due medical bills? ☐ Yes ☐ No

Other anticipated medical expenses? ☐ Yes ☐ No

Please list the type and amount of the medical expenses for all family members that you anticipate paying over the next 12 months:

[illegible]

ITEMS TO BRING TO THE INTERVIEW

I. Information About Your Income and Assets

1. *Employment Income.* For every member of your family who works, bring the following information:
 - Name, address and telephone number of the employer.
 - Current rate of regular pay and overtime pay and the number of hours per week normally worked (three current pay stubs).
 - Information about any changes you expect in your pay or the number of hours worked during the next twelve months.
 - Other type of income you expect to receive from employment, such as tips, commissions, profit-sharing programs, etc.
 - If self-employed, bring copy of past year's tax return.
2. *Benefit and Support Income.* If any member of your family receives any of the following types of income, bring name, address and telephone number of the source of the income and information about the amount received:
 - Unemployment Compensation
 - Social Security
 - Supplemental Social Security
 - Pension
 - Disability Income
 - Alimony
 - Child Support
 - Welfare or other public assistance
 - Regular support from family members or friends
 - Self-employed
3. *Amounts in Savings Accounts* (including Christmas Clubs, Certificates of Deposit, IRA and Keogh Accounts) and Checking Accounts. Bring the account number for all accounts and the balance in your accounts.
4. *Real Estate You Own.* Bring information about the current value of the property. If you own property and rent it, bring the address of the property and information about how much income you receive and what expenses you have for the property. (Bring last year's Schedule E from your income tax forms.)
5. *Stocks, Bonds, Trusts, Other Investments.* Bring account numbers, statements on value of investments and information about income from investments.
6. *Life Insurance Policies.* Bring name and address of company and policy numbers.

7. *Other Income.* For any other type of income your family has, bring the name, address and telephone number of the source of the income and information about the amount of the income.
8. If you have sold or given away any assets in the past two years (such as giving a property or an amount of money to another family member), please bring information about those assets.

II. Information About Family Members

1. *Age.* If you do not receive benefits which prove your age, bring a birth certificate or other proof of age if the head or spouse is 62 years of age or older.
2. *Children.* Bring birth certificates, custody agreement, adoption papers or other proof that the children are members of this household.
3. *Full-time Students.* If any family members are 18 years of age or older and still attending school full time, bring information about where they attend school.
4. *Disability Income.* If any family member is a person with disabilities, bring information about any income the member receives because of his/her disability.
5. *Displacement.* If you indicated on your preapplication that your family has recently been displaced by government action, bring information about that situation.

III. Expenses

- Bring information about any of the following expenses you expect to have during the next twelve months.
 1. *Medical expenses not covered by insurance.* (Elderly/disabled families only.)
 2. *Medical insurance premiums* or amounts deducted from your pay for medical insurance. (Elderly/disabled families only.)
 3. *Child care expenses* to care for your children while you work, look for work or go to school.
 4. *Disability assistance expenses* to care for a family member with disabilities, which enable you or another family member to work.

SAMPLE FORMS FOR NONCITIZENS

Declaration of Section 214 Status

Notice to applicants and tenants: In order to be eligible to receive the housing assistance sought, each applicant for or recipient of housing assistance must be lawfully within the U.S. Please read the Declaration statement carefully and sign and return to the Housing Authority's Admissions Office. Please feel free to consult with an immigration lawyer or other immigration expert of your choosing.

I, _____ certify, under penalty of perjury,¹ that, to the best of my knowledge, I am lawfully within the United States because (please check the appropriate box):

- ☐ I am a citizen by birth, a naturalized citizen or national of the United States; or
- ☐ I have eligible immigration status and I am 62 years of age or older. Attach evidence of proof of age²; or
- ☐ I have eligible immigration status as checked below (see reverse side of this form for explanations). Attach INS document(s) evidencing eligible immigration status and signed verification consent form.
 - ☐ Immigrant status under §§1001(a)(15) or 101(a)(20) of the INA³; or
 - ☐ Permanent residence under §249 of INA⁴; or
 - ☐ Refugee, asylum, or conditional entry status under §§207, 208 or 203 of the INA⁵; or
 - ☐ Parole status under §212(d)(f) of the INA⁶; or
 - ☐ Threat to life or freedom under §243(h) of the INA⁷; or
 - ☐ Amnesty under §245 of the INA⁸.

(Signature of Family Member)

(Date)

- ☐ Check box on left if signature is of adult residing in the unit who is responsible for child named on statement above.

PHA: Enter INS/SAVE Primary Verification #: _____ Date: _____

[See reverse side for footnotes and instructions]

- 1 Warning:** 18 U.S. C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any manner within the jurisdiction of any department of agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

The following footnotes pertain to noncitizens who declare eligible immigration status in one of the following categories:

- 2** Eligible immigration status and 62 years of age or older. For noncitizens who are 62 years of age or older or who will be 62 years of age or older and receiving assistance under a Section 214 covered program on June 19, 1995. If you are eligible and elect to select this category, you must include a document providing evidence of proof of age. No further documentation of eligible immigration status is required.
- 3** Immigrant status under ¶101(a)(15) or 101(a)(20) of INA. A noncitizen lawfully admitted for permanent residence, as defined by ¶101(a)(20) of the Immigration and Nationality Act (INA), as an immigrant, as defined by ¶101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 1101(a)(15), respectively [*immigrant status*]. This category includes a noncitizen admitted under ¶210 or 210A of the INA (8 U.S.C. 1160 or 1161), [*special agricultural worker status*], who has been granted lawful temporary resident status.
- 4** Permanent residence under ¶249 of INA. A noncitizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and has continuously maintained residence in the U.S. since the, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under ¶249 of the INA (8 U.S.C. 1259) [*amnesty granted under INA 249*].
- 5** Refugee, asylum, or conditional entry status under ¶207, 208 or 203 of INA. A noncitizen who is lawfully present in the U.S. pursuant to an admission under ¶207 of the INA (8 U.S.C. 1157) [*refugee status*]; pursuant to the granting of asylum (which has not been terminated under ¶208 of the INA (8 U.S.C. 1158) [*asylum status*]; or as a result of being granted conditional entry under ¶203(a)(7) of the INA (U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity [*conditional entry status*].
- 6** Parole status under ¶212(d)(5) of INA. A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under ¶212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) [*parole status*].
- 7** Threat to life or freedom under ¶243(h) of INA. A noncitizen who is lawfully present in the U.S. as a result of the Attorney General's withholding deportation under ¶243(h) of the INA (8 U.S.C. 1253(h)) [*threat to life or freedom*].
- 8** Amnesty under ¶245A of INA. A noncitizen lawfully admitted for temporary or permanent residence under ¶245A of the INA (8 U.S.C. 1255a) [*amnesty granted under INA 245A*].

