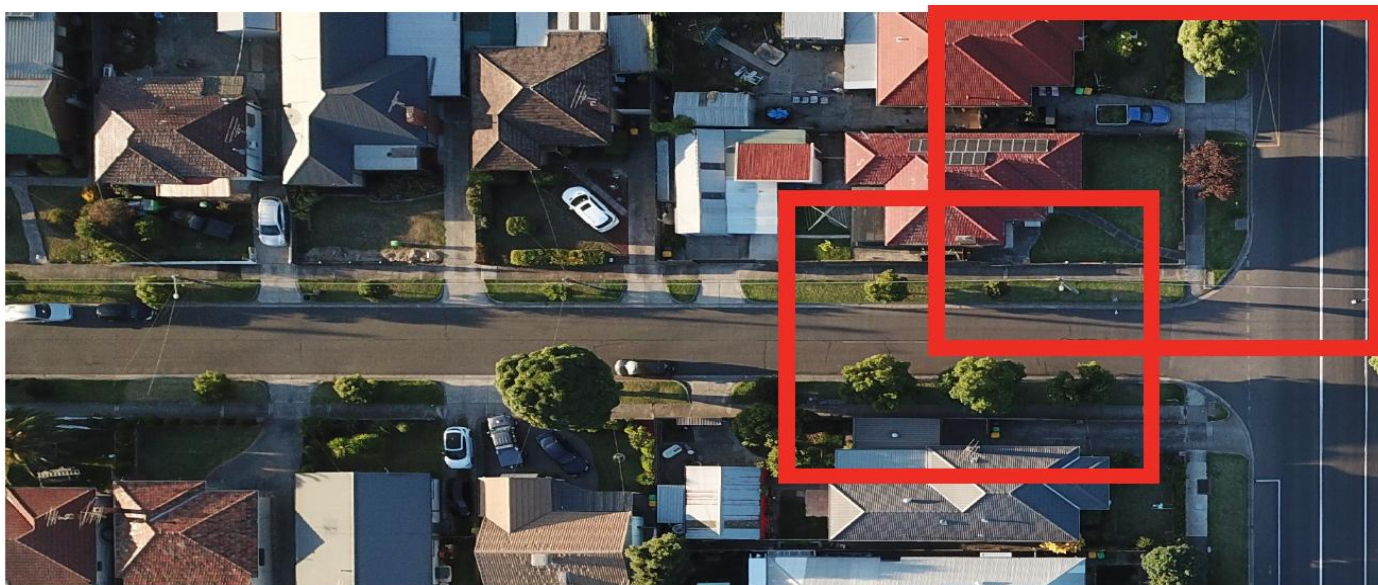




# Galveston Housing Authority Public Housing Admissions and Continued Occupancy Policy July 2025

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# CHAPTER 1: PROGRAM AUTHORITY AND OBJECTIVES

Link: [United States Housing Act of 1937](#)

The Galveston Housing Authority (GHA) manages the Public Housing Program and other housing programs in the geographic area covering Galveston, TX. Through its assisted housing programs, eligible families are provided the opportunity to obtain decent, safe and sanitary housing.

Administration of GHA's Housing Programs and the functions and responsibilities of GHA staff are compliant with GHA's policies and procedures, the Department of Housing and Urban Development's (HUD) regulations, and all applicable Federal, State and local fair housing laws.

## 1.1 Applicable Regulations

- [24 CFR Part 1](#): Nondiscrimination in Federally Assisted HUD Programs
- [24 CFR Part 5](#): General HUD Program Requirements
- [24 CFR Part 8](#): Nondiscrimination
- [24 CFR Part 35](#): Lead-Based Paint
- [24 CFR Part 100](#): Discriminatory Conduct Under Fair Housing Act
- [24 CFR Part 902](#): Public Housing Assessment System
- [24 CFR Part 903](#): Public Housing Agency Plans
- [24 CFR Part 945](#): Designated Housing
- [24 CFR Part 960](#): Admission and Occupancy Policies
- [24 CFR Part 965](#): GHA-Owned or Leased Projects – General Provisions
- [24 CFR Part 966](#): Lease and Grievance Procedures

## 1.2 GHA Mission Statement

GHA's mission is to provide and professionally manage an adequate supply of safe, affordable housing of reasonable quality for low-income people while administering programs that offer opportunities for residents to advance in society. Be a leader and work in partnership with other agencies to enhance the quality of life of all low-income people in the City of Galveston.

The GHA creates excellent housing options in the City of Galveston by fostering public and private partnerships with best-in-class real estate developers, property managers, and service providers to leverage public funds with private investment and strengthen individuals, families and communities within the City of Galveston.

As a public service agency, the GHA is committed to providing excellent service to all public housing applicants, residents, and the public. To provide superior service, GHA resolves to:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.



- Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward deconcentration of poverty goals.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human service needs.
- Create positive public awareness and expand the level of family and community support in accomplishing GHA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

### 1.3 Purpose of the Admissions and Continued Occupancy Policies (ACOP)

Link: [24 CFR Part 903](#)

This Admissions and Continued Occupancy Policy (ACOP) is the policy of the Board of Commissioners of the GHA to govern the Public Housing Program. Policies contained in this ACOP can be revised only by Board resolution and, if the revision is significant, by amending the Annual Plan.

The ACOP establishes policies for implementation and administration of the Public Housing Program by GHA. Where policies are open to determination by the PHA, this Policy sets forth GHA's policies. The ACOP is designed to be used with a series of Procedures referenced throughout the Policy. The procedures describe how this policy is carried out. Operational details, methods and systems are contained in procedures. The GHA will update or issue new procedures as necessary.

GHA will review the ACOP as needed to reflect changes in regulations, GHA operations, or when needed to ensure staff consistency in operation.

Issues not addressed in this document related to applicants and residents (also referred to as families) are governed by the Department of Housing and Urban Development Code of Federal Regulations, HUD guidance, or other applicable law. If a conflict arises between or among the regulations and/or policies identified in this ACOP, the regulations specifically promulgated for the applicable program will take precedence.

### 1.4 Housing Through Modernization Act

Link: [HOTMA Resources | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) was enacted on July 29, 2016. Public Housing Authorities such as the GHA implement the provisions of the law following HUD issued guidance. On February 14, 2023, HUD issued the Final Rule Implementing HOTMA Sections 102, 103, and 104 which are effective January 1, 2024 and require compliance by January 1, 2025 unless otherwise extended by HUD. These



sections make changes to the United States Housing Act of 1937, particularly those affecting income calculation, reviews, and program eligibility. While some changes related to HOTMA are effective beginning in 2024 (such as the phasing out of Earned Income Disallowance), other changes cannot be effective until the housing management software and HUD systems are available to accept the new data. This date is referred to as the GHA HOTMA Compliance Date. The GHA will post on its website when the GHA HOTMA Compliance Date has been established.



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# CHAPTER 2: GENERAL ADMINISTRATIVE PROVISIONS AND POLICIES

## 2.1 Confidentiality and Privacy Policy

Link [24 CFR 5.212](#); [HUD Form 9886 \(English\)](#); [HUD Form 9886 \(Other Languages\)](#)

It is the policy of GHA to guard the privacy of applicants and residents, and ensure the protection of records in accordance with the Privacy Act of 1974. GHA will not disclose any personal information (including, but not limited to information on any disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure, or as required by law.

This privacy policy does not limit GHA's ability to collect such information as it may need to determine eligibility, compute rent, or determine the applicant's suitability for tenancy, and does not prohibit the GHA from disclosing information to local law enforcement if the resident is suspected of being involved in criminal or legal activity.

All applicant and resident information will be kept in a secure location and access will be limited to authorized GHA staff. GHA staff will not discuss personal family information unless there is a business reason to do so.

## 2.2 Record Retention Policy

Link [24 CFR 908.101](#); [24 CFR 35 Subpart B](#)

During the term of each public housing tenancy, and for at least five years thereafter, the GHA will keep all documents related to a family's eligibility, tenancy, and termination.

In addition, the GHA will keep the following records for at least five years:

- An application from each ineligible family and notice that the applicant is not eligible
- Lead-based paint records
- Documentation supporting the establishment of flat rents and the public housing maximum rent
- Documentation supporting the establishment of utility allowances
- Documentation supporting PHAS scores
- Accounts and other records supporting the budget and financial statements for the program
- Other records as determined by the GHA or as required by HUD
- Longer retention requirements may apply for citizenship status hearing documents





## Records for Environmental Intervention Blood Lead Level

Link: [HUD PIH Notice 2017-13](#)

The GHA will provide the public health department, the local HUD Field Office and HUD's Office of Lead Hazard Control (OLHCHH) written notice of the name and address of any child identified as having an environmental intervention blood lead level within 5 business days of obtaining this information.

## Upfront Income Verification (UIV) Records

PHA access to UIV data through HUD's Enterprise Income Verification (EIV) System is required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with Federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper).

## Criminal Records

Link: [24 CFR 5.903; 5.905](#)

GHA may only disclose the criminal conviction records which GHA receives from a law enforcement agency to officers or employees of GHA, or to authorized representatives of GHA who have a job-related need to have access to the information.

GHA has established a system of records management that ensures that any criminal record received by GHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing an informal hearing and the disposition of that action.

## Medical/Disability Records

GHA are not permitted to inquire about the nature or extent of a person's disability. GHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If GHA receives a verification document that provides such information, GHA should not place this information in the tenant file. GHA should destroy the document.



# CHAPTER 3: GENERAL FAIR HOUSING POLICIES

## 3.1 Nondiscrimination Policy

Links: [Fair Housing Act \(42 U.S.C\)](#); [Section 504 of the Rehabilitation Action of 1973](#); [Joint Statement of HUD and DOJ 5/17/14](#)

It is the policy of the GHA to accept applications for housing from all persons regardless of race, color, religion, sex, sexual orientation, sexual identity, national origin, familial status, disability, or elderliness. In the selection and admission of tenants the Authority will not discriminate because of race, color, religion, sex, sexual orientation, sexual identity, national origin, source of income, familial status, disability, or elderliness. The Authority will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity to all. GHA will make such physical and/or procedural changes as will reasonably accommodate people with disabilities. No quotas or other devices, except as necessitated by allocation of units to ranges of specified rent, will be established to limit the number of such families in residence.

GHA is an equal housing opportunity provider. GHA does not discriminate on the basis of race, color, sex, national origin, religion, disability or familial status (having children under age 18). GHA does not interfere, threaten, or coerce people in the exercise of their fair housing rights. GHA does not retaliate against people who have asserted their rights or people who have assisted someone in asserting their rights.

### Complying with Civil Rights Laws

It is the policy of the GHA to comply with all federal, state and local non-discrimination laws, rules and regulations governing fair housing and equal opportunity in housing and employment now in effect and subsequently enacted, including, but not limited to:

- [Title VI of the Civil Rights Act of 1964](#), which forbids discrimination on the basis of race, color, religion, or national origin.
- [Title VIII of the Civil Rights Act of 1968](#) (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination
- [Executive Order 11063](#) which banned segregation in federal housing.
- [Executive Order 13166](#) which requires that recipients of Federal financial assistance provide meaningful access to their limited English proficiency applicants and beneficiaries
- [Section 504 of the Rehabilitation Action of 1973](#), which describes specific housing rights of persons with disabilities
- [Age Discrimination Act of 1975](#)
- [Title II of the Americans with Disabilities Act](#), otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units)
- [Violence Against Women Reauthorization Act 2013](#) (VAWA)
- Any applicable State laws or local ordinances that may apply



GHA will provide information to applicants at the time of admission and residents at the time of annual re-examination about civil rights requirements.

GHA's housing programs are open to all eligible individuals regardless of sexual orientation, gender identity or marital status. GHA inquires not about the sexual orientation or gender identity of an applicant or resident for purposes of determining eligibility or otherwise making such housing available. The GHA will not discriminate because of race, color, marital status, sexual orientation, gender identity, national origin, sex, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities.

Applicants or tenant families who believe they have been subject to unlawful discrimination may notify GHA either orally or in writing. GHA will attempt to remedy discrimination complaints made against GHA. GHA will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

Houston Regional Office of FHEO  
U.S. Department of Housing and Urban Development 1301 Fannin Street  
Room 2200  
Houston, Texas 77002

### 3.2 Language Assistance Plan and Limited English Proficiency Policy

Link: [Federal Register 1/22/07](#), [24 CFR 1](#)

The GHA is committed to providing meaningful access to its programs and services to all eligible applicants and residents. The GHA is committed to providing meaningful access to its programs and services to all eligible persons, including those who have Limited English Proficiency because of their national origin. GHA will take affirmative steps to communicate with people who need services or information in a language other than English. LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Policy, LEP persons are Public Housing tenants and families.

GHA has determined that most tenants speak English. The GHA staff can communicate in: English and Spanish. Given very limited resources GHA will not develop a written LEP plan but will consider alternative ways to communicate and provide meaningful access.

Every year, as part of GHA's annual plan process, the need for a LEP Plan will be reviewed and a Plan created if needed. The review will assess whether there have been any significant changes in the composition or language needs of the LEP population. The GHA will analyze the various kinds of contacts



it has with the public to assess language needs and decide what reasonable steps should be taken if the costs imposed do not substantially exceed the benefits.

### LEP Options

- When LEP persons request, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the GHA: the staff communicate in English. The interpreter may be a family member or friend.
- The GHA will utilize a language line for telephone interpreter services.
- GHA will inform the tenant association of language assistance services.
- GHA will not provide written translation but will provide written notice in the primary language of the LEP language group of the right to receive oral interpretation of those written materials, free of cost. Translation may also be provided orally.

### 3.3 Family Outreach

Link: [24 CFR Part 903.2](#); [24 CFR 903.7](#)

The GHA publicizes and disseminates information concerning the availability and nature of housing assistance to income eligible families. When the wait list is open, the GHA will publicize the availability and nature of housing assistance through a wide variety of sources including local and State newspapers, minority media and the Housing Authority of Galveston website. Efforts will be made to notify local officials, government agencies, and agencies that specifically address the needs of individuals with disabilities.

GHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in GHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

### 3.4 Affirmatively Furthering Fair Housing

Link: [24 CFR 960.103](#)

GHA will affirmatively further fair housing by marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those group in the eligible population of the area. GHA will review these factors regularly to determine the need for and scope of affirmative marketing efforts.