Instructions to Housing Authority: Following verification of status claimed by persons declaring eligible immigration status (other than for noncitizens age 62 or older and receiving assistance on June 19, 1995), the PHA must enter INS/SAVE Verification Number and date that it was obtained. A PHA signature is not required.

Instructions to Family Member For Completing Form: On opposite page, print or type first name, middle initial(s) and last name. Place an "X" or "✓" in the appropriate boxes. Sign and date at bottom of page. Place an "X" or "✓" in the box below the signature if the signature is by the adult residing in the unit who is responsible for child.

Verification Consent Form

CONSENT: I consent to allow the _____ (name of PHA) (PHA) to request and to obtain information from the Immigration and Naturalization Service (INS) for the purpose of verifying my eligibility and level of benefits under HUD's assisted housing programs. I understand that the PHA cannot use it to delay, deny or terminate housing assistance because of the immigration status of a family member except as provided in this Guidebook. In addition, I understand I must be given an opportunity to contest the determination with the INS or the PHA, or both.

This consent form expires 15 months after signed.

Signatures:

ADULT:

Head of Household _____	A- Alien Number _____	Date _____	Family Member Age 18 or over _____	A- Alien Number _____	Date _____
Spouse _____	A- Alien Number _____	Date _____	Family Member Age 18 or over _____	A- Alien Number _____	Date _____
Family Member Age 18 or over _____	A- Alien Number _____	Date _____	Family Member Age 18 or over _____	A- Alien Number _____	Date _____
Family Member Age 18 or over _____	A- Alien Number _____	Date _____	Family Member Age 18 or over _____	A- Alien Number _____	Date _____

CHILD:

Family Member Age Under 18 _____	A- Alien Number _____	Signature of Adult Residing in Unit Responsible for Child _____	A- Alien Number ¹ _____	Date _____
Family Member Age Under 18 _____	A- Alien Number _____	Signature of Adult Residing in Unit Responsible for Child _____	A- Alien Number ¹ _____	Date _____
Family Member Age Under 18 _____	A- Alien Number _____	Signature of Adult Residing in Unit Responsible for Child _____	A- Alien Number ¹ _____	Date _____
Family Member Age Under 18 _____	A- Alien Number _____	Signature of Adult Residing in Unit Responsible for Child _____	A- Alien Number ¹ _____	Date _____

1. If citizenship declared by adult, leave blank.

Who must sign: In order to be eligible to receive housing assistance, each noncitizen adult or child applying for, or currently receiving, housing assistance must be lawfully within the U.S. Please read the Verification Consent Form carefully and sign and return to the Housing Authority's Admissions Office. Please feel free to consult with an immigration lawyer or other immigration expert of your choosing.

Privacy Act Statement:

The information on this form is being collected by the _____ (name of PHA) to determine the applicant's or tenant's eligibility for housing assistance. The PHA may release this information, without responsibility for the further use or transmission of the evidence by the entity receiving it to: (1) the Department of Housing and Urban Development (HUD), as required by HUD; and (2) to the Immigration and Naturalization Service (INS) for purposes of verification of the immigration status of each individual and not for any other purpose.

Penalties for Misusing this Consent:

HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form.

Use of the information collected on this consent form is restricted to the purposes cited on the form. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use.

Listing of Non-Contending Family Members

I, _____ certify, under penalty of perjury,¹ that the persons listed below are members of my household. Each person listed below has elected not to contend that he or she has eligible immigration status.

(First Name, Middle Initial(s), Last Name)

(First Name, Middle Initial(s), Last Name)

(First Name, Middle Initial(s), Last Name)

(First Name, Middle Initial(s), Last Name)

(Signature of Head of Household or Spouse)

(Date)

¹ **Warning:** 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000, imprisoned for not more than five years, or both.

Instructions: If one or more members of a family elect not to contend that he or she has eligible immigration status and the other members of the family establish their citizenship or eligible immigration status, the family may be considered for assistance despite the fact that no declaration or documentation of eligible immigration status is submitted by one or more members of the family. The family, however, must identify to the PHA the family member(s) who will elect not to contend that he or she has eligible immigration status. In the space(s) provided above, type or print the names of the family members who elect not to contend that he or she has eligible immigration status. Listed members of the family do not sign above. However, the Head of Household or Spouse must sign and date the form in the space provided.

Notice of Section 214 Requirements

Notice to Applicants Applying For and Tenants Currently Receiving Section 214 Housing Assistance

The Law. Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits the Secretary of the Department of Housing and Urban Development (HUD) from making financial assistance available to persons who are other than United States citizens, nationals, or certain categories of eligible noncitizens either applying to or residing in specified Section 214 covered programs. Section 214 was implemented by a final “Noncitizens Rule” entitled, Restrictions on Assistance to Noncitizens, which was published in the *Federal Register*, on Monday, March 20, 1995 (60 FR 14816-4861).