### 3.5 Deconcentration Policy

Link [24 CFR 903 Subpart A](#)

GHA's de-concentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to extremely low income families, will be to admit higher income families to lower income developments, and lower income families to higher income developments. In the event that the target goal is not being met, GHA may skip families with higher preference or earlier date/time in order to reach a family of the extremely low income level.

### 3.6 Reasonable Accommodations

Link: [24 CFR Part 8](#), [24 CFR Part 966.7\(b\)](#)

The GHA is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, or benefit from or otherwise discriminate against individuals with disabilities, based on disability, in connection with the operations of the GHA's programs, services and activities. Therefore, if an individual with a disability requires an accommodation and is verified as having the need such as an accessible feature or modification to a GHA policy, GHA will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program: or an undue financial and administrative burden. In such a case, the GHA will make another accommodation that would not result in a financial or administrative burden.

A reasonable accommodation is a change, modification, alteration or adaptation in a policy, procedure, practice, program or facility that is necessary for a qualified individual with a disability to have the opportunity to participate in, and benefit from a program or activity.

GHA will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, re-examination documents, and notice of adverse action. The notice will include the name and phone number of the GHA contact person for requests for accommodation for persons with disabilities.

The GHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the GHA will consider the accommodation any time the family indicates that an accommodation is needed whether a formal written request is submitted. If the request is made orally, the GHA will document the request in writing including request specifications, family name, date, and GHA staff taking request.

If a person with a disability requests accommodation to an existing rule, policy, practice, or service in order to fully access and utilize the GHA's housing programs and related services, the GHA will verify and evaluate the request. The GHA is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden.





GHA will post a copy of this Reasonable Accommodation Policy in the administrative office; and the management office in each public housing development.

### Legal Authority

This Policy is compliant with the statutory authority listed below:

- [Section 504 of the Rehabilitation Act of 1973 \(Section 504\);](#)
- [Titles II and III of the Americans with Disabilities Act of 1990 \(ADA\);](#)
- [The Fair Housing Act of 1968, as amended \(Fair Housing Act\);](#)
- [The Architectural Barriers Act of 1968;](#) and
- [24 CFR Part 8 Subpart C](#)
- DOJ/HUD Joint Statement on Reasonable Accommodations;
- DOJ/HUD Joint Statement on Reasonable Modifications;
- HUD Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate- Related Transactions;
- FHEO Notice 2013-01: Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs; and
- 42 U.S. Code § 3604: the Fair Housing Act prohibition regarding discrimination against families with children

### Definition of Disability

Person with disabilities is a person who:

- Has a disability, as defined in [42 USC 423](#);
- Is determined, pursuant to HUD regulations, to have 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 the ability to live independently could be improved by more suitable housing conditions; or
  - Has a developmental disability as defined in [42 USC 15001](#)
- Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
- For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- Means “individual with handicaps”, as defined in [24 CFR 8.3](#) of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

### Examples of Reasonable Accommodations

- Allowing a larger unit size



- Allowing a live-in aide
- Allowing a service animal
- Community service exemption
- Transfer: Examples of a reasonable accommodation transfer include, but are not limited to:
  - A transfer to a first floor unit for a person with mobility impairment, or
  - A transfer to a unit with accessible features.
- Exemption from the two year no transfer policy if a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines
- Alternative measures instead of lease termination
- Rescheduling appointments and/or hearings
- Attendance at a hearing of any other person approved by the GHA
- Permitting an outside agency or family member to assist in an interview or meeting
- Permitting applications and re-examinations to be completed in the manner prescribed by the GHA

### 3.7 Live in Aide Policy

Link: [24 CFR 5.403](#); [24 CFR 8](#); [24 CFR 5.609\(c\)\(5\)](#); [24 CFR 966.4\(d\)\(3\)\(i\)](#)

The GHA will approve a live-in aid if needed for families with an elderly or near elderly member, or as a reasonable accommodation to make the program accessible to and usable by a family member with disabilities.

Live-in aide means a person who resides with one or more elderly persons, or near- elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons
- Is not obligated for the support of the persons, and
- Would not be living in the unit except to provide the necessary supportive services

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and will not be considered a remaining member of a resident family.

A family's request for a live-in aide must be made in writing. GHA will verify the request. For continued approval, the family must submit a new, written request, subject to the GHA verification at each annual re-examination.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is:

- Not obligated for the support of the person(s) needing the care, and



- Would not be living in the unit except to provide the necessary supportive services.

The GHA has the discretion not to approve a particular person as a live-in aide, and may withdraw such approval, if the person:

- Does not meet GHA's screening and suitability criteria
- Would cause the current unit to become overcrowded according to GHA standards and local codes
- Falls under any category listed in this Policy in the Denials of Admission Section
- Is on the GHA Trespass List

### 3.8 Physical Impairment Policy

Link: [24 CFR Part 8.6](#)

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication is available at the GHA Office.

When visual aids are used in meetings or presentations, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant or resident) to receive, interpret and explain housing materials and be present at all meetings.

### 3.9 VAWA: Violence against Women Reauthorization Act Policy

Link: [Violence Against Women Reauthorization Act 2013](#); [24 CFR 5 Subpart L, PIH Notice 2017-08](#); [VAWA 2022](#)

This Policy is applicable to all federally subsidized public housing administered by GHA. GHA will not discriminate against an applicant or resident based on the rights or privileges provided under the VAWA. This policy is gender-neutral, and its protections are available to persons who are victims (including affiliated individuals) of domestic violence, dating violence, sexual assault, or stalking.

The GHA will not deny admission to the public housing program to any person because that person is or has been a victim or affiliated individual of domestic violence, dating violence, sexual assault or stalking; provided that such person is otherwise qualified for such admission. In addition to prohibiting a denial, termination, or eviction based on the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, GHA will not deny admission to an applicant based on an adverse factor, 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.



### VAWA - Notification of Rights

The GHA will enclose in each application packet a notice advising applicants of their rights under VAWA. The GHA will notify residents of their rights under VAWA during the annual re-examination process and with any adverse action notice along with a copy of the form HUD form 5380 (Notice of Occupancy Rights); HUD form 5382 (Certification of VAWA)([alternate languages](#)).

### VAWA - Confidentiality

All VAWA information provided to the GHA, including the fact that an individual is a victim of domestic violence, sexual assault, dating violence, sexual assault or stalking (VAWA violence); will be retained in confidence, and will not be entered into any shared database or provided to any related entity, except to the extent that disclosure is:

- Requested or consented to by the individual in writing
- Required for use in an eviction proceeding
- Otherwise required by applicable law

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, GHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

### VAWA - Documentation

When a resident family is facing lease termination because of the actions of a resident, household member, guest, or other person under the resident's control and a resident or immediate family member of the resident's family claims that she or he is the victim or affiliated individual of such actions and that the actions are related to VAWA violence, the GHA will request in writing that the individual submit documentation within fourteen (14) business days affirming that claim. The written request will include instructions on where, when, and to whom the documentation must be submitted. It will also state the consequences for failure to submit the documentation by the deadline. GHA may choose to extend the 14 day requirement to provide documentation or may choose to waive the requirement based on the circumstances surrounding the claim.

The individual may satisfy this request by providing any one of the following documents as described under 24 CFR 5.2007(b)(1):

- Form HUD-5382; or
- A document:
  - Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
  - Signed by the applicant or tenant; and
  - That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the



applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or

- A record of a Federal, State, tribal, territorial, or local law enforcement agency (may include a police report), court, or administrative agency; or
- At the discretion of GHA, a statement or other evidence provided by the applicant or tenant.

### VAWA Lease Bifurcation

The GHA may bifurcate a family's lease and terminate the tenancy of the culpable family member if the GHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members. In making its decision, the GHA will consider all credible evidence, including, but not limited to, a signed certification (HUD-5832) or other documentation of abuse submitted to the GHA by the victim.

If the GHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, policies in this ACOP and the GHA VAWA Procedure. If necessary, the GHA will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, the GHA may refer the remaining family members to a victim service provider or other agency with shelter facilities.

### Limitation On VAWA Protection

VAWA does not limit GHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, or stalking providing that GHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.

VAWA does not limit GHA's authority to terminate the tenancy of any public housing tenant if GHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated.

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, HHA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, or stalking
- Whether the threat is a physical danger beyond a speculative threat is likely to happen within a short period of time
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat





If the tenant wishes to contest GHA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.



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# CHAPTER 4: APPLYING TO THE PROGRAM AND WAITING LIST

## 4.1 Application Process

Link: [24 CFR 1.4](#), [24 CFR 960.202](#)

The GHA will announce the reopening of the waiting list prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. GHA will advertise through a wide variety of sources including local and State newspapers, minority media, minority civic clubs, service agencies, and broadcast media. An effort will also be made to notify elected officials, government agencies and other agencies that specifically address the needs of individuals with disabilities.

Notices will include: the dates, times and locations where families may apply; the method for acceptance of application; instructions for electronic submission of applications in the event such technology is available, the program for which applications will be taken and; a brief description of the program.

No one will be denied the right to request or submit an application when the Low-Income Public Housing waiting list is open. However, depending upon the composition of the waiting list about family types and preferences and to better serve the needs of the community, the GHA may only accept applications from any family claiming preference(s).

Completed pre-applications must be submitted in the manner specified (e.g. post office box or address; on-line via the internet). GHA reserves the right to accept pre-applications electronically via the internet or other automated system as deemed appropriate. GHA does not charge any fee for any part of the pre-application or application process.

Only those pre-applications received by the due date as indicated by a postmark or other appropriate electronic submission verification tool during the time-period specified by GHA will be accepted as eligible pre-applications. The date the pre-application is received is the date it is postmarked or submitted electronically.

If on-line applications are utilized and an applicant needs assistance completing or submitting the on-line application assistance may be provided via other means as identified by GHA. When the GHA waiting list is open, GHA will offer all applicants the opportunity to be listed on other GHA Program waiting lists, if open.



## 4.2 Preferences

Link: [24 CFR 960.202](#)

GHA will prioritize its waitlist by points. Points will be based on the head of household status. Applicants that meet criteria of more than one preference will have cumulative points awarded.

- GHA Head of Household Disaster Preference: Former GHA public housing families who were receiving GHA public housing assistance immediately prior to being displaced as a result of a natural disaster, will be given preference over all other displaced families and will take precedence over any other preference. (10 points)
- Elderly Preference: Head of household or spouse is 62 years or older. (2 points)
  - If the GHA determines that there are insufficient numbers of elderly families to fill all the units in a project (or portion of a project) designated for occupancy by only elderly families, the agency may provide that near-elderly families with preference to occupy dwelling units in the project (or portion).
- Employment Preference: Employed working a minimum of 30 hours per week. (1 point)
- Local Residency and Work Preference: This preference is for families who live and/or work in the City of Galveston, regardless of the length of time the family has resided and/or worked in the City of Galveston; applicants who have been notified they are hired to work in the City of Galveston; Families whose head or spouse has been given a bona fide offer of employment. Families where the head and spouse, or sole member is a person age 62 or older, or is a person with disabilities, will also be given the benefit of the working preference. (5 points)
  - The use of a 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.
- Disabled and/or Handicapped Preference: Head of household or spouse who is disabled or handicapped according to the definition in Section 223 of the Social Security Act. (2 points)
- School/Job Training Preference: Families whose head of household or spouse is currently enrolled and participating in a job training program that prepares them for entering or re- entering the job market. Families enrolled in educational programs working toward a degree. (1 point)
- Veteran Preference: Families whose head of household or spouse is an active-duty member of the U.S. Armed Services, Veteran, or surviving spouse of a Veteran. Verification requires U.S. Government Military documents which indicate the applicant qualifies under the above definition.(1 point)

Within each preference category, applicants will be selected in order of the date and time of their application or randomized lottery number depending on the method established for the wait list opening.

Single applicants who are elderly or disabled single persons will be assisted before other single persons.

When adopting a new preference, GHA will notify all applicants on the current waiting list to determine if any are eligible under the preference. GHA will specify in a public notice of a waiting list opening that current waiting list applicants may qualify for the preference. The notice will include any other information



new applicants and current applicants on the waiting list will need to know about how to successfully apply and establish their preference status, including any partnering agencies with whom the owner may be working to receive referrals or determine preference eligibility.

If an applicant makes a false statement to qualify for a Local preference, GHA will deny the preference.

If the GHA denies a preference, GHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review.

If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if he/she believes they have been discriminated against.

Changes in an applicant's circumstances while on the wait list may affect the family's entitlement to a preference. Applicants are required to notify the GHA in writing when their circumstances change.

When an applicant claims an additional preference, he/she will be placed on the waiting list in the appropriate order determined by the newly claimed preference.

The exception to this is, if at the time the family applied, the waiting list was only open to families who claimed that preference. In such case, the applicant must verify that he/she were eligible for the first preference before he/she returned to the waiting list with the new preference.

### 4.3 Waiting List Placement

Link: [24 CFR 960.206](#)

It is GHA's policy that each applicant will be assigned an appropriate place on a jurisdiction-wide Waiting List. Applicants will be listed in sequence based upon size and type of unit required, preference, date and time the application is received (or randomized lottery number if based on an on-line application process). In filling actual or expected vacancies, GHA will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of filling units timely, and accomplishing deconcentration of poverty and income-mixing objectives. GHA will offer the unit in the proper applicant sequence until it is accepted.

GHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance). Where the family is determined to be ineligible, GHA must notify the family in writing. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

When the waiting list is open, any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete an application, even if applications are only being accepted from specific groups and the family may not qualify. Based on the GHA's turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verification.



Applicants who owe money to GHA or any other housing authority will be placed on the waiting list but will not be offered a unit until their debt is paid in full.

### Income Targeting Policy

Link [24 CFR 960.202\(b\)](#)

The GHA will monitor progress in meeting the Extremely Low Income (ELI) requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

### Fungibility

Link [Quality Housing and Work Responsibility \(QHWRA\) Act of 1998](#)

GHA will exercise fungibility between the Housing Choice Voucher and public housing programs as allowed by HUD to meet income targeting requirements and as also stated in the GHA's Administrative Plan.

## 4.4 Offer of Placement on the Section 8 Waiting List

GHA does not maintain a merged Waiting List for the public housing and the Housing Choice Voucher Program. Per 24 CFR 982.205, if the Section 8 Waiting List is open when the applicant is placed on the public housing list, GHA will offer to place the family on both lists. If the public housing Waiting List is open at the time an applicant applies for Section 8, GHA will offer to place the family on the public housing Waiting List so long as units of appropriate size are managed by GHA.