When The Law Became Effective. The Noncitizens Rule became effective on June 19, 1995. Until the final rule took effect, the Housing Authority (HA) was prohibited from taking any action based on the citizenship or eligible immigration status of applicants and tenants.

What The Law Means To You. The receipt of financial housing assistance is contingent upon you and your family submitting evidence either of 1) citizenship, or 2) eligible immigration status.

Type of Programs This Law Applies To. The Noncitizens Rule applies to the following HUD-assisted housing programs:

- 1) Section 8 Rental Certificate Program
- 2) Section 8 Rental Voucher Program
- 3) Section 8 Moderate Rehabilitation Program
- 4) Public and Indian Housing Programs

What Persons Are Covered By This Law. Section 214 applies to all applicants who apply for housing assistance, applicants who are already on a waiting list for housing assistance, and tenants who are already receiving housing assistance under a covered program. Section 214 covers: 1) Citizens and 2) Noncitizens who have eligible immigration status.

What Evidence Will Be Required? Each family member, regardless of age, is required to submit the following evidence:

For Citizens or nationals: A signed declaration of U.S. citizenship (whether by birth or naturalization).

For Noncitizens who are 62 years of age or older and receiving housing assistance on June 19, 1995: A signed declaration of eligible immigration status and proof of age.

For All Other Noncitizens. The evidence consists of: 1) a signed declaration of eligible immigration status; 2) the Immigration and Naturalization Service (INS) documents listed below on this page; and 3) A signed verification consent form.

For All Other Noncitizens, What Immigration Status is Eligible? Under the Noncitizens Rule, a noncitizen would have eligible immigration status under any one of the following six categories which are determined by the INS pursuant to the Immigration and Nationality Act (INA):

Immigration Status Under §§101(a)(15) or 101(a)(20) of INA. A noncitizen lawfully admitted for permanent residence, as defined by §101(a)(20) of the INA, as an immigrant, as defined by §101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 1101(a)(15), respectively [*immigrant status*]. This category includes a noncitizen admitted under §§210 or 210A of the INA (8 U.S.C. 1160 or 1161) [*special agricultural worker status*], who has been granted lawful temporary resident status.

Permanent Residence Under §249 of INA. A noncitizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under §249 of the INA (8 U.S.C. 1259) [*amnesty granted under INA 249*].

Refugee, Asylum, or Conditional Entry Status Under §§207, 208 or 203 of INA. A noncitizen who is lawfully present in the U.S. pursuant to an admission under §207 of the INA (8 U.S.C. 1157) [*refugee status*]; pursuant to the granting of asylum (which has not been terminated) under §208 of the INA (8 U.S.C. 1158) [*asylum status*]; or as a result of being granted conditional entry under §203(a)(7) of the INA (U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity [*conditional entry status*].

Parole Status Under §212(d)(5) of INA. A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under §212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) [*parole status*].

Threat To Life or Freedom Under §243(h) of INA. A noncitizen who is lawfully present in the U.S. as a result of the Attorney General's withholding deportation under §243(h) of the INA (8 U.S.C. 1253(h)) [*threat to life or freedom*].

Amnesty Under §245A of INA. A noncitizen lawfully admitted for temporary or permanent residence under §245A of the INA (8 U.S.C. 1255a) [*amnesty granted under INA 245A*].

What INS Documents Are Acceptable? The original of one of the following documents is acceptable evidence of eligible immigration status, subject to verification with INS:

- 1) Form I-151, Alien Registration Receipt Card (issued to lawful permanent residents prior to 1979). Form I-151 will no longer be valid after March 20, 1996. Detailed information on how and where to apply for a new green card may be obtained by telephoning the INS toll-free number 1-800-755-0777.
- 2) Form I-551, Alien Registration Receipt Card (for permanent resident aliens);

- 3) Form I-94, Arrival-Departure Record, with one of the following annotations:
 - a) “Admitted as Refugee Pursuant to Section 207”;
 - b) “Section 208” or “Asylum”;
 - c) “Section 243(h)” or “Deportation stayed by Attorney General”;
 - d) “Paroled Pursuant to Section 212(d)(5) of the INA”;
- 4) If Form I-94, Arrival-Departure Record, is not annotated, then accompanied by one of the following documents:
 - a) A final court decision granting asylum (but only if no appeal is taken);
 - b) A letter from an INS asylum officer granting asylum (if application is filed on or after October 1, 1990) *or* from an INS district director granting asylum (if application filed before October 1, 1990);
 - c) A court decision granting withholding of deportation; or
 - d) A letter from an asylum officer granting withholding of deportation (if application filed on or after October 1, 1990).
- 5) Form I-688, Temporary Resident Card, which must be annotated “Section 245A” or “Section 210”;
- 6) Form I-688B, Employment Authorization Card, which must be annotated “Provision of Law 274a.12(11)” or “Provision of Law 274a.12”;
- 7) A receipt issued by the INS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant’s entitlement to the document has been verified; or
- 8) If other documents are determined by the INS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the *Federal Register*.

Note: Family members are required to submit the original document(s) providing acceptable evidence of eligible immigration status. The HA may not retain the original document(s). HAs must immediately make copies from the original document(s) and return the original documents to the family member.

When Must Evidence of Eligible Immigration Status Be Submitted? Evidence of eligible immigration status must be submitted at the times specified below, subject to any extension granted in accordance with the paragraph below which discusses extensions of time to submit evidence of eligible immigration status.

Applicants. For applicants, the HA must ensure that evidence of eligible immigration status is submitted not later than the date the HA anticipates or has knowledge that verification of other aspects of eligibility for assistance will occur.

Families already receiving assistance on June 19, 1995. For a family already receiving the benefit of assistance in a covered program on June 19, 1995, the required evidence shall be submitted at the first regular reexamination after June 19, 1995, in accordance with program requirements.

New occupants of assisted units. For any new family member(s), the required evidence shall be submitted at the first interim or regular reexamination following the person's occupancy.

Changing participation in a HUD program. Whenever a family applies for admission to a Section 214 covered program, evidence of eligible immigration status is required to be submitted in accordance with the requirements of the Noncitizens Rule unless the family already has submitted the evidence to the HA for a covered program.

One-time evidence requirement for continuous occupancy. For each family member, the family is required to submit evidence of eligible immigration status only one time during continuously-assisted occupancy under any covered program.

What Happens If One Or More Family Members Does Not Qualify?

Assistance to a family may not be delayed, denied, or terminated because of the immigration status of a family member except as provided below. "Family" as used herein refers to both applicants and tenants.

Assistance to an applicant shall not be delayed or denied, and assistance to a tenant shall not be delayed, denied, or terminated, on the basis of ineligible immigration status of a family member if:

- 1) The primary and secondary verification of any immigration documents that were timely submitted has not been completed;
- 2) The family member for whom required evidence has not been submitted has moved from the tenant's dwelling unit;
- 3) The family member who is determined not to be in an eligible immigration status following INS verification has moved from the tenant's dwelling unit;
- 4) The INS appeals process has not been concluded;
- 5) For a tenant, the HA informal hearing process has not been concluded;
- 6) Assistance is prorated;
- 7) Assistance for a mixed family is continued; or
- 8) Deferral of termination of assistance is granted.
- 9) Assistance to an applicant may be delayed after the conclusion of the INS appeal process, but not denied until the conclusion of the HA informal hearing process, if an informal hearing is requested by the family.

Assistance to an applicant shall be denied, and a tenant's assistance shall be terminated, in accordance with the procedures for any of the following events:

- 1) Evidence of citizenship (i.e., the Declaration) and eligible immigration status is not submitted by the date specified or by the expiration of any extension granted; or
- 2) Evidence of citizenship and eligible immigration status is submitted timely; but INS primary and secondary verification does not verify eligible immigration status of a family member; and
 - a) The family does not pursue INS appeal or HA informal hearing rights; or
 - b) INS appeal and HA informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the family member.

What Rights of Appeal Are Available? Three distinct forms of appeal process are available to both applicants and tenants:

- 1) Appeal to INS. The following instructions apply to the right of appeal to the INS:
 - a) Submission of request for appeal. When the HA receives notification that INS secondary verification failed to confirm eligible immigration status, the HA shall notify the family of the results of the INS verification. The family shall have 30 days from the date of the HA's notification to request an appeal of the INS results. The request for appeal shall be made by the family communicating that request in writing directly to the INS. The family must provide the HA with a copy of the written request for appeal and proof of the mailing. For good cause shown, the HA shall grant the family an extension of the time within which to request an appeal.
 - b) Documentation to be submitted as part of the appeal to INS. The family shall forward to the designated INS office any additional documentation or written explanation in support of the appeal. The appeal must include a copy of the original Form G-845S received from INS annotated at the top center in bold print: **HUD APPEAL**. The appeal must also include two stamped envelopes, one addressed to the applicant or tenant family, and one addressed to the HA.

c) Results of INS Appeal.

- (i) The INS will issue the results of the appeal to the family, with a copy to the HA, within 30 days of its receipt. If, for any reason, the INS is unable to issue a response within the 30-day time period, the INS will inform the family and the HA of the reasons for the delay.

Note: The INS response will be indicated in Section B of Form G-845S, Document Verification Request, which is returned to the family and HA. The INS response will be indicated in Section B by a mark in one of the following boxes: 1, 2, 5, 6, 8, 11, 12, 15, or 18.

- (ii) When the HA receives a copy of the INS response, the HA shall notify the family of its right to request an informal hearing on the HA's ineligibility determination.
- d) No delay, denial or termination of assistance until completion of INS appeal process; direct appeal to INS. Pending the completion of the INS appeal, assistance may not be delayed, denied or terminated on the basis of immigration status.

2) Informal hearing with HA.

- a) When request for hearing is to be made. After receiving notification of the INS decision on appeal, or in lieu of requesting an appeal to the INS, the family may request that the HA provide an informal hearing. This request must be made either within 14 days of the date the HA mails or delivers the notice of denial or termination of assistance, or within 14 days of the mailing of the INS appeal decision (established by the date of the postmark).
- b) Extension of time to request hearing. The HA shall extend the period of time for requesting a hearing (for a specified period) upon good cause shown.
- c) Informal hearing procedures.
 - (i) For tenants, the procedures for the hearing before the HA are set forth in 24 CFR Part 966.
 - (ii) For applicants, the procedures for the informal hearing before the HA are as follows:
 - (A) Hearing before an impartial individual. The applicant shall be provided a hearing before any person(s) designated by the HA (including an officer or employee of the HA), other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision;

- (B) Examination of evidence. The applicant shall be provided the opportunity to examine and copy, at the applicant's expense and at a reasonable time in advance of the hearing, any documents in the possession of the HA pertaining to the applicant's eligibility status, or in the possession of the INS (as permitted by INS requirements), including any records and regulations that may be relevant to the hearing;
 - (C) Presentation of evidence and arguments in support of eligible immigration status. The applicant shall be provided the opportunity to present evidence and arguments in support of eligible immigration status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings;
 - (D) Controverting evidence of the project owner. The applicant shall be provided the opportunity to controvert evidence relied upon by the HA and to confront and cross-examine all witnesses on whose testimony or information the HA relies;
 - (E) Representation. The applicant shall be entitled to be represented by an attorney, or other designee, at the applicant's expense, and to have such person make statements on the applicant's behalf;
 - (F) Interpretive services. The applicant shall be entitled to arrange for an interpreter to attend the hearing, at the expense of the applicant or HA, as may be agreed upon by both parties;
 - (G) Hearing to be recorded. The applicant shall be entitled to have the hearing recorded by audiotape (a transcript of the hearing may, but is not required to, be provided by the HA); and
 - (H) Hearing decision. The HA shall provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 days of the date of the HA informal hearing. The decision shall state the basis for the decision.
- 3) Judicial relief. A decision against a family member under the INS appeal process or the HA's informal hearing does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Authorization for the Release of Information/Privacy Act Notice to the U.S. Department of Housing and Urban Development and the Housing Agency/Authority (HA)