## 4.5 Opening and Closing the Waiting List

GHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit and the ability of GHA to house an applicant in an appropriate unit within a reasonable period.

GHA may open the waiting list to preference-eligible only families or for special populations.

When GHA opens the waiting list, GHA will advertise through public notice in the local newspapers, minority publications and media. To reach persons with disabilities or special populations, GHA will provide notice to local organizations representing the interests and needs of the disabled.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the GHA address and telephone number, how to apply, and information on eligibility requirements.

The notice at a minimum will contain:

- The dates, times, and the locations where families may apply.
- The means of application submittal (electronic, paper based, etc.)





- The programs for which applications will be taken.
- A brief description of the program.
- Limitations, if any, on who may apply.

The wait list open period will be long enough to achieve a waiting list adequate to cover projected turnover over the next twelve (12) months. GHA will give notice when opening the wait list when the wait list closes. GHA may suspend the acceptance of applications if there are enough applicants to fill anticipated openings for the next twelve(12) months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

GHA will update the waiting list as needed by contacting applicants to determine their continued interest in the program. Those applicants who indicate they are no longer interested or fail to respond to a purge letter will have their names removed from the waiting list. At the time of initial application, GHA will advise families of their responsibility and requirements to notify GHA in writing when mailing address, email or telephone numbers change.

#### 4.6 Maintaining the Waiting List

As authorized by the Quality Housing and Work Responsibility Act of 1998, GHA has implemented one waiting list for its traditional public housing.

The waiting list will contain the following information for each applicant listed:

- Name and address of head of household
- Unit size required (number of family members)
- Social security number (head of household)
- Amount and source of annual income
- Date and time of application or random lottery number

GHA will administer its waiting lists as required by 24 CFR Part 5, Subpart E and Subpart F, Part 945 and 24 CFR 960, Subpart B. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent part of the file.
- All applicants in the pool will be maintained in order of preference and in order of date and time of application receipt.
- Applications equal in preference will be maintained by date and time sequence or randomized lottery number.
- Applicants may qualify for more than one preference.
- All applicants must meet applicable income and other eligibility requirements as established by HUD and GHA.

Every reasonable action will be taken by GHA to assure that applicants can make informed choices regarding the development(s) in which they wish to reside.



## Updating the Waiting List

The waiting list will be updated as needed to ensure that all applicant information is current. The update letter will state that failure to respond will result in the applicant being removed from the waiting list without further notice. The family's response must be in writing and may be delivered in the manner prescribed by the GHA. Responses should be received by the GHA not later than the response date provided in the GHA's letter. If the family fails to respond within the period provided, the family will be removed from the waiting list without further notice. If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. If the notice is returned by the post office with a forwarding address, the notice will be sent to the address indicated. The family will have to respond by the date indicated in the second letter.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the GHA from making an eligibility determination; therefore, no informal hearing is required. If the family is removed from the waiting list for failure to respond, the Executive Director or designee Director may reinstate the family if s/he determines the lack of response was due to GHA error, or to circumstances beyond the family's control.

Notices will be made available in an accessible format upon the request of a person with a disability. An extension to reply to the update notification will be considered as reasonable accommodation if requested by a person with a disability.

## Family Changes Prior to Unit Offer

Changes that occur during the period between certification of eligibility and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment and must be re-verified prior to making the offer. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable.

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open. When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the GHA will make the decision taking into consideration the following factors:

- The interest of any minor child, including custody arrangements
- The interest of any ill, elderly, or disabled family members
- Any possible risks to family members as a result of domestic violence or criminal activity;
- Recommendations of Social Service Agencies, and;
- Which family member applied as Head of Household.



When a family is on the wait list and the head of household is deceased, an adult member who has court ordered final custody of the children listed on the application will be allowed to retain the original application position. The family will take the appropriate place on the waiting list according to the date they first applied.

## 4.7 Removal from the Waiting List

The GHA will remove applicants from the waiting list if:

- The applicant has requested their name be removed. In such cases no informal hearing is required.
- The applicant has failed to advise the GHA of his/her continued interest in public housing during the waiting list update. This includes failing to notify the GHA of any changes in family status, preference status, address, etc.
- The applicant has failed to attend interviews and/or provide documentation in the required timeframes.
- The GHA determines the family is not eligible for admission at any time while the family is on the waiting list.
- The applicant fails to pay an existing utility balance which results in a denial of service by the utility supplier;

The GHA may remove an applicant's name from the waiting list under the following circumstances:

- The applicant fails to pay an outstanding balance owed to the GHA;
- The applicant fails to meet background screening check;
- The applicant fails to complete the Pre-Occupancy Classes or Orientation;
- The applicant fails to pay an existing utility balance which results in a denial of service by the utility supplier;
- The applicant fails the GHA's screening because of a documented tenant history of:
  - Previous removal from the waiting list within the last 12 months;
  - Inability or unwillingness to comply with the terms of the GHA's lease;
  - Misrepresentation of any information related to eligibility, award of preference for admission, allowances, family composition or rent.

If a family is removed from the waiting list because the GHA has determined the family is not eligible for admission, a notice will be sent to the family's address of record. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing.

## 4.8 Resident Selection Policy

Link: [24 CFR 1.4\(b\)\(2\)\(ii\)](#);

### Order of Selection

All housing offers will be made from the approved waiting list of appropriate size and/or suitable type and will be made in accordance with the following:



- If there is a suitable (right size and type) unit available at more than one location, the applicant is offered a unit at the location with the oldest vacancies. If the applicant refuses the first offer, the applicant will be offered a second choice. If the applicant refuses the second offer without good cause, the applicant removed from the waiting list. The two offers can be made in sequence and the applicant should refuse one offer before another is made.
- If there is only one location at which suitable units are available (e.g. only one development has units that are large enough), the applicant is offered a unit at that location that has been ready to rent the longest. If the applicant refuses the offer, the applicant is offered a second unit at that location that has been ready to rent the longest. If the applicant refuses the second offer without good cause, the applicant is removed from the waiting list.

Applicants must accept a unit offer within 2 business days of the date the offer is made.

GHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

If, for good cause, an applicant rejects a unit offer or is willing to accept the unit offered but is unable to take occupancy at the time of the offer, the applicant will not be repositioned on the waiting list.

Examples of "good cause" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

- An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)].
- Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;
- The family demonstrates to GHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.
- A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.
- The unit does not meet the verified accessibility needs of the applicant.

### Resident Selection Notification

Link: [24 CFR 960.208](#)

GHA will notify the family by first class mail when it is selected from the waiting list. The notice will inform the family of the following:

- Date, time, and location of the application interview, including any procedures for rescheduling the interview



- Who is required to attend the interview
- Documents that must be provided at the interview

If a notification letter is returned to GHA the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents GHA from making an eligibility determination; therefore no informal hearing will be offered.

## 4.9 Occupancy Standards

### Determining Unit Size

Link: [24 CFR 960.206\(c\)](#)

The Occupancy Guidelines are established by GHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. These Occupancy Guidelines are used to determine minimum and maximum unit sizes for various sized families when they are selected from the waiting list, or when a family's size changes, or when a family requests an exception to the Occupancy Guidelines.

### Occupancy Standards Chart

Bedroom Size	Minimum Occupants	Maximum Occupants
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10

Applicants will be approved for admission as well as continued occupancy based upon the standard of two persons per bedroom with the exceptions listed below:

- The GHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom.
- The GHA will consider factors such as family characteristics including sex, age, or relationship, the number of bedrooms and size of sleeping areas or bedrooms and the overall size of the dwelling unit.
- For occupancy standards, an adult is a person 18 years or older or an emancipated minor.
- Consideration will also be given for medical reasons and the presence of a live-in aide.
- Generally, the GHA will assign one bedroom to two people within the following guidelines:



- Single person families will be allocated a zero or one bedroom.
- Foster children will be included in determining unit size only if they are in the unit for more than nine months. A household that contains a family member (not the head of household or spouse) who is enrolled as a full-time student at an institution of higher learning and who is on the lease will be counted for the purposes of establishing occupancy standards for unit size if:
  - The family member is enrolled and actively attending a two-year or four-year college or university; and
  - The family member resides in the unit during school breaks and holidays.
- A household in which the parent shares joint custody of a dependent child shall include the child on the lease and will be counted for purposes of establishing occupancy standards for unit size if:
  - The head of household is legally entitled to physical possession of the child more than 50% of the time; and
  - The child actually physically resides in the unit with the head of household more than 50% of the time.

In the event that the primary custody of a child is disputed by either custodial parent or guardian, the GHA may examine additional documentation to determine the household where the child's residence will receive subsidy. The GHA may request to examine:

- Documentation provided to the Internal Revenue Service which provide for tax allowance for dependent child; and
- If the child is school age, the head of household is listed as the legal guardian on the child's school enrollment documentation, and the address of record is the head of household's address.

### Occupancy Standards Exceptions

An exception may be granted to allocate a separate bedroom to a family member, if a larger bedroom size is needed for medical equipment due to its size and/or function, or as reasonable accommodation for a person with disabilities. Written verification of disability and need for the medical equipment may be required by GHA prior to allocation of the separate bedroom. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the apartment size in which the family resides (according to the Occupancy Standards Chart) and the family does not want to transfer to a larger apartment.



# CHAPTER 5: INITIAL AND CONTINUING ELIGIBILITY

## 5.1 Qualifications for Admission

GHA will admit only applicants who are qualified according to all the following criteria:

- Are a family as defined by HUD and GHA
- Qualify on the basis of citizenship or the eligible immigrant status of family members.  
Link [24 CFR Part 5, Subpart E](#)
- Provide documentation of Social Security numbers for all household members, or certify that they do not have Social Security numbers  
Link [24 CFR Part 5, Subpart B](#)
- Have income at or below HUD-specified income limits.  
Link [24 CFR Part 5, Subpart F](#)
- Meet the Applicant Suitability and Selection Criteria stated in these policies
- Consent to GHA's collection and use of family information as provided for in GHA consent forms.
- Applicants who are listed as a head of household or spouse of a head of household on a current GHA Public Housing lease are not qualified for admission.

## 5.2 Restrictions on Eligibility due to Family Net Assets

Link: 24 CFR 5.618(a); 24 CFR 5.618(a)(ii)

Effective upon the GHA HOTMA Compliance Date, families may not receive assistance in the housing choice voucher program if their net family assets exceed the maximum amount (set by HUD annually) or if the family owns real property suitable for the family to live in.

A family cannot receive benefits if they have present ownership interest in, a legal right to reside in, and the effective legal authority to sell, based on the State of Texas laws, real property that is suitable for occupancy by the family as a residence.

The restriction on owning real property does not apply to:

- A family that receives assistance for the property under the Low Income Public Housing Program for:
  - Manufactured home (24 CFR 982.620)
  - Homeownership Option
  - Property jointly owned with someone else, and occupied by the other owner who is not a member of the household receiving benefits.
  - A victim of domestic violence, dating violence, sexual assault, or stalking.
  - A family that is offering property for sale.



A family that owns a property may show it is not “suitable for occupancy” if it:

- Does not meet the disability-related needs for all members of the family.
- Is not sufficient for the size of the family.
- Is located where it would be a hardship for the family.
- Example: the location would be a hardship for the family’s commute to work or school
- Is unsafe because of physical condition.
- Unless issues can be “easily remedied”
- Cannot be a residence per local or state laws.

## 5.3 Family Definition

Link: [24 CFR 5.403](#)

To be eligible for admission, an applicant must qualify as a family. Family as defined by HUD 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, or:
  - Is an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age;
  - Has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)); and
  - Is homeless or is at risk of becoming homeless at age 16 or older
- The above statement meets the HUD definition; however, GHA does not have zero or one bedroom units to accommodate single persons in the public housing program.
- A group of persons residing together, and 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; and
  - The remaining member of a resident family.

For categorizing family as defined above, the terms disabled family, elderly family and near-elderly family are:

- Disabled family means a family whose head (including co-head), spouse or sole member is a person with a disability.
- Elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age.



- Near elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62.

A family may have a spouse or co-head but not both. The co-head is an individual in the household who is equally responsible for the lease with the head of household. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease.

Child (minor) relationship is determined only by: birth, adoption, a court order establishing custody, or a legal order from the social service agency, (i.e. Child Protective Services, DES, etc.).

Each family must identify the individuals to be included in the family at the time of application, and must notify the GHA if the family's composition changes within 15 calendar days.

#### Foster Youth/Foster Adult/Live In Aide

Foster adults, foster children and Live-in aides are members of the household (and therefore will be considered when determining appropriate unit size and utility allowance), they are not considered members of the family for purposes of determining either annual and adjusted income or net family assets, nor are their assets taken into consideration for purposes of the asset limitations.

#### Family Break up

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open. If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will retain occupancy of the unit.

If a court determines the disposition of property between members of an applicant or resident family as part of a divorce or separation decree, the GHA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the GHA will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, the GHA will take into consideration the following factors:

- The interest of any minor child, including custody arrangements
- The interest of any ill, elderly, or disabled family members
- The interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and provides documentation in accordance with this ACOP
- Any possible risks to family members as a result of criminal activity



- The recommendations of social service professionals

### Remaining Family Member

As defined by HUD and previously approved by GHA to live in the unit. Live-in aides, foster children and foster adults do not qualify as remaining family members.

If the head of household dies or leaves the unit for any reason other than termination of the tenancy by GHA, continued occupancy by remaining household members is permitted only if:

- The household reports the departure (or death) of the head of household in writing within 15 calendar days of the occurrence; and
- A replacement head of household is identified and reported to GHA in writing within 30 calendar days of the occurrence; and
- If after 30 days of the occurrence, no head of household is reported, GHA will proceed with eviction;
- The household member seeking to become the head of household must meet GHA's screening and eligibility requirements;
- The member seeking to become the head of household has reported all income as required by GHA policy;
- The member seeking to become the head of household has not committed any violation of the lease agreement during their tenancy;
- The household agrees to occupy an appropriately sized unit based on GHA's Occupancy Standards.

Except in cases where the member seeking to become the head of household is the parent or legal guardian of a remaining minor(s) (under 18), the proposed head of household has been listed on the lease for at least 12 consecutive months, or since the previous head of household's tenancy (if less than 12 consecutive months).

The head of household agrees to a written payback agreement for any arrearages incurred by the former head of household.