U.S. Department of Housing and Urban Development, Office of Public and Indian Housing

PHA or IHA requesting release of information (full address, name of contact person, and date):

Authority: Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, as amended by Section 903 of the Housing and Community Development Act of 1992 and Section 3003 of the Omnibus Budget Reconciliation Act of 1993. This law is found at 42 U.S.C. 3544. This law requires you to sign a consent form authorizing: (1) HUD, and the Housing Agency/Authority (HA) to request verification of salary and wages from current or previous employers; (2) HUD and the HA to request wage and unemployment compensation claim information from the state agency responsible for keeping that information; and (3) HUD to request certain tax return information from the U.S. Social Security Administration and the U.S. Internal Revenue Service.

Section 104 of the Housing Opportunity and Modernization Act of 2016. The relevant provisions are found at 42 U.S.C. 1437n. This law requires you to sign a consent form authorizing the HA to request verification of any financial record from any financial institutions as defined in the Right to Financial Privacy Act (12 U.S.C. 3401)), whenever the HA determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits.

Purpose: In signing this consent form, you are authorizing HUD and the above-named HA to request income information from the sources listed on the form. HUD and the HA need this information to verify your household's income, in order to ensure that you are eligible for assisted housing benefits and that these benefits are set at the correct level. HUD and the HA may participate in computer matching programs with these sources in order to verify your eligibility and level of benefits.

Uses of Information to be Obtained: HUD is required to protect the income information it obtains in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. HUD may disclose information (other than tax return information) for certain routine uses, such as to other government agencies for law enforcement purposes, to Federal agencies for employment suitability purposes and to HAs for the purpose of determining housing assistance. The HA is also required to protect the income information it obtains in accordance with any applicable State privacy law. HUD and HA employees may be subject to penalties for unauthorized disclosures or improper uses of the income information that is obtained based on the consent form.
Private owners may not request or receive information authorized by this form.

Who Must Sign the Consent Form: Each member of your family who is 18 years of age or older must sign the consent form. Additional signatures must be obtained from new adult members joining the family or whenever members of the family become 18 years of age.

Persons who apply for or receive assistance under the following programs are required to sign this consent form:

- Public Housing
- Housing Choice Voucher
- Section 8 Moderate Rehabilitation

Failure to Sign Consent Form: Your failure to sign the consent form may result in the denial of eligibility or termination of assisted housing benefits, or both. Denial of eligibility or termination of benefits is subject to the HA's grievance procedures and Section 8 informal hearing procedures.

Revocation of consent: If you revoke consent, the PHA will be unable to verify your information, although the data matches between HUD and other agencies will continue to automatically occur in the Enterprise Income Verification (EIV) System if the family is not terminated from the program.

Sources of Information to be Obtained

State Wage Information Collection Agencies. (This consent is limited to wages and unemployment compensation I have received when I have received assisted housing benefits.)

U.S. Social Security Administration (HUD only) (This consent is limited to the wage and self-employment information and payments of retirement income as referenced at Section 6103(l)(7)(A) of the Internal Revenue Code.)

U.S. Internal Revenue Service (HUD only) (This consent is limited to unearned income [i.e., interest and dividends].)

Information may also be obtained directly from: (a) current and former employers concerning salary and wages; and (b) financial institutions as defined in the Right to Financial Privacy Act (12 U.S.C. 3401), whenever the HA determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits. I understand that income information obtained from these sources will be used to verify information that I provide in determining eligibility for assisted housing programs and the level of benefits. Therefore, this consent form only authorizes release directly from employers and financial institutions of information.

Consent: I consent to allow HUD or the HA to request and obtain income information from the sources listed on this form for the purpose of verifying my eligibility and level of benefits under HUD's assisted housing programs. I understand that HAs that receive income information under this consent form cannot use it to deny, reduce or terminate assistance without first independently verifying what the amount was, whether I actually had access to the funds and when the funds were received. In addition, I must be given an opportunity to contest those determinations.

This consent form remains effective until the earliest of (i) the rendering of a final adverse decision for an assistance applicant; (ii) the cessation of a participant's eligibility for assistance from HUD and the PHA; or (iii) The express revocation by the assistance applicant or recipient (or applicable family member) of the authorization, in a written notification to HUD or the PHA.

Signatures:

_____		_____	
Head of Household	Date		
_____		_____	
Social Security Number (if any) of Head of Household		Other Family Member over age 18	Date
_____		_____	
Spouse	Date	Other Family Member over age 18	Date
_____		_____	
Other Family Member over age 18	Date	Other Family Member over age 18	Date
_____		_____	
Other Family Member over age 18	Date	Other Family Member over age 18	Date

Privacy Advisory. Authority: The Department of Housing and Urban Development (HUD) is authorized to collect this information by the U.S. Housing Act of 1937 (42 U.S.C. 1437 et. seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and by the Fair Housing Act (42 U.S.C. 3601-19). Purpose: This form authorizes HUD and the above-named HA to request income information to verify your household's income in order to ensure that you are eligible for assisted housing benefits and that these benefits are set at the correct level. Failure to provide any of the requested information may result in a delay or rejection of your eligibility approval.

Penalties for Misusing this Consent: HUD and the HA (or any employee of HUD or the HA) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on the form HUD 9886 is restricted to the purposes cited on the form HUD 9886. Any person who knowingly or willfully requests, obtains, or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD or the HA for the unauthorized disclosure or improper use.

OMB Burden Statement. The public reporting burden for this information collection is estimated to be 0.16 hours for new admissions and .08 hours for household members turning 19, including the time for reviewing, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Collection of information income and assets is required for program eligibility determination purposes. The submission of the consent form is necessary (form-HUD 9886) so that PHAs can carry out the requirements of Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, as amended by Section 903 of the Housing and Community Development Act of 1992 and Section 3003 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 3544) and Section 104 of HOTMA to ensure that HUD and PHAs can verify eligibility and income information for applicants and participants. This information collection is protected from disclosure by the Privacy Act. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to the Office of Public and Indian Housing, US. Department of Housing and Urban Development, Washington, DC 20410. When providing comments, please refer to OMB Approval No. 2577-0295. HUD may not conduct and sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

6/2003: PUBLIC HOUSING OCCUPANCY GUIDEBOOK

Housing Authority

DISABILITY VERIFICATION FORM

Public Housing Authorities are required to verify the disability of applicants claiming to be disabled to determine the applicant's eligibility for the housing and to compute rent. The resident has signed a release form below giving you permission to supply us with this information. Please fill out the form below and return it at your earliest convenience.

Sincerely yours, _____

The Department of Housing and Urban Development defines a disabled person in 3 ways:

- (1) A disabled person is one with an inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.
- (2) A developmentally disabled person is one with a severe chronic disability that:
 - (a) is attributable to a mental and/or physical impairment;
 - (b) as manifested before age 22;
 - (c) is likely to continue indefinitely;
 - (d) results in substantial functional limitations in three or more of the following areas: capacity for independent living, self-care, receptive and expressive language; learning, mobility, self-direction, and economic self-sufficiency AND
 - (e) requires special interdisciplinary or generic care treatment, or other services which are of extended or lifelong duration and are individually planned or coordinated.
- (3) A disabled person is also one who has a physical, emotional or mental impairment that:
 - (a) is expected to be of long-continued or indefinite duration;
 - (b) substantially impedes the person's ability to live independently;
 - (c) is such that the person's ability to live independently could be improved by more suitable housing conditions.

I, _____, hereby certify that _____ (person signing the release below should be considered disabled in accordance with definition number ____ above.)

Name and Title _____ Date _____

Signature _____ Phone _____

TENANT/APPLICANT RELEASE

I, _____, hereby authorize the release of the requested information.

Signature _____ Date _____

CHAPTER 4 Answer Keys

CHAPTER 1: BASIC PROGRAM INFORMATION POST-TEST

I. 1. c	II. 1. d	III.
2. d	2. c	1. b
3. b	3. b	2. a
4. a	4. a	

CHAPTER 2: ELIGIBILITY

Learning Activity 2-1

- a
- Listing of Non-contending Family Members signed by Alberto and Maria
Verification of Juan's, Elsa's, Laura's, and Inez's SSN
Declaration of Section 214 Status for Juan and Elsa
Declaration of Section 214 Status for Inez and proof of her age
Laura's Declaration of Section 214 Status, Verification Consent Form and her Citizen and Immigration Services Card or other appropriate documentation
- d
- b
- c

Learning Activity 2-2

1. Must	7. Must	13. May not	19. Must
2. May not	8. May	14. May not	20. Must
3. May not	9. May not	15. Must	21. May not
4. Must	10. Must	16. May not	22. May
5. May not	11. May	17. May	
6. Must	12. Must	18. May	

CHAPTER 2: ELIGIBILITY POST-TEST

1. b	6. c	11. d	16. a
2. b	7. a	12. b	17. d
3. b	8. a	13. a	
4. b	9. b	14. d	
5. c	10. d	15. a	

CHAPTER 5 Eligibility Study Guide

1. State three (3) factors for eligibility: _____

2. Who defines a family? _____
3. Define: a: Elderly family: _____
 b: Disabled family _____

4. List three possible local preferences that a PHA might elect to offer to further
 deconcentration of poverty and income-mixing.

5. List the factors to be considered in unit assignment:

6. What is a “mixed” family? _____

7. If a PH applicant is determined ineligible, what must the written notice contain?

8. If a PHA offers a system of site-based waiting lists, explain some PHA
 requirements:

TRUE/FALSE: (Mark **T** for True and **F** for False)

9. ___ A family may be penalized for refusing unit offers.
10. ___ PHAs may require families to contact them on a periodic basis in order to remain on the waiting list.
11. ___ The use of site-based waiting lists is now required.
12. ___ Form HUD-9886-A may only be used to verify sources listed on the form.
13. ___ HUD determines which parent may claim custody of a minor (for eligibility and occupancy purposes) in cases involving joint custody.
14. ___ Once a disabled person recovers, assistance must be terminated with proper notice.
15. ___ Applicants may apply for the voucher program while on a waiting list for public housing, but they will lose their place on the PH waiting list.
16. ___ A family member over age 5 who has a social security number must disclose it.
17. What is the definition of *live-in aide*?

18. List three (3) reasons for denial of admission to a public housing applicant:

19. Applicants must be promptly notified in writing if they do not qualify for admission. The notice must state:

20. Family members of a live-in attendant may reside in an assisted unit provided that:

21. Persons 62 and older who claim eligible immigration status must execute a signed declaration and provide:
- _____
22. Discrimination is the denial of housing based on:
- _____
- _____
23. What must be prominently displayed at any office where applications are taken and at every project building except for single-family dwellings?
- _____
24. What action does the PHA have to take to open and close application-taking?
- _____
25. Name two circumstances under which a PHA may remove an applicant's name from the waiting list.
- _____
- _____
- _____
26. The _____ limit is set at 80% of the median income for the area, as determined by HUD.
27. The _____ limit is set at 50% of the median income for the area, as determined by HUD.
28. The _____ is set at the higher of 30 percent of area median or the federal poverty level.
29. There is no family _____ income restriction.