Those under 18 seeking to become the head of household must provide proof of emancipation, including but not limited to: marriage license, divorce decree, emancipation or military enlistment or discharge papers.

An adult who becomes the guardian or other caretaker of remaining household member(s), who are minors, may apply to become head of household and must meet GHA's screening and eligibility criteria.

GHA may deny tenancy if an action to terminate the former head of household's tenancy began prior to the former head of household's departure from the unit.





### Head of Household

The family may designate any qualified adult family member as the head of household. The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

### Joint Custody

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family more than 50 percent of the time.

When more than one applicant or resident (regardless of program) is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or re-examination will be able to claim the dependents. If there is a dispute about which family should claim the dependent(s), the GHA will make the determination based on court orders and social service agency orders showing which family has custody.

### Mixed Family

GHA will verify the citizenship/immigration status of applicants at the time other eligibility factors are determined.

## 5.3 Citizenship Requirements

At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. Each family member must declare whether the individual is a citizen, national or an eligible noncitizen. Members who elect to not contend their status are considered to be ineligible noncitizens. Family members who declare citizenship or national status will be required to provide additional documentation supporting the individual's declaration of citizenship and national status. Documents accepted include original birth certificate, original naturalization certificate, unexpired INS card or Social Security card.

## 5.4 Social Security Number Disclosure

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN.

If GHA determines that the applicant is otherwise eligible to participate in a program, the applicant may retain its place on the waiting list for the program but cannot become a resident until it can provide the documentation to verify the SSN of each member of the household. The GHA may accept the self-certification of the family member SSN when a third party verification, such as bank account statement, is provided.



If a child under the age of 6 years was added to the applicant household within the 6-month period prior to the household's date of admission, the applicant may become a resident, so long as the documentation required is provided to the PHA within 90 calendar days from the date of admission into the program.

The GHA will grant an extension of one additional 90-day period if the GHA determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the applicant.

## 5.5 Criminal Background Policy

Link [24 CFR 5.903](#); [24 CFR 5.905](#); [24 CFR 960.204](#)

GHA will perform criminal records checks for all adult members of households (defined as 18 years of age or older):

- At application;
- When adding an adult;
- When moving to a new unit; or
- When it has come to the attention of the GHA, either from local law enforcement or by other means, an applicant or family member has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents.

Such checks will also include sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

If an applicant is about to be denied housing / tenant is about to be terminated or facing eviction based on either the criminal check or the sex offender registration program, the applicant/tenant will be informed of this fact and given an opportunity to dispute the accuracy of the information and/or to provide circumstances to mitigate the activity before the denial or eviction occurs.

### Drug Abuse Treatment Information

Link [24 CFR 5.905](#)

The GHA will obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when the GHA has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program. The GHA will require the proposed family member to sign a consent form for the drug abuse treatment facility to release information.



## 5.6 Suitability Screening

Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in compliance with the public housing lease. The GHA will look at past conduct as a potential indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, GHA employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

GHA will consider objective and reasonable aspects of the family's background, including the following:

- History of meeting financial obligations, especially rent and any utility payments;
- Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
- History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
- History of disturbing neighbors or destruction of property;
- Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
- History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

GHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. GHA will verify the information provided. Such verification may include but may not be limited to the following:

- A credit check of the head, spouse, co-head, and any other adult family members;
- A rental history check of all adult family members;
- A criminal background check on all adult household members, including live-in aides at no cost to the applicant. This check will be made through State or local law enforcement. Where the individual has lived outside the local area, GHA may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). This criminal background check will proceed after each adult household member has signed a consent form.
- The information received because of the criminal background check shall be used solely for screening, lease enforcement and eviction purposes. The information derived from the criminal background check shall be shared only with employees of GHA who have a job-related need to have access to the information. The information shall be maintained confidentially, not misused



or improperly disseminated, and destroyed once the purpose(s) for which it was requested has been accomplished and the period for filing a challenge to the GHA's action has expired without a challenge or final disposition of any litigation has occurred;

- A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No household with an individual registered under a State sex offender registration will be admitted to public housing. GHA will check with our State registry and if the applicant has resided in another State(s), with that State(s)'s list. The GHA will utilize the US Department of Justice's Dru Sjodin National Sex Offender website as an additional resource. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries.

If an applicant is about to be denied housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information and/or to provide circumstances to mitigate the activity before the denial or eviction occurs.

## 5.7 Eligibility Determination

### Eligibility Interview

Families selected from the waiting list are required to participate in an eligibility interview. The family will be sent an interview notice to their last known address indicating the date, time, place, who must attend and what documents must be presented at the interview. The family will either be mailed a packet of documents to complete or will be provided with the packet at the interview. The packet must be complete in order for eligibility to be determined.

The family must provide the information necessary to establish the family's eligibility, including criminal background record, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If the family does not provide the required documentation at the time of the interview, the interview will not take place and may be rescheduled when all the documents are submitted by the family. The family will be given a list of missing documents and the timeframe for returning the document. If the documents are returned complete within the period allowed the interview will be rescheduled. If the documents are not returned complete within the period, GHA will determine that the applicant is no longer interested in housing assistance and will be removed from the waiting list. Extensions to the timeframe may be allowed based on emergencies and reasonable accommodation.

If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the



required time frame (plus any extensions) the family will be sent a notice of denial. An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

### Rescheduling the Interview

If the family is unable to attend a scheduled interview for good cause, the family must contact the GHA in advance of the interview to schedule a new appointment. If a family does not attend a scheduled interview without prior notice the GHA will send a denial letter. The applicant may contact the GHA within 24 hours after the scheduled appointment and the appointment will be rescheduled once. Failure to attend the second scheduled interview will result in denial of admission. GHA may permit a third scheduled appointment in certain circumstances where the family was unable to attend due to good cause, such as documented and verified hospitalization of a family member of the family or other medical emergency.

### Eligibility Notification

The GHA will notify a family in writing of their eligibility. If the GHA determines that the family is ineligible, the GHA will send written notification of the ineligibility determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing.

## 5.8 Determination of Annual Income

### Definition of Income

Link [24 CR 5.609](#)

GHA uses HUD's definition of Annual Income. Should this definition be revised, the current HUD definition will be used.

Annual income includes all amounts received from all sources by each member of the family who is 18 years of age or older, the head of household, or spouse of the head of household, in addition to unearned income received by or on behalf of each dependent who is under 18 years of age. Annual income does not include amounts specifically excluded in paragraph (b) of 24 CFR § 5.609. See **Appendix A: Income Exclusions**.

All amounts received by the head of household, co-head, or spouse, including the income of a day laborer, independent contractor, and seasonal worker are included in annual income regardless of age, unless otherwise excluded in paragraph (b) of 24 CFR § 5.609.

Annual income also includes all actual anticipated income from assets even if the asset is excluded from net family assets but the income from the asset is not otherwise excluded. Annual income will include the income from assets, if known, for total family net assets less than \$50,000 (an amount to be





adjusted annually by HUD). Imputed returns on net family assets are included in annual income only when net family assets exceed \$50,000 (an amount that HUD will adjust annually for inflation) and actual asset income cannot be calculated for all assets.

### Earned Income

Link: 24 CFR § 5.100

Earned Income is defined as income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare assistance, Social Security, and other governmental subsidies / benefits), or any cash or in-kind benefits.

### Unearned Income

Unearned income means any annual income, as calculated under 24 CFR § 5.609, that is not earned income.

### Non-recurring income

Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. The list of exclusions is codified at 24 CFR § 5.609(b)(24) as nonrecurring income.

### Incremental Earnings

The GHA defines incremental earnings and benefits as the difference between:

- The total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and
- The total amount of welfare assistance and earnings of the family member after enrollment in the program.

In calculating the incremental difference, the GHA will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058.

### Earned Income Disallowance Policy

Link [24 CFR 960.255](#)

The following provision of EID Policy expired on January 1, 2024. Families enrolled in the EID policy on or before December 31, 2023, will be allowed to complete the income phase in periods pursuant to the provisions below.



This disallowance applies only to family members already participating in the public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment.
- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program.
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months.

The baseline income is the annual income immediately prior to the implementation of the disallowance for a person who is a member of a qualified family. The family member's baseline (qualifying) income remains constant throughout the period that he/she is receiving the EID.

### Disallowance of Earned Income

Initial 12-month exclusion: During the 12-month period beginning on the date on which a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the GHA will exclude from the annual income of a qualified family any increase in the income of the family member as a result of employment over the baseline income of that family member.

Phase-in of rent increase: Upon the expiration of the 12-month period and for the subsequent 12-month period, the GHA will exclude from the annual income of a qualified family at least 50 percent of any increase in income of such family member as a result of employment over the family member's baseline income.

Maximum 2-year disallowance: The disallowance of increased income of an individual family member is limited to a lifetime 24-month period. It applies for a maximum of 12 months for disallowance (initial 12 months) and a maximum of 12 months (second 12 months), during the 24-month period starting from the initial exclusion.

Families eligible for and participating in the disallowance of earned income prior to May 9, 2016 will continue to be governed by HUD regulations in effect immediately prior to that date.

### Alimony and Child Support

GHA verifies alimony and child support differently depending on whether the family declares that it receives regular payments. If the family declares that it receives regular payments, verification will be sought in the following order.



- If payments are made through a state or local entity, GHA will request copy of the receipts and/or payment stubs for the previous 60 days and request that the entity disclose any known information about the likelihood of future payments.
- Copy of the latest check and/or payment stubs over the last 60 days.
- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- Third-party verification form from the person paying the support
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received

If the family declares that it receives irregular or no payments, in addition to the verification process listed above, the family may be requested to provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

- A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts
- If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

### Self Employment Income

Gross income received through self-employment or operation of a business; with the exception of the following which is considered income:

Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness will not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in IRS regulations; and

Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

Note: gross income is the total income that a business brings in and is not reflective of the costs of operating a business or of being self-employed.

### Co-Owned Businesses

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

## 5.9 Assets

Net family assets are defined as the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of investment, except as excluded. See Appendix B: Asset Exclusions.



If the Household has net assets valued in excess the maximum amount currently set at \$50,000 (to be adjusted annually by HUD), the annual income will include the greater of the actual income derived from all assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

### Joint Owned Assets

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the GHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the GHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the GHA will prorate the asset evenly among all owners.

### Disposed Assets

The GHA will include the value of assets disposed of for less than fair market value during the past two years. Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-examination, the family may request an interim re-examination to eliminate consideration of the asset(s).

Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments. All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received.

Families must sign a declaration form at initial certification and each annual re-examination identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value.

### Asset owned by business entity.

If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets. However, if the family holds the assets in their own name rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets.



## Necessary and Non-Necessary Personal Property

Link: 24 CFR § 5.603

Effective upon the GHA HOTMA Compliance Date, necessary personal property is excluded from net family assets. Non-necessary personal property with a combined value greater than \$50,000, (amount to be adjusted by HUD annually), is considered part of net family assets. When the combined value of all non-necessary personal property does not exceed the annual maximum amount, all non-necessary personal property is excluded from net family assets.

Necessary personal property are items essential to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary personal property includes more than merely items that are indispensable to the bare existence of the family. It may include personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family's home. Necessary personal property also includes items that assist a household member with a disability, including any items related to disability-related needs, or that may be required for reasonable accommodation for a person with a disability. Necessary personal property does not include bank accounts, other financial investments, or luxury items.

## Trusts as Net Family Assets

Link: 24 CFR §§ 5.603 and 5.609

The value of irrevocable trusts and revocable trusts that are not under the control of the family are both excluded from net family assets.

Revocable trust that is under the control of the family or household (e.g., the grantor is a member of the assisted family or household) is included in net family assets, and, therefore, income earned on the trust is included in the family's income from assets.

GHA will calculate imputed income on the revocable trust if net family assets are more than \$50,000, as adjusted by inflation, and actual income from the trust cannot be calculated (e.g., if the trust is comprised of farmland that is not in use)

## Trust Distributions and Annual Income

If the value of the trust is considered part of the family's net assets, then distributions from the trust are not considered income to the family. If the value of the trust is not considered part of the family's net assets, then distributions from the trust are treated as follows:

- All distributions from the trust's principal are excluded from income.



- Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.

### Excluded Assets

The following are examples of assets excluded under HOTMA. The full list of exclusions is provided in Appendix B, Excluded Assets. If the family owns an excluded asset its value does not count toward the restriction due to net family assets, however income derived from the asset may be counted as income unless otherwise specifically excluded.

- Necessary items of personal property (such as medical devices, vehicle for commute)
- Non-necessary items of personal property if the combined total value does not exceed \$50,000 (amount to be adjusted annually)
- Retirement account recognized by IRS
- Real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability
- The value of certain education or disability support savings accounts
- Income earned on amounts placed in a family's FSS account.

## 5.10 Excluded Income

Link: [24 CFR 5.609\(c\)](#)

The following are types of excluded income. The full list of exclusions is provided in **Appendix A**, Excluded Income:

- Earned income of children (including foster children) under the age of 18 years
- Earned income of dependent full-time students in excess of the amount of the deduction for a dependent.
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the family, who are unable to live alone);
- All income of foster child or foster adult
- Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses
- Income and distributions from any Coverdell educational savings account of or any qualified tuition program under IRS sections 529 and 530





- Income earned by government contributions to, or distributions from, ‘baby bond’ accounts created, authorized, or funded by federal, state, or local government.
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- Income of a live-in aide, as defined [in 4 CFR §5.403](#);
- Reimbursements for Health and Medical Care Expenses. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.
- Insurance payments and settlements for personal or property loss including, but not limited to: payments through health insurance, motor vehicle insurance, and workers’ compensation.
- Income received from any account under an IRS-recognized retirement plan. However, any distribution of periodic payments from these accounts shall be income at the time they are received by the family.
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- Payments related to aid and attendance for veterans under 38 U.S.C. 1521.
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family having a disability.
- Deferred periodic amounts from supplemental security income and Social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
- Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs. That includes assistance under any program to which the exclusions set forth in [24 CFR 5.609\(c\)](#) apply

#### Income from Training Programs

Incremental earnings and benefits from training programs funded by HUD or qualifying federal, state, tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff.

Excluded amounts must be received under employment training programs with clearly defined goals and objectives and only excluded during participation in the program unless the amounts are excluded as Federal Financial Aid (§ 5.609(b)(9)(i)).

#### Student Financial Assistance (24 CFR 5.609(9)(i), (ii))

##### Title IV HEA Assistance



Any assistance that section 479B of the Higher Education Act of 1965, as amended (20 U.S.C. 1087uu), requires to be excluded from a family's income including Bureau of Indian Affairs or Department of Education student assistance

#### Other Student Financial Assistance

Student financial assistance, not excluded under the HEA for "actual covered costs" of higher education paid directly to the student or to the educational institution on the student's behalf.

#### State Payments to Allow Individuals with Disabilities to Live at Home

These payments must be made by or authorized by a state Medicaid managed care system or other state agency (includes: state Medicaid-managed care system, other state agency, or authorized entity) to a family to enable a family member who has a disability to reside in the family's assisted unit.

### 5.11 Deductions from Income

Link: 24 CFR 5.611

#### Dependent and Elderly Family Deduction

Dependent Deduction

The dependent deduction amount is \$480 (2025). Effective upon the GHA HOTMA Compliance Date, HUD will adjust this amount annually and applies to a family's next annual or interim reexamination after the annual adjustment, whichever is sooner.

#### Elderly/Disabled Family Deduction

Effective upon the GHA HOTMA Compliance Date, the elderly/disabled family deduction increases from \$400 (current amount) to \$525 and applies to a family's next interim or annual reexamination, whichever is sooner. HUD will adjust this amount annually.

#### Health and Medical Expenses

Health and medical care expenses, as defined in 24 CFR § 5.603, include costs incurred for the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed. Medical insurance premiums continue to be eligible health and medical care expenses.

The sum of unreimbursed health and medical care and reasonable attendant care and auxiliary expenses that exceed 3 percent of the elderly or disabled family's annual income can be deducted from annual income. Effective upon the GHA HOTMA Compliance Date, this threshold will increase to 10 percent of the annual income.



### Unreimbursed Auxiliary Apparatus Expenses

Auxiliary apparatus items can include, for example, expenses for wheelchairs, ramps, adaptations to vehicles, guide dogs, assistance animals, or special equipment to enable a person who is blind or has low vision to read, or type or special equipment to assist a person who is deaf or hard of hearing. Some examples of attendant care expenses can include teaching a person with disabilities how to perform day-to-day tasks independently like cleaning, bathing, doing laundry, and cooking. Attendant care can be 24-hour care, or care during sporadic periods throughout the day.

In order to claim the deduction for the cost of unreimbursed reasonable attendant care and auxiliary apparatus expenses, the family must include a person with a disability, and the expenses must enable any member of the family (including the member who is a person with a disability) to be employed. If the unreimbursed reasonable attendant care and auxiliary apparatus expense exceeds the amount earned by the person who was enabled to work, the deduction will be capped at the amount earned by that individual.

### Both Medical and Disability Expenses

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the GHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, the GHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work. When the GHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes.

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost-of-service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.



## Childcare

Childcare is allowed as a deduction from income for children less than 13 years of age. The family must identify the family member(s) enabled to pursue an eligible activity: seeking work, pursuing an education or being gainfully employed.

### ***Allowable Childcare Activities and Expenses***

For school-age children under 13 years of age, costs attributable to public or private school activities during standard school hours are not considered allowable childcare expenses. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare.

The costs of general housekeeping and personal services are not eligible. Childcare expenses paid to a family member who lives in the family's unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible.

If a childcare provider also renders other services to a family or childcare is used to enable a family member to conduct activities that are not eligible for consideration, the GHA will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. Unless otherwise specified by the childcare provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Childcare expenses will be considered for the time required for the eligible activity plus reasonable transportation time.

For childcare that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of childcare costs, the GHA will use the schedule of childcare costs from the local welfare agency. Families may present, and the GHA will consider, justification for costs that exceed typical costs in the area.

### ***Seeking Work***

If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each re-examination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the childcare expense being allowed by the GHA.

### ***Furthering Education***

If the childcare expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program.



The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

### ***Being Gainfully Employed***

If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

When the childcare expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the GHA generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work. This exception only applies when there are no other unemployed family member(s) who would otherwise be eligible to care for the minor child(ren).

### **Permissive Deductions**

The GHA has not established permissive deductions as permitted by HUD.

## **5.12 Restriction on Over Income Public Housing Families**

### **[83 FR 35490](#)**

When the GHA becomes aware, through an annual reexamination or an interim reexamination for an increase in income, that a family's income exceeds the applicable income limit, the GHA will document that the family exceeds the threshold and will begin to monitor the family income over a 24-month grace period. The over income limit is set by multiplying the very low-income level for the applicable area by a factor of 2.4 (a limit equal to approximately 120% of the area median income).

If the family's income has fallen below the over income limit at any time during the 24-month grace period, the family will remain public housing program participants and return to regular income reexamination periods. If the family becomes over income again, the PHA begins a new 24-month grace period.

At the end of the 24 month period, the GHA will re-examine family income and the family, if above the established income threshold, will be terminated from the Public Housing program following appropriate notice.



# CHAPTER 6: VERIFICATIONS

Links: [24 CFR 5.230](#), [24 CFR 5.609\(d\)](#); [Notice PIH 2017-12](#);

The family must supply any information that GHA or HUD determines necessary to the administration of the program and must consent to the GHA verification of that information. All adult applicants and residents must sign the [HUD-9886, Authorization for Release of Information](#). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Failure to sign consent forms will result in denial of admission for applicants and lease termination for residents. The family will be informed of the denial or termination in accordance with GHA policies, and will be provided information on requesting an informal hearing.

## 6.1 Methods of Verification

Link: [Notice PIH 2017-12](#); [24 CFR §5.233](#)

GHA uses HUD's hierarchy of verifications, in the following order:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third Party Verification provided by applicant or resident
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification

### EIV Verification Process

Link: [24 CFR 5.233](#)

The GHA uses HUD's Enterprise Income Verification (EIV) system to verify resident employment, earned income, unemployment benefits, and social security (SS), and supplement security income (SSI) benefits information at annual and interim re-examinations. The GHA will also use HUD's EIV system to monitor potential duplicate subsidies, deceased individuals, household member identity, under and non-reported income, and immigration status.

The GHA will inform all applicants and residents of its use of the following UIV resources during the admission and re-examination process: HUD's EIV system.

### Third Party Written Verifications

Third party written verification is an original or authentic document generated by a third-party source dated either within the 120-day period preceding the re-examination or GHA request date. Such documentation may be in the possession of the tenant (or applicant) and is commonly referred to as tenant-provided documents. GHA may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.





GHA will request third party written verification:

- To supplement EIV reported income sources and when EIV has no data;
- For non-EIV reported income sources;
- When the tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute.
- If written third party verification documents are not available or rejected by the GHA;
- When the applicant or tenant is unable to provide acceptable documentation

The GHA also will determine that third-party verification is not available when there is a service charge for verifying an asset or expense **and** the family has original documents that provide the necessary information.

### Third Party Oral Verifications

GHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

### Family Self-Certifications

Link: PIH [Notice 2018-18](#)

The documents in the application packet and annual re-examination packet serve as the family's self-certifications. When the GHA is unable to obtain third-party verification, the GHA will document in the family file the reason that third-party verification was not available. When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the GHA. GHA may require the family to certify that a family member does not receive a particular type of income or benefit. The self-certification must be made in a format acceptable to the GHA and must be signed by the family member whose information or status is being verified.

The GHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value and will accept self-certification of ownership in real property.

## 6.2 Eligibility Verifications

The following information will be verified to determine qualification for admission and continued occupancy to GHA's housing:

- Household composition, demographics and type (Elderly/Disabled/Non-elderly)
- Annual Income
- Assets and Asset Income
- Deductions from Income



- Social Security Numbers of all household members
  - Pending disclosure and documentation of social security numbers, the GHA will allow the family to retain its place on the waiting list for 90 calendar days. If not all household members have disclosed their SSNs at the next time a unit becomes available, the GHA will offer a unit to the next eligible applicant family on the waiting list.
  - Citizens and lawfully present noncitizens who state that they have not been assigned an SSN by the SSA will make such declaration in writing and under penalties of perjury to GHA.
  - If the family provides an unacceptable document, the GHA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the GHA within 60 calendar days. The GHA may accept the family self-certification of SSN when accompanied by a third party document such as a bank account statement.
  - If the family certifies that the required evidence is temporarily unavailable and it needs more time, the GHA may provide an extension of up to 30 days to submit evidence of eligible status if the family has submitted the required declaration of eligible immigration status. To obtain an extension, the family must also certify that prompt and diligent efforts will be undertaken to obtain the evidence.
  - Once an individual's status is classified as "verified" in HUD's EIV system, the GHA may remove and destroy copies of documentation accepted as evidence of social security numbers.
- Applicant Criminal History Information
- Citizenship or eligible immigration status

### 6.3 Legal Identity Verification

The GHA will require families to furnish verification of legal identity for each household member. A photo ID is required for each adult family member. Legal identity will be verified at application and on an as needed basis. Only the following identify documents are acceptable, in addition to the photo ID for each adult:

- Adults: Birth Certificate or Naturalization Papers
- Children: Birth Certificate, Adoption Papers, Court Award documents, Social Service Agency Award documents

### Marriage Verification

A marriage certificate is required to verify that a couple is married. In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (filing joint income tax returns, joint bank statements, etc.).



### Separation or Divorce Verification

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced. A copy of a court-ordered maintenance or other court record is required to document a separation. If no court document is available, documentation from a community-based agency will be accepted.

### Adult Member Absence Verification

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., lease at another address or utility bill).

### Foster Children and Foster Adults Verification

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

### Student Status Verification

The GHA requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family claims full-time student status for an adult other than the head, spouse, or co-head; or
- The family claims a child care deduction to enable a family member to further his or her education; or
- The family includes a student enrolled in an institution of higher education.

### Disabled Status Verification

For family members claiming disability who receive disability payments from the SSA, the GHA will use HUD's EIV system to verify the disability. If documentation from HUD's EIV System is not available, the GHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the GHA will ask the family to request a benefit verification letter by either calling the SSA at 1-800-772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov).

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability.

### Reasonable Accommodation

GHA may request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation Form. In addition, GHA may request that the individual provide suggested reasonable accommodations.



The GHA may verify a person's disability only to the extent necessary to ensure that individuals who have requested a reasonable accommodation have a disability-based need for the requested accommodation.

However, the GHA may not require individuals to disclose confidential medical records in order to verify a disability. In addition, the GHA may not require specific details regarding the individual's disability. The GHA may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). The GHA may not require the individual to disclose the specific disability(ies); or the nature or extent of the individual's disability(ies).

The following may provide verification of a resident's disability and the need for the requested accommodation(s):

- Physician;
- Licensed health professional;
- Professional representing a social service agency; or
- Disability agency or clinic.

### US Citizens and Nationals

Family members who claim US citizenship or national status will not be required to provide additional documentation unless the GHA receives information indicating that an individual's declaration may not be accurate.

### Eligible noncitizens

All noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the GHA.

- Elderly Noncitizens
  - A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.
- All other Noncitizens
  - Noncitizens that claim eligible immigration status also must present the applicable USCIS document.

### Verification of Preference

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference at the time of the interview.

If at the time the family applied the family claimed a preference and at the time of eligibility the family cannot verify their eligibility for the preference as of the date of application, the family will remain on list without preference.



GHA may verify the family qualifies for the working family preference based on the family's submission of the working member's most recent paycheck stub indicating the working member works at least 30 hours per week. The paycheck stub must have been issued to the working member within the last thirty days.

GHA may also seek third party verification from the employer of the head, spouse, co-head or sole member of a family requesting a preference as a working family.

## 6.4 Verification of Income

Link: [Link: 24 CFR 960.259](#),

### Prior Year Wage Income

The EIV Income Report may be used to verify and calculate income if the family self-certifies that the amount is accurate and representative of current income. The family must be provided with the information from EIV.

The GHA requires a minimum of two current and consecutive pay stubs for determining annual income from wages when the GHA is not able to use EIV + Self-Certification or the income type is not reported in EIV.

### Current Wage Verification

The GHA requires two current and consecutive paystubs for determining annual income from wages. If paystubs are not available, the GHA will accept an authentic document on employer letter head that states wages for previous 60 days, or an employer payroll print out.

### Tip Income Verification

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certification of tips received for the prior year and estimated tips anticipated to be received in the coming year.

### Bonus Income Verification

For persons who regularly receive bonuses or commissions, the GHA will verify and then average amounts received for one year preceding admission or re-examination. The GHA will consider justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the GHA will count only the amount estimated by the employer.

### Business and Self Employment Income Verification

Business owners and self-employed persons will be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted, and the business owner or self-employed person must certify its accuracy.



- All schedules completed for filing federal and local taxes in the preceding year. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
- The GHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify its accuracy at all future re-examinations.
- At any re-examination the GHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.
- If a family member has been self-employed less than three months, the GHA will accept the family member's certified estimate of income and schedule an interim re-examination in three months.
- If the family member has been self-employed for three to twelve months the GHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

### Social Security and SSI Benefits Verification

To verify the SS/SSI benefits of residents, the GHA will obtain information about social security/SSI benefits through HUD's EIV system. If the resident disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, the GHA will request a current SSA benefit verification letter from each family member that receives social security benefits.

If a family member is unable to provide the document, the GHA will help the resident request a benefit verification letter from SSA's Web site at [www.socialsecurity.gov](http://www.socialsecurity.gov) or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the benefit verification letter, it will be required to provide the letter to the GHA.

### Alimony and Child Support Verification

GHA verifies alimony and child support differently depending on whether the family declares that it receives regular payments. If the family declares that it receives regular payments, verification will be sought in the following order.

- Copy of the receipts and/or payment stubs for the 60 days prior to GHA request
- Third-party verification form from the state or local child support enforcement agency
- Third-party verification form from the person paying the support
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received

### Zero Income Verification

The GHA will check EIV to determine zero income. GHA will require all adult family members to complete a Zero Income Form and Expenses Form.





## Student Financial Assistance

Link: [24 CFR 5.609\(b\)\(9\)](#)

For a student subject to having a portion of his/her student financial assistance included in annual income, the GHA will request written third-party verification of both the source and the amount. Documents requested include:

- Family provided documents from the educational institution attended by the student
- Documents generated by any other person or entity providing such assistance, as reported by the student.
- Written verification of the student's tuition amount.