30. Explain what options are currently available to a new admission “mixed” family.

31. List five (5) types of single persons who qualify as a family:

32. The factor that determines whether a member of the family listed on the lease may automatically continue to live in the unit after all other family members have left is whether the remaining member:

33. Purging the waiting list should be done _____

34. The _____ offer plan
is based on the highest number of vacancies.

35. The _____ offer plan
is NOT based on the highest number of vacancies.

36. If an applicant is offered one unit in accordance with PHA Offer Plan A and turns it down:

37. If an applicant is offered one unit in accordance with PHA Offer Plan B and turns it down:

TRUE/FALSE: (Mark **T** for True and **F** for False)

38. ___ A PHA can require that an applicant have steady employment.
39. ___ A PHA may not exclude applicants because they are on welfare.
40. ___ A PHA must deny admission to applicants who currently owe rent or other amounts to the PHA in connection with public housing or Section 8 programs.
41. ___ A PHA must deny admission to a family where the husband is incarcerated.
42. ___ Foster children and live-in attendants are not considered for unit size determinations.
43. ___ Applicants receiving veterans disability benefits do not automatically qualify for disability status under HUD's definition.
44. ___ PHAs may require families to apply for welfare if they would be eligible for benefits.
45. ___ PHAs may not exclude elderly families with children from projects for the elderly if a suitable size unit is available.
46. ___ A 55-year-old disabled man cannot be admitted to a mixed population development.
47. ___ A unit that has been adapted for a disabled person can be occupied by non-disabled person.
48. ___ A PHA may maintain separate waiting lists for each project site, if approved for site-based waiting lists.
49. ___ Preferences do not have to be verified before an applicant is placed on the waiting list.
50. ___ The extremely low income limit is used for income targeting purposes.

Notes

- 8/1/25

TRUE/FALSE: (Mark T for True and F for False)

9. **T** A family may be penalized for refusing unit offers.
10. **T** PHAs may require families to contact them on a periodic basis in order to remain on the waiting list.
11. **F** The use of site-based waiting lists is now required.
12. **T** Form HUD-9886-A may only be used to verify sources listed on the form.
13. **F** HUD determines which parent may claim custody of a minor (for eligibility and occupancy purposes) in cases involving joint custody.
14. **F** Once a disabled person recovers, assistance must be terminated with proper notice.
15. **F** Applicants may apply for the voucher program while on a waiting list for public housing, but they will lose their place on the PH waiting list.
16. **T** Applicants must disclose and document SSNs for all household members, except noncontending persons.
17. What is the definition of *live-in aide*?
 A person who resides with an assisted family to care for an elderly or near-elderly member or a member with disabilities and who:
 a.is determined by the PHA to be essential to the care and well-being of the person assisted
 b.Is not obligated for support of the person
 c.Would not be living in the unit except to provide supportive services
18. List three (3) reasons for denial of admission to a public housing applicant:
 History of nonpayment of rent
 Poor housekeeping
 Debt to a PHA that applicant refuses to repay (subject to certain conditions)
19. Applicants must be promptly notified in writing if they do not qualify for admission. The notice must state:
 Reasons for the determination and applicant's right to an informal hearing
20. Family members of a live-in attendant may reside in an assisted unit provided that:
 They do not cause overcrowding.

21. Persons 62 and older who claim eligible immigration status must execute a signed declaration and provide:

Proof of age

22. Discrimination is the denial of housing based on:

Race	Color	National Origin	Religion
Sex	Disability	Age	Marital Status
Familial status	Welfare status	Children born out of wedlock	

23. What must be prominently displayed at any office where applications are taken and at every project building except for single-family dwellings?

A fair housing poster

24. What action does the PHA have to take to open and close application-taking?

Publicly announce the opening and closing of the list.

25. Name two circumstances under which a PHA may remove an applicant's name from the waiting list.

1) Applicant requests it; 2) Applicant was clearly advised of requirement to notify PHA of continued interest by a specific time, and didn't; 3) PHA has made reasonable but unsuccessful efforts to contact applicant to determine if there is continued interest; 4) PHA has notified applicant of intention to remove name because of ineligibility.

26. The low-income limit is set at 80% of the median income for the area, as determined by HUD.

27. The very-low-income limit is set at 50% of the median income for the area, as determined by HUD.

28. The extremely low-income is set at the higher of 30 percent of area median or the federal poverty level.

29. There is no family minimum income restriction.

30. Explain what options are currently available to a new admission “mixed” family.
Prorated rent is the only available option for a mixed family.
-
31. List five (5) types of single persons who qualify as a family:
- 1) Elderly persons**
 - 2) Disabled according to HUD definition at 24 CFR 5.403**
 - 3) Displaced by government action or a federally-declared disaster**
 - 4) Remaining member of a tenant family**
 - 5) Eligible singles other than those listed above**
-
32. The factor that determines whether a member of the family listed on the lease may automatically continue to live in the unit after all other family members have left is whether the remaining member:
Signed the lease.
-
33. Purging the waiting list should be done **in accordance with PHA policy**
-
34. The Plan B (two or three offers) offer plan
is based on the highest number of vacancies.
35. The Plan A (one offer) offer plan
is NOT based on the highest number of vacancies.
36. If an applicant is offered one unit in accordance with PHA Offer Plan A and turns it down:
His or her name goes to the bottom of the waiting list.
-
37. If an applicant is offered one unit in accordance with PHA Offer Plan B and turns it down:
He/she maintains the same position on the waiting list until another unit is offered.
-

TRUE/FALSE: (Mark **T** for True and **F** for False)

- 38. F A PHA can require that an applicant have steady employment.
- 39. T A PHA may not exclude applicants because they are on welfare.
- 40. F A PHA must deny admission to applicants who currently owe rent or other amounts to the PHA in connection with public housing or Section 8 programs.
- 41. F A PHA must deny admission to a family where the husband is incarcerated.
- 42. F Foster children and live-in attendants are not considered for unit size determinations.
- 43. T Applicants receiving veterans disability benefits do not automatically qualify for disability status under HUD's definition.
- 44. F PHAs may require families to apply for welfare if they would be eligible for benefits.
- 45. T PHAs may not exclude elderly families with children from projects for the elderly if a suitable size unit is available.
- 46. F A 55-year-old disabled man cannot be admitted to a mixed population development.
- 47. T A unit that has been adapted for a disabled person can be occupied by non-disabled person.
- 48. T A PHA may maintain separate waiting lists for each project site, if approved for site-based waiting lists.
- 49. T Preferences do not have to be verified before an applicant is placed on the waiting list.
- 50. T The extremely low income limit is used for income targeting purposes.