## Verification of Parental Income of Students Subject to Eligibility Restrictions

If the GHA is required to determine the income eligibility of a student's parents, the GHA will request an income declaration and certification of income from the appropriate parent(s). The GHA will send the request directly to the parents, who will be required to certify to their income under penalty of perjury. The parents will be required to submit the information directly to the GHA. The required information must be postmarked within 15 business days of the date of the GHA's request or within any extended timeframe approved by the GHA.

The GHA reserves the right to request and review supporting documentation at any time if it questions the declaration or certification. Supporting documentation may include, but is not limited to Internal Revenue Service tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters and other official and authentic documents from a federal, state, or local agency.

## Assets Disposed of for Less Than Fair Market Value Verification

GHA accepts the family's self-certification of whether any assets have been disposed of for less than fair market value in the past two years. The GHA needs to verify only those certifications that warrant documentation. The GHA will verify the value of assets disposed of only if:

- The GHA does not already have a reasonable estimation of its value from previously collected information, or
- The amount reported by the family in the certification appears obviously in error.

## Income from Rental Verification

The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current resident
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E



(Rental Income). If schedule E was not prepared, the GHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

## 6.5 Verification of Expenses

### Medical Expenses

Medical expenses will be verified by written third-party documents provided by the family, such as pharmacy printouts or receipts. The GHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The GHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

GHA will also accept written third-party verification forms. The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

When anticipated costs are related to on-going payment of medical bills incurred in past years, the GHA will verify:

- The anticipated repayment schedule
- The amounts paid in the past, and
- Whether the amounts to be repaid have been deducted from the family's annual income in past years.

### Disability Assistance Expenses

Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider if family-provided documents are not available.

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- Third-party verification form signed by the provider, if family-provided documents are not available.

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.



To verify the family member enabled to work, the GHA will verify that the expenses claimed enable a family member, or members, (including the person with disabilities) to work. GHA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member(s) to work. To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

### Childcare Expense Verification

The family is required to certify that the childcare expenses are not paid by or reimbursed to the family from any source. The GHA will verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are pursuing those activities.

If a family member is seeking work, GHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment) or the GHA will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to the GHA any reports provided to that agency.

In the event third-party verification is not available, the GHA will provide the family with a form on which the family member must record job search efforts. The GHA will review this information at each subsequent re-examination for which this deduction is claimed.

If the family member is furthering education, the GHA will request third-party documentation to verify that the person permitted to further his or her education by the childcare is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

The GHA will seek third-party verification of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

The type of care to be provided is determined by the family but must fall within certain guidelines.

- The GHA will verify that the type of childcare selected by the family is allowable.
- The GHA will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorated costs if some of the care is provided for ineligible family members).
- The GHA will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.
- The actual costs the family incurs will be compared with the GHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.



If the family presents a justification for costs that exceed typical costs in the area, the GHA will request additional documentation to support a determination that the higher cost is appropriate.



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## CHAPTER 7: UNIT OFFER AND LEASING

### 7.1 Unit Offers

Unit offers will not be made until the applicant has submitted all required documentation and is determined eligible for the program. The GHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

The applicant will be offered the first available unit. If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

#### Offer of Accessible Units

GHA has a limited number of units designed for persons with mobility, sight and hearing impairments, referred to as accessible units. The GHA maintains a list of units with accessibility features for the properties within its portfolio. GHA will offer these accessible units to families in the following order:

- First: Current occupant of a public housing unit who has a disability that requires the special features of that unit;
- Second: An eligible qualified applicant on the public housing waiting list having a disability that requires
- Third: If there are no eligible qualified applicants on the public housing waiting list, a non-disabled applicant will be offered the unit. GHA will require that the non-disabled applicant agree to sign a lease addendum that requires the applicant to move to an available non-accessible unit when either a current resident or applicant needs the special features of the unit.

A Reasonable Accommodation Waiting List will be created and maintained by date and time of request and will include an estimated timeframe for when accommodation may be provided.

The first qualified current resident in sequence on the list of residents seeking reasonable accommodations will be offered a unit of the appropriate size with the special features required. If more than one unit of the appropriate size and type is available, the first unit offered will be the first unit that is ready for occupancy.

Upon inspection of the offered unit, the resident or applicant will be required to sign a Letter of Acceptance/Rejection of an Accessible Unit. GHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection and the reason for the rejection.

A current resident will receive two (2) offers of an accessible unit before his/her name is removed from the Reasonable Accommodations Waiting List.

An applicant will receive two (2) offers of accessible units before his/her name is removed from the Public Housing Waiting List.



No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered. When offering an accessible/adaptable unit to a non-disabled applicant, GHA will require the applicant/tenant to agree to move to an available non-accessible unit within thirty (30) days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant/tenant. This requirement will be a provision of the lease agreement.

### General Occupancy Units

General occupancy units are designed to house all populations of eligible families. In accordance with GHA's occupancy standards, eligible families not needing units designed with special features or units designed for special populations will be admitted to GHA's general occupancy units.

### Designated Housing Units

Link: [24 CFR 945.201](#)

In accordance with the 1992 Housing Act, elderly families whose head, co-head, spouse, or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

If the GHA determines that there are insufficient numbers of elderly families to fill all the units in a project (or portion of a project) designated for occupancy by only elderly families, the agency may provide that near-elderly families with preference to occupy dwelling units in the project (or portion).

No limit will be established on the number of elderly or disabled families that may occupy a mixed-population property. All other GHA preferences will be applied.

### Mixed Population Development Policy

Link: [24 CFR 945.303](#)

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 that was subsequently approved by HUD to be designated as such. In accordance with local preferences, elderly families whose head, co-head or spouse or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

No limit will be established on the number of elderly or disabled families that may occupy a mixed population property.

### Showing Units Prior to Leasing

Applicants may have an opportunity to see the unit being offered or a similar unit before they accept the offer and lease the unit.





## Rejecting the Unit

If an applicant receives an offer of housing and rejects the offer, the GHA will provide one additional offer of housing prior to removing the applicant from the Waiting List. GHA will notify the applicant in writing and will inform the family of their right and the process to request an informal hearing. The applicant may re-apply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until the GHA opens the waiting list.

Applicants may refuse to accept one unit offer for good cause. Good cause includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship.

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.
- The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

The GHA will require documentation of good cause for unit refusals.

## 7.2 Leasing

The GHA may permit police officers and other security personnel to reside in a public housing unit to increase security for its public housing residents. The rent charged to a police officer for occupancy of a public housing unit will be the minimum rent amount. However, if the police officer resides in a public housing site where residents are required to pay utilities in addition to rent, the police officer will also be responsible for paying the utilities in accordance with the terms of the lease.

## Leasing Orientation

After unit acceptance but prior to occupancy, a GHA representative will provide a lease orientation to the family. The head of household and co-head( or spouse) are required to attend. The orientation may be conducted with more than one family and will include the orientation agenda and leasing documents.

## Lease Provisions

Link [24 CFR 960, Subpart A](#)

The following provisions govern lease execution and amendments:

- The head of household, spouse or co-head, and all other adult members of the household will be required to sign the public housing lease prior to admission. An appointment will be scheduled for the parties to execute the lease if all adult members are not present at the leasing orientation.



The head of household will be provided a copy of the executed lease and the GHA will retain a copy in the resident's file.

- A new lease is executed at the time of transfer of a resident from one GHA unit to another
- If, for any reason, any signer of the lease ceases to be a member of the household, the lease will be amended by drawing a line through the party's name and both parties will be required to initial and date the change.
- The names and birth dates of all household members are listed on the lease at initial occupancy and on the Application for Continued Occupancy each subsequent year. Only those persons listed on the most recent certification will be permitted to occupy a dwelling unit.

## Vehicles

All residents must provide the GHA at the time of each annual re-examination:

- Register permitted vehicles with GHA
- Maintain a GHA issued parking sticker on each vehicle
- Provide proof of current registration
- Provide proof of current insurance

## Revising the Lease

Link: [24 CFR 966.3](#)

When the GHA proposes to modify or revise the lease, the GHA will post a copy of the notice and revised lease in the GHA office, and will provide a copy of the notice to each resident family. A copy of the notice will be placed in each resident file.

The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family's tenancy will be terminated for other good cause.

## 7.3 Community Service Policy

Links: [24 CFR Subpart F, 960.605](#); [Notice PIH 2015-12](#), [PIH Notice 2016-06](#)

GHA will provide documentation to the family including:

- Community Service policy and procedure
- Process for claiming exempt status
- How GHA verifies exempt status
- GHA's determination of exempt and non-exempt family members
- Notice that GHA will validate a sample of community service self-certifications



All non-exempt households in the Public Housing Program must comply with the following Community Service Requirements:

- Each non-exempt household member must perform at least 8 hours of community service activity each month when the household is paying at least the minimum rent.
- The required activity may be a combination of volunteer community service or self-sufficiency activity.
- The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual re-examination.
- Activities must be performed within the jurisdictional area of the GHA.

### Exempt Households

The GHA makes the final determination whether or not to grant an exemption from the community service requirement. All assisted members and those members on Food Stamps will be included in the determination notice. If a resident does not agree with the GHA's determination, they may dispute the decision through the GHA's grievance procedures. When a non-exempt person becomes exempt, it is their responsibility to report and document the change to GHA within 10 business days of the change. When an exempt person becomes non-exempt, it is his/her responsibility to report and document the change to GHA within 10 business days of the change.

The following household members are exempt from the Community Service Requirement:

- Household members who are under the age of 18 years of age
- The following household members over the age of 18
  - Household members who are 62 years of age or older
    - Verification of this exemption status will be done only at the initial application
  - Household members who are blind or disabled as defined in the social security Act ([Section 216\(i\)\(1\)](#) or [Section 1614 of the Social Security Act \(42 USC 416\(i\)\(1\); 1382c\)](#))
  - Household members who are the primary care giver of a blind or disabled individual as defined above
  - Household members who are engaged in work activity
    - 30 hours per week is the minimum number of work hours to qualify for a work activity exemption
- The Supplemental Nutrition Assistance Program (SNAP) qualifies as a welfare program of the state. Therefore, if a resident is a member of family receiving assistance under SNAP, and has been found by the State of Texas to be in compliance with the program requirements, that resident is exempt.

Work activities include but are not limited to the following:

- Unsubsidized employment
- Subsidized private sector employment



- Work experience, including work associated with refurbishing: publicly assisted housing, if sufficient private sector employment is unavailable
- On the job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training directly related to employment
- Job skills training directly related to employment
- Education directly related to employment for a household member who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at a secondary school or higher
- Satisfactory attendance in a course of study leading to a certificate of general equivalence for a household member who has not completed high school or received such a certificate
- The provision of childcare services to an individual who is required to perform the Service Requirement.
- Household members who meet the requirements for being exempted from the work activity under Part A of Title IV of the Social Security Act (42 USC Section 601 et seq.) or under any other state welfare program, including a state-administered welfare to work program and who has not been found in non-compliance with that program by the State or other administering party.

Community services at profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work will not be considered eligible community service activities.

### Program Design

The GHA's goal is to provide broad choice and design a service program that gives residents viable opportunities to become involved in the community and to gain competencies and skills. The GHA will:

- Work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program as needed;
- Make efforts to identify volunteer opportunities throughout the community, especially those in proximity to the public housing development;
- Provide available names and contacts at agencies that can provide opportunities for residents; and
- Provide in-house opportunities for volunteer work or self-sufficiency programs when possible.

### Notice and Documentation

The GHA will provide the family with a copy of the Community Service Procedure at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement and at any time upon the family's request. GHA permits resident self-certification of compliance with the CSSR. The adult family members must sign a certification that they have received and read the policy and



procedure and understand that if he/she is not exempt failure to comply with the policy and procedure will result in non-renewal of their lease.

At the time of annual re-examination, the GHA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or the GHA has reason to believe that an individual's exemption status has changed. The GHA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt.

At least 30 days before the effective date of the annual re-examination, GHA will review and verify non-exempt family members Community Service compliance. Documentation of the Community Service will include the following:

- statement that the resident has completed the number of hours listed and this statement is subject to penalties of perjury;
- the number of hours and type of activity (community service or self-sufficiency) that the resident completed;
- the name of the organization or person for which the activity was completed;
- the address of the organization or person;
- the phone number of the organization or person; and
- a contact person in the organization or the person for which the activity was completed

GHA will maintain documentation of service requirement performance or exemption in the resident files.

## 7.4 Pet Policy

The GHA pet policy establishes clear guidelines for ownership of pets and ensures that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

Residents who have been approved to have a pet must enter into a Pet Agreement with the GHA, or the approval of the pet will be withdrawn. The Pet Agreement is the resident's certification that he or she has received a copy of the GHA's pet policy, Pet Procedures, and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the Pet Agreement that he or she understands that noncompliance with the GHA's pet policy and Pet Procedures, and applicable house rules may result in the withdrawal of GHA approval of the pet or termination of tenancy.

Pets must be registered with the GHA before they are brought onto the premises. Pets will not be approved to reside in a unit until completion of the registration requirements.



## Assistance (Service) Animals Policy

Links [Section 504 of the Fair Housing Act \(42 U.S.C.\)](#); [24 CFR 5.303](#); [960.705](#); [966.7](#)

A Service Dog is a type of assistance dog that is trained to work with individuals with a disability. Assistance Dog is a general term referring to any dog that assists an individual with a specific task or tasks. A service/assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. A pet deposit is not charged for an assistance animal. For an animal to be excluded from the Pet Policy and be considered a service/assistance animal, there must be a person with a disability in the household, and the family must request and GHA must approve a reasonable accommodation.

Residents must care for service/assistance animals in a manner that complies with state and local laws, including anti-cruelty laws. Residents must ensure that service/assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit or property of other residents.

Residents will not allow their assistance animal to disturb, interfere or diminish the peaceful enjoyment of other residents. The terms disturb, interfere and diminish include, without limitation, excessive barking, defecating and/or urinating in hallways, common areas or doorways, howling, chirping, biting, scratching and other like activities.

When a resident's care or handling of a service animal or assistance animal violates these policies, GHA can consider whether the violation could be reduced or eliminated by a reasonable accommodation. If GHA determines that no such accommodation can be made, GHA may withdraw the approval of a particular service or assistance animal.

GHA will consider the following:

- Does the person making the request have a disability-related need for an assistance animal
- What work or tasks has the animal been trained to perform
- Does the specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation,
- Would the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.





## 7.5 Smoke Free Environment

Link: **Federal Register** / Vol. 81, No. 233 / Monday, December 5, 2016 / Rules and Regulations; 24 CFR § 965.653(c)

GHA prohibits the use of prohibited tobacco products in all public housing living units, indoor common areas in public housing including, but not limited to bathrooms, lobbies, hallways, stairways, elevators, management offices, community rooms and balconies, and in GHA administrative offices. The smoke-free policy extends to all outdoor areas up to 25 feet from the public housing and administrative office buildings.

GHA will post no-smoking signs, promote the policy as appropriate in meetings and discussions with residents, and enforce compliance with the policy. Residents are expected to comply with the policy as they would any section of the GHA lease.

A breach of this policy constitutes grounds for initiation of the enforcement remedies of the smoke-free policy. Breach of the provisions of the policy by a household member or guest of the resident constitutes a breach of the GHA lease.

## 7.6 Rent and Other Charges

Link: [24 CFR 966.4](#); [966.5](#);

### Security Deposit

Residents must pay a security deposit to the GHA at the time of admission. The GHA reserves the right to change or increase the required deposit by amendment to these rules after appropriate notification to GHA residents. The amount of the security deposit will be equal to:

- 1 Bedroom = \$100
- 2 Bedroom = \$100
- 3 Bedroom = \$150
- 4 Bedroom = \$150
- 5 Bedroom = \$200

GHA may permit installment payments of security deposits when a new tenant demonstrates a financial hardship to the satisfaction of GHA. However, no less than one-half of the required deposit must be paid before occupancy. The remainder must be paid within 90 days.

If the resident transfers to another unit, the GHA will transfer the security deposit to the new unit. The resident will be billed for any maintenance or other charges due for the “old” unit and the difference of the security deposit for the new unit, if applicable.

The GHA will hold the security deposit for the period the family occupies the unit. The GHA will not use the security deposit for rent or other charges while the resident is living in the unit.



The resident must leave the dwelling unit in a clean and undamaged condition and must furnish a forwarding address to the GHA. All keys to the unit must be returned to GHA upon vacating the unit.

The GHA will provide the resident with a written list of any charges against the security deposit within 30 days of the move-out and will refund to the resident the amount of the security deposit, less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease. If the resident disagrees with the amount charged, the GHA will provide a meeting to discuss the charges.

### Rent Changes

If a family's resident rent changes, the GHA will notify the family of the new amount and the effective date by sending a Notice of Rent Adjustment which will become an attachment to the lease.

### Maintenance Charges

When applicable, families will be charged for maintenance and/or damages according to the GHA's current schedule of maintenance charges. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Schedules of charges for services and repairs will be posted at the GHA office, and provided to applicants and residents upon request.

If the family requests a grievance hearing within the required timeframe, the GHA will not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

## 7.7 Visitors/Guests

Visitors are permitted in a dwelling unit as long as they have no previous history of behavior on GHA premises that would be a lease violation. A list of individuals not allowed (trespassed) to return to the property for any reason will be maintained for public view in the leasing office.

GHA visitor policy includes the resident may not allow visitors to stay overnight for more than fourteen (14) consecutive days or fourteen (14) cumulative days in a twelve (12) month period.

Visitors who remain beyond this period will be considered trespassers, and their presence constitutes breach of the lease. Absence of evidence of any other address will be considered verification the visitor is an unauthorized household member.

Statements from neighbors and/or GHA staff will be considered in making the determination if the person is a visitor or unauthorized household member. GHA will consider:

- Statements from neighbors and/or GHA staff;
- Vehicle license plate verification;
- Post office records;



- Driver's license verification;
- Law enforcement reports;
- Credit reports.

Use of the unit address as the visitor's current residence for any purpose is not explicitly temporary will be construed as permanent address.

The burden of proof the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and GHA will terminate the family's lease since prior approval was not requested for the addition.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, are not included as a family member because they live outside of the public housing unit more than 50% of the time, are not subject to the time limitations of guests as described above.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

## 7.8 Absence from the Unit

### Absent Family Member

The GHA will compute all applicable income of every family member who is on the lease, including those who are temporarily absent. It is the responsibility of the head of household to report changes in family composition and absences of family members.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

Generally an individual who is or is expected to be absent from the assisted unit for 3 consecutive months or 90 days or more in a 12 month period of time is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 90 consecutive days is considered permanently absent and no longer a family member.



The family must request GHA approval for the return of any adult family members that the GHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements stated in this ACOP.

### Absence of Entire Family

Families are required to notify the GHA before they move out of a unit in accordance with the lease. Absence means that no family member is residing the unit. In order to determine if the family is absent from the unit, the GHA may:

- Conduct a special inspection
- Post letters on exterior door
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Check with the Post Office for forwarding address
- Contact the emergency contact

Prior to temporarily leaving the unit, residents must advise the GHA in writing days when all family members will be absent from the unit for more than thirty (30) consecutive days and provide a means for the GHA to contact the resident in the event of an emergency. Failure to advise the GHA of absences is grounds for termination of the lease. A person with a disability may request an extension of time as an accommodation.

The family must supply any information or certification requested by the GHA to verify that the family is living in the unit, or relating to family absence from the unit, including any GHA requested information or certification on the purposes of family absences.

Absence with Notice: If a family is absent from the unit for more than 180 consecutive days the GHA will terminate the lease for other good cause.

Absence without Notice: If the entire family is absent from the unit without GHA permission for more than thirty (30) consecutive days, the unit will be considered vacant and the GHA will terminate tenancy.

### Absent Student

When minors and college students who have been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the GHA indicating that the student has established a separate household or the family declares that the student has established a separate household.



### Absences Due to Placement in Foster Care

If a child has been placed in foster care, the GHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

If the child(ren) are removed from the home permanently, the unit size will be reduced in accordance with the GHA's occupancy guidelines.

### Caretaker for a Child

If neither a parent nor a designated guardian remains in a household receiving assistance, the GHA will take the following actions:

- If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 consecutive days. After the 90 consecutive days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the GHA will extend the caretaker's status as an eligible visitor.
- During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify for any deductions from income.
- If the caretaker is considered a family member, the caretaker must submit an eligibility application, pass all eligibility criteria, and his/her income will be counted as part of the household. Once eligibility is passed, the lease will be transferred to the caretaker as head of household. The Head of Household must provide evidence of legal custody of any minor children.

### Absent Head or Spouse Due to Employment

If an employed head, spouse, or co-head is absent from the unit more than 180 consecutive days due to employment, she/he will continue to be considered a family member.

### Individuals Absent (Confined) for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, the GHA will request verification from a responsible medical professional if the member will be gone more than 180 days and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

### Absence Due To Incarceration

If the sole member is incarcerated for more than 180 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered



permanently absent if s/he is incarcerated for 180 consecutive days. The rent and other charges must remain current during any period of incarceration.

The GHA will determine if the reason for incarceration is for drug-related or any other criminal activity which is grounds for lease termination.



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## CHAPTER 8: RENT CALCULATION

Rent under the low-rent housing program is the amount of money charged to the tenant for the use of the leased dwelling and installed equipment (such as range and refrigerator), certain services (such as maintenance), and reasonable amounts of utilities (see dwelling lease). Rent includes miscellaneous charges imposed by Galveston Housing Authority for repairs, sales, and charges for abuse or misuse by the tenant(s), members of the tenant's household or guests, legal costs, late fees, etc. Rent means all money, other than a security or pet deposit, owed or paid to GHA under the rental agreement, including prepaid rent paid more than one month in advance of the rent due date.

### 8.1 Prior Year Income

Effective upon the GHA HOTMA Compliance Date, the GHA will use the prior year income received by the family to determine household annual income at the annual recertification (unless using the streamline income determination for sources of fixed income). HUD defines the prior year income as the income received during the preceding 12 months. GHA will review any change of income since the family's last annual reexamination, including those that did not meet the threshold to process an interim reexamination of family income, and non-recurring income when determining prior year income.

### 8.2 Anticipating Income

The GHA will use current income to anticipate the annual household income for the purposes of initial eligibility, new admission and interim recertifications. Until the GHA HOTMA Compliance Date, the GHA will use current income to anticipate household income for the purposes of annual re-examination for continued eligibility. In such cases, the GHA will review and analyze current data to anticipate annual income.

### 8.3 Choice of Rent: Income Based or Flat Rent

Link [24 CFR 960.253](#)

The annual GHA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual re-examination. The GHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the resident file as part of the admission or annual re-examination process.

### 8.4 Utility Allowances

Link [Public Housing Guidebook, p. 138](#)



The GHA establishes separate allowances for each utility and category of units based on reasonable utility usage. The GHA has installed air conditioning. The GHA annually reviews the utility allowances and revises if necessary. The allowances are based on the monthly cost of reasonable consumption utility in an energy conservative household, not on a family's actual consumption. Adjustments to resident payments as a result of such changes shall be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective. Such rate changes shall not be subject to the 60 day notice requirement of § 965.502(c).

## 8.5 Utility Reimbursements

For families paying income-based rents, utility reimbursements occur when any applicable utility allowance for tenant-paid utilities exceeds the family's TTP. The GHA will make utility reimbursements to the family.

## 8.6 Reasonable Accommodations in Adjusting the Utility Allowances

It is the policy of the GHA to adjust the amount of tenant-paid utilities or GHA consumption levels for tenant allowances in documented situations when a qualified family is entitled to the adjustments. Such adjustments shall be made based on the qualification of the disabled individual's special need, and shall be no more than the difference of the usage of the reasonable cost of a reasonable increased consumption level for the additional required apparatus used to address the need.

## 8.7 Flat Rents

Link PIH Notice [2017-23](#)

The GHA will review flat rents on an annual basis, and adjust them as necessary to ensure that flat rents are set at no less than 80 percent of the applicable Fair Market Rent (FMR) or Small Area FMR (SAFMR). The GHA will post the schedule of flat rents at the GHA office. GHA will revise the flat rents no later than 90 days after HUD issues new FMR's, if necessary. If a new flat rent causes the family's rent to increase more than 35%, the rent increase will be phased in at 35% annually until such time the family chooses to pay income based rent or the family is paying the full new flat rent. [[24 CFR 960.253](#)]

### Change in Flat Rents

Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or of remaining on flat rent at the current (most recently adjusted) flat rent for their unit.

### Switching from Flat Rent to Income-Based Rent Due to Hardship

Link [24 CFR 960.253\(f\)](#)



A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. The GHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent. Upon determination by the GHA that a financial hardship exists, the GHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request. The GHA will immediately provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made, upon a determination that the family is unable to pay the flat rent because of financial hardship.

## 8.8 Maximum Rents

Maximum rents are used to calculate the resident rent for a mixed family, where at least one member is ineligible for assistance (not a citizen or national of the U.S., or with eligible immigration status).

Revised public housing maximum rents will be applied to a family's rent calculation at the first annual re-examination after the revision is adopted.

The GHA will review and if necessary re-calculate the public housing maximum rents annually and will post the maximum rents at the GHA office. The GHA will maintain records that document the methodology used to determine maximum rents for each unit size.

## 8.9 Welfare Rent

Welfare rent does not apply.

## 8.10 Rent

Link [24 CFR 5.630](#)

The GHA minimum rent is Fifty Dollars (\$50).

### Health and Medical Care Expense Hardship

Effective upon the GHA HOTMA Compliance Date, if the change of medical, disability and disability apparatus expense threshold from an amount exceeding the threshold of three percent (3%) to ten percent (10%) of the family annual income for unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses causes the elderly or disabled family (medical and disability expense) or family with a disabled member (disability apparatus expense) to experience a financial. This hardship is specifically for families that previously (last recertification) were using the deduction threshold of 3%.

The hardship remedy will be phased in as follows:



- The family will receive an initial hardship deduction totaling the sum of medical/attendant care and auxiliary apparatus expense that exceed 5 percent of annual income.
- Twelve months after the hardship is provided, the family must receive a deduction totaling the sum of expenses that exceed 7.5 percent of annual income.
- Twenty-four months after the initial hardship is provided, the family must receive a deduction totaling the sum of expenses that exceed ten percent of annual income.

### General Financial Hardship

Effective upon the GHA HOTMA Compliance Date, to receive general relief, an elderly or disabled family or a family that includes a person with disabilities must demonstrate that the family's unreimbursed health and medical care expenses or unreimbursed reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination. Examples of circumstances constituting a financial hardship may include the following situations:

- The family is awaiting an eligibility determination for a federal, state, or local assistance program, such as a determination for unemployment compensation or disability benefits;
- The family's income decreased because of a loss of employment, death of a family member, or due to a natural or federal/state declared disaster; or
- Other circumstances as determined by the GHA

The hardship remedy for this provision is the deduction of expenses exceeding 5% of their annual income for the next 90 days or when the circumstances end, whichever occurs first. The GHA may, at their discretion, extend the relief for one or more additional 90-day periods while the family's hardship continues.

Families must report to the GHA when the circumstances that made the family eligible for the hardship exemption are no longer applicable.

### Hardship for loss of Childcare Expense

Effective upon the GHA HOTMA Compliance Date, a family whose eligibility for the childcare expense deduction is ending may request a financial hardship to continue the childcare expense deduction. The GHA will recalculate the family's adjusted income and continue the childcare deduction if the family demonstrates that they are unable to pay their rent because of loss of the childcare expense deduction, and the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education. For purposes of this hardship exemption, the inability to pay rent is defined as the current tenant portion with monthly qualified expense is greater than 40% of family income.



The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days but may extend such hardship exemptions for additional 90-day periods based on family circumstances. Families receiving a Hardship exemption for Childcare expense must report to the GHA when the circumstances that made the family eligible for the hardship exemption are no longer applicable.

### Minimum Rent Hardship

Participants in the housing choice voucher program are eligible for the hardship exception to minimum rent if they meet at least one of the following criteria:

- The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following: (1) implementation of assistance, if approved; or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances. To make a claim under this hardship exemption, the family must provide GHA with proof of application for assistance, or termination of assistance. The proof would be provided by the agency responsible for granting assistance or terminating assistance.
- The family would be evicted because it is unable to pay the minimum rent. For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or family -paid utilities. The family must be able to document inability to pay the minimum rent at the time of the request.
- The family household income has decreased because of changed family circumstances, including the loss of employment. To make a claim under these criteria the loss of employment must not be the result of failure to meet employment requirements by the family. Changed circumstance as defined in this section includes, but is not limited to:
  - Reduction in work hours
  - Reduction in pay rate
  - Reduction in work force
- If a death has occurred in the family. In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income). The deceased family member must be an income producing member of the household, which contribute to the 30% of income used to calculate the family rent.