Notes

TRAINING ACTION PLAN

The measure of a successful seminar is determined by what happens *after* the seminar. Successful training is not just the acquisition of knowledge; it is the *application* of the knowledge. This Action Plan will help you to stay focused as you apply your skills and knowledge to contribute to the overall success of your housing agency. It is designed to help you *and* your PHA to derive the maximum benefit from this training opportunity. It contains four parts:

PERSONAL “TO-DO” LIST

During the seminar you may hear ideas and suggestions intended to improve your competency and performance. Your instructor may recommend that you read a HUD Notice or a Regulation, or that you review certain course materials or case studies. You may learn of a more efficient way to organize a work function or to complete a task. As you become aware of individual items that you want to accomplish when you return to your Agency, record them on your “TO-DO” LIST, so that you do not forget them. Your personal development and success is our goal. Do this for *you*.

HOUSING PROGRAM “TO-DO” LIST

During the seminar there will be much discussion of HUD regulations pertaining to the topic of this course. Your instructor will show you how to use your NMA workbook as a reference tool to research regulations and HUD guidance so that you can apply them properly. You will also hear how other agencies perform the same functions that you do, but in a very different way. Your housing program “TO-DO” list is designed for you to make notes of things you may want to check when you get back to your agency. Jot them down and make a note of any reference pages in your workbook that apply.

**ADMINISTRATIVE POLICY
REVIEW CHECKLIST**

As the HUD regulations and program guidelines are discussed, your instructor will point out areas where PHAs have discretion to develop policies and may suggest that you check yours. Make note of these on your ADMINISTRATIVE POLICY REVIEW CHECKLIST. You may also learn of areas in which policy *should* be developed.

IDEA DESIGN WORKSHEET

As the result of this training, if you identify an area in your program operation in which you want to make constructive recommendations to a Supervisor or to Management, this form will help you to organize your ideas. It is important that you present your ideas in a positive, professional way, explain the benefits of your idea, and provide the appropriate HUD reference, if applicable.

[illegible]

IDEA DESIGN WORKSHEET

IDEA

CURRENT POLICY, PROCEDURE OR PRACTICE

BENEFIT(S) OF THIS RECOMMENDATION

STEPS NECESSARY TO IMPLEMENT

APPLICABLE HUD REFERENCE(S)

IMPROVING TEST-TAKING SKILLS

Below are some pointers that may assist you in minimizing the pressure many test-takers place on themselves during testing.

1. Only ONE answer is correct for each question

Marking two answers to the same question on the Scantron answer sheets will be scored as a wrong answer.

2. Answer one question at a time

You can only answer one question at a time. Don't be overwhelmed by the total number of questions on the test. Isolate each question as you read and answer it. If possible, cover the questions above and below the one you are working on.

3. Work through the questions at a steady pace

When you read a question and have absolutely no idea what the answer is, make a check mark next to it in the test booklet and move on. Don't waste a lot of time pondering over questions you can't answer; go back to them after you have finished the test. Often, another question later on in the test will trigger the answer to the one you thought you didn't know.

4. Identify the core topic

Sometimes when reading multiple-choice test questions, test takers get hung up in the words. Try to find the core topic of the question, isolate it, and ask yourself questions that trigger what you know about the topic.

For example, let's take a question that pertains to income limits. Here are questions to ask yourself that may help identify the correct answer.

- Does this question pertain to applicants or participants? (because the rules are different)
- Does this question pertain to families entering the program or families moving/transferring to another unit?
- What is this question trying to see if I know?

5. Identify key words and phrases

When you read a true/false question, remember that if *any part* of the question is false, the *whole statement* is false. Ask yourself, “Does this statement stand on its own as totally true?” If you find yourself thinking, “Well, it would be true if...”– it’s probably false.

Also use this method to evaluate the multiple choice answer options– if *any part* of an answer is wrong, then it is the *wrong* answer.

6. Turn a multiple-choice question into true or false questions

If you cannot quickly identify the correct answer, you can usually eliminate one or two incorrect answers. After you have done this, take each of the remaining answers, add it to the end of the multiple choice question and see if it is a true or false statement.

7. When you review, focus on the tough questions

When they finish a test, some test-takers go back and review every question– and sometimes they begin to doubt their answers. When they start to second-guess themselves, they often change answers that were correct. If you make a check mark next to the questions in your test booklet that you are not sure of, you can quickly identify the tough ones and use your time to review them.

8. Answer all the questions, even if you have to guess at some

If, after going through the whole exam, there are still questions that have you stumped, first rule out the obviously wrong answer(s), then make your best guess at which of the remaining options is the right answer. Even a blind guess improves your chances of scoring a point.

9. Visually inspect your answer sheet before you turn it in to the instructor

Look for incidental or unintentional pencil marks and erase them. If you changed an answer, make sure that the pencil mark for the first answer is completely erased.

10. Make sure that you did not inadvertently skip a question, or skip a line on the Scantron answer sheet. This would cause all of the following answers to be incorrect.

Before turning in your Scantron sheet, review it to make sure that the number of lines filled in matches the number of questions on the test, and that no lines are blank.