To make a claim under these provisions the applicant or family must submit a request, in writing, to the GHA office. The applicant/ family must provide documentation to support the request for a hardship exemption.

- The GHA will make the determination of hardship within 30 calendar days.
- The GHA will require the family to repay the suspended amount within 30 calendar days of the GHA's notice that a hardship exemption has not been granted. The GHA will enter into a repayment agreement in accordance with the GHA's repayment agreement policy.
- If the GHA determines that a qualifying financial hardship is temporary, the GHA will reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption.

The GHA defines temporary hardship as a hardship expected to last 90 consecutive days or less. Long term hardship is defined as a hardship expected to last more than 90 consecutive days.

The hardship period ends when any of the following circumstances apply:

- At an interim or annual re-certification, the family calculated TTP is greater than the minimum rent.
- For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost.
- For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.





## CHAPTER 9: INSPECTIONS

The GHA will inspect all dwelling units prior to move-in, at move-out and during occupancy. GHA may conduct annual or biennial inspections. If GHA determines that a family requires annual inspections for a particular unit, GHA will inspect that unit annually. The GHA may require additional inspections in accordance with GHA policy.

### 9.1 Move-In/ Initial Inspections

Link [24 CFR 966.4\(e\)](#)

The head of household is required to attend the initial inspection and sign the inspection form. A copy of the initial inspection, signed by the GHA and the resident, will be provided to the resident and kept in the resident file.

### 9.2 Move-Out Inspections

GHA will perform a move-out inspection when the family vacates the unit and will encourage the family to participate in the move-out inspection, unless the resident vacates without notice to the GHA. The purpose of this inspection is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. The GHA will determine if there are residents who caused damages to the unit. Resident caused damages may affect part or all of the family's security deposit.

The move-out inspection also assists GHA in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next resident.

When giving a thirty (30) day notice to vacate, the resident has a right to request a pre-inspection prior to moving out in order to determine what items may need attention or repair. This is to allow the resident the opportunity to complete these repairs and avoid charges against the family's security deposit.

### 9.3 Annual Inspections

The GHA, or its designee (e.g. third party inspector), will inspect all units annually using HUD's National Standards for Physical Inspection of Real Estate (NSPIRE) as a guideline. An adult member of the household is required to attend the annual inspection. If an adult member cannot be present for good cause, the GHA will conduct the inspection. If minors are present in the unit with no adults, the inspection may be rescheduled once. If GHA is not able to conduct the rescheduled inspection due to only minors being present in the unit, it will be considered a lease violation for not providing access to the unit for inspection. If no one is at the unit at the time of the inspection, GHA will conduct the inspection and leave notice that the inspection occurred. GHA will conduct additional inspections if it is determined an inspection is needed.



## 9.4 Quality Control Inspections

The GHA will conduct periodic quality control inspections to determine the condition of the unit and to identify problems or issues. The purpose of these quality control inspections is to assure that repairs were completed on time and accurately.

## 9.5 Special Inspections

GHA may conduct a special inspection for any of the following reasons:

- a) Housekeeping
- b) Unit condition
- c) Suspected lease violation
- d) Preventive maintenance
- e) Routine maintenance
- f) There is reasonable cause to believe an emergency exists

Building exteriors, grounds, common areas and systems will be inspected according to the GHA Maintenance Procedures. The GHA Preventive Maintenance Procedure is stated in the GHA Maintenance Procedures.

HUD representatives or local government officials may review GHA operations periodically and as a part of the monitoring may inspect a sampling of GHA's inventory.

## 9.6 Emergency Inspections

The GHA may conduct an emergency inspection without advance notice when there is reasonable cause to believe that an emergency exists. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

GHA will allow access to the unit to the proper authorities when issues of health or safety of the resident are concerned.

## 9.7 Inspections Notices and Attendance

### Inspection Notices

The GHA may enter the unit, with reasonable advance notice to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing.

### Inspection Scheduling

Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify the GHA at least 24 hours prior to the scheduled inspection. The GHA will reschedule the



inspection once unless the resident has a verifiable good cause to delay the inspection. The GHA may request verification of such cause.

### Inspection Attendance Requirements

Link: [24 CFR 966.4\(i\)](#)

Except at move-in inspections and annual/biennial inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes.

If no one is at home, the inspector will enter the unit, conduct the inspection and leave a copy of the inspection report in the unit. If only a minor(s) is present in the unit, the inspection will not be conducted and the inspection will be rescheduled once.

### Family Responsibility to Allow Inspection

If the resident refuses to allow the inspection, the resident will be in violation of the lease. GHA must be allowed to inspect the unit at reasonable times (normal business hours) with reasonable notice. 48 hour written notice will be considered reasonable in all cases. GHA can enter the unit without notice if housing staff reasonably believes an emergency exists within the unit

## 9.8 Hazardous Conditions/Emergency Repairs

Link [24 CFR 966.4\(e\)](#)

When conditions in the unit are hazardous to life, health, or safety, the GHA will make repairs or otherwise abate the situation within 24 hours. Defects hazardous to life, health or safety include, but are not limited to, the following:

1. Any condition that jeopardizes the security of the unit
2. Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
3. Natural or LP gas or fuel oil leaks
4. Any electrical problem or condition that could result in shock or fire
5. Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit
6. Utilities not in service, including no running hot water
7. Conditions that present the imminent possibility of injury
8. Obstacles that prevent safe entrance or exit from the unit
9. Absence of a functioning toilet in the unit
10. Inoperable smoke detectors
- 11.

### Non-Hazardous Inspection Repairs



The GHA will correct non-life-threatening health and safety defects within 15 business days of the inspection date. If the GHA is unable to make repairs within that period due to circumstances beyond the GHA's control (e.g. required parts or services are not available, weather conditions, etc.) the GHA will notify the family of an estimated date of completion. The family must allow the GHA access to the unit to make repairs.

## 9.9 Resident-Caused Damages

Damages to the unit beyond wear and tear will be billed to the resident.

If a unit fails inspection due to housekeeping or resident-caused damages, the resident will be given 15 calendar days to correct noted items, after which a follow-up inspection will be conducted. Residents will be issued a copy of the inspection report with required corrections. If a unit fails the follow-up inspection and if necessary to bring the unit into NSPIRE compliance, needed repairs will be completed by GHA and charged to the resident.

Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

### Housekeeping

Residents whose housekeeping habits pose an emergency, health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease.

A re-inspection will be conducted within 15 calendar days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a re-inspection is considered a violation of the lease and may result in termination of tenancy.

Notices of lease violation will also be issued to residents who purposely disengage the unit's smoke detector. Only one warning will be given. A second incidence will result in lease termination.

## 9.10 Lead Safe Homes

Link: [PIH Notice 2017-13](#);

In the event that the GHA finds that a child under age 6 or under has a EBLL (see section 2.2), GHA will conduct an environmental investigation of the child's unit and the common areas servicing that unit within 15 calendar days. If lead-based paint hazards are found in the index unit in a multiunit property, perform risk assessments in other covered units with a child under age 6 and the common areas servicing those units.

GHA will ensure that any lead-based paint hazards identified by the environmental investigation are controlled within 30 calendar days by a certified lead-based paint abatement firm or certified lead renovation firm. If lead-based paint hazards are found in the index unit in a multiunit property, and the



risk assessments in other covered units with a child under age 6 and the common areas servicing those units identified lead-based paint hazards, the GHA will control those lead-based paint hazards.

The GHA will notify all residents of lead evaluation and hazard control activities and will notify the HUD Field Office of the results of the environmental investigation and then of the lead hazard control work within 10 business days of each activity.

GHA will ensure that the unit and common areas are maintained as lead-safe for continued occupancy and will conduct periodic reevaluations of lead mediated areas every two years or as otherwise required under regulation.



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# Chapter 10: ONGOING PROGRAM OPERATIONS

## 10.1 Annual Re-Examinations

Links [24 CFR 960.257\(c\)](#); [24 CFR § 960.259\(c\)](#)

The GHA will conduct a re-certification of income and family composition annually by mail, in-person, or electronically. The GHA will begin the annual re-certification process approximately 120 days in advance of the scheduled effective date.

If any documents are missing from the file (social security cards, birth certificates, citizen declaration forms, etc.) the family is required to provide the documents upon request at annual re-certification, interim certification, or at any time requested by GHA.

The annual re-certification will not re-verify eligibility income limits except where the Head of Household is a full-time student.

GHA may follow up by telephone, email and/or require in-person appointments with participants, as needed to request additional information, seek clarification, review reexamination documents, and/or conduct quality control.

Residents will be provided with up to two opportunities to complete the re-examination requirements within the prescribed timeframes. People with disabilities who require assistance completing required documents will be granted a reasonable accommodation to complete documents within prescribed timeframes. The GHA will provide the participant no more than two requests for documentation (the initial request and one follow-up request). If the family fails to provide verification of student status, medical expenses, or childcare expenses the GHA will not include these deductions in the determination of adjusted annual income. If all required documents and information are not submitted to GHA within the timeframe specified, the resident may be terminated effective on the family's reexamination effective date for the family's failure to comply with their family obligations.

### Streamlined Income Determinations

For any family member with a fixed source of income, the GHA may determine that family member's income using a streamlined income determination by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

A family member with a fixed source of income is a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources: Social Security, Supplemental Security Income, Supplemental Disability Insurance; Federal, state, local, or private pension plans; Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or





other similar types of periodic receipts; or Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

GHA will use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount and will verify the COLA or current interest rate from a public source or through tenant-provided, third party-generated documentation. If no such verification is available, then the GHA will obtain third-party verification of income amounts in order to calculate the change in income for the source.

For any family member whose income is determined by a streamlined income determination, the GHA will obtain third-party verification of all income amounts every 3 years.

### Streamlined for Elderly and Disabled Families

GHA will conduct a streamlined re-examination of income for elderly families and disabled families when 90% or greater of the family's income consists of fixed income, applying any published cost of living adjustments to the previously verified income amount. GHA will verify current income using EIV where applicable.

Fixed income includes income from:

- Social Security payments, Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
- Federal, state, local and private pension plans;
- Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments that are of substantially the same amounts from year to year.

For any family member whose income is determined by a streamlined income determination, the GHA will obtain third-party verification of all income amounts every 3 years.

### Re-Examination for Families Paying Flat Rent

For families who choose flat rents, the GHA will conduct a re-examination of family composition at least annually, and will conduct a re-examination of family income at least once every three years. The GHA will follow the same reporting and verification procedures for flat rent annual re-examinations as for income-based.

In any year in which a family chooses the flat rent option but the GHA chooses not to conduct a full examination of family income and composition for the annual rent option, the GHA will:

- Use income information from the examination of family income and composition from the first annual rent option
- Inform the family of the updated flat rental amount and the rental amount determined by the most recent examination of family income and composition
- Inform the family of the GHA's policies on switching rent types in circumstances of financial hardship



- Apply the family's rent decision at the next lease renewal.

### Safe Harbor Income Determination

For the purposes of determining income eligibility and annual re-examinations, the GHA may determine a family's annual income, including income from assets, prior to the application of any deductions based on income determinations made within the previous 12-month period, using income determinations from the following types of means-tested federal public assistance programs:

- The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, et seq.).
- Medicaid (42 U.S.C. 1396 et seq.).
- The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 et seq.).
- The Earned Income Tax Credit (26 U.S.C. 32).
- The Low Income Housing Tax Credit (26 U.S.C. 42).
- The Special Supplemental Nutrition Program for Woman, Infants, and Children (42 U.S.C. 1786).
- Supplemental Security Income (42 U.S.C. 1381 et seq.).
- Other programs administered by the Secretary.
- Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding.
- Other federal benefit determinations made by other means-tested federal programs that the Secretary determines to have comparable reliability and announces through a Federal Register notice.

In the event that the family presents the GHA with multiple income determinations either from one or more of the above listed programs, the GHA will use the most recent income determination to establish the annual income prior to deduction/allowances.

## 10.2 Interim Re-examinations

Link [24 CFR 960.257; 24 CFR 966.4](#)

### Changes to Household Composition

The family must report changes household composition to GHA within 15 calendar days of the change. Families, including those who pay income-based rent as well as those paying flat rent, must report all changes to household composition that occur between annual re-examinations in writing within 15 calendar days. The GHA will conduct interim re-examinations to account for any changes in household composition that occur between annual re-examinations.

### Household Additions

Families must request in writing GHA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than



14 cumulative calendar days during any 12-month period (not a guest). If the family adds a member by birth, adoption or court-awarded custody, the family must notify GHA within 15 calendar days of the addition.

The family must inform the GHA of an addition of a family member as a result of marriage, birth, adoption, or court-awarded custody of a child or the removal of a family member from the household within 15 calendar days. If adding a person to a household (other than a child by birth, adoption, or court-awarded custody) the GHA will approve the addition only if:

- There is no addition to the unit size; or
- If the family can demonstrate that there is a verified reasonable accommodation need.

Following a receipt of a family's request for approval, the GHA will conduct a pre-admission screening, including the Criminal History Report, of the proposed new member. The GHA will not approve the addition of a new family or household member unless the individual meets the GHA's suitability, screening and eligibility criteria and documentation requirements.

The following factors apply when determining household additions:

- Household additions subject to screening:
  - Resident is awarded custody of a child over the age for which juvenile justice records are available;
  - Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren).
  - A unit is occupied by a remaining family member(s) under the age of 18 (not an emancipated minor) and an adult who was not a member of the original household requests permission to take over as the head of household.
- Household additions are not subject to screening:
  - Children born to a family member or whom a family member legally adopts are exempt from the pre-screening process;
  - The family must inform GHA of the birth, adoption, or court-awarded custody of a child within ten business days.
  - Household additions which may be subject to screening, depending on GHA discretion:
  - Children below the age under which juvenile records are made available, who are added through a kinship care arrangement are not exempt from the pre-screening process;
  - GHA will request the public housing tenant provide GHA with a signed consent form from the parent(s) or legal guardian(s) allowing GHA to check the juvenile records for the child;
  - Sources to be checked may include any of the following: school records (attendance, behavior) juvenile probation, court records, and police records.

If a new household member is approved by the GHA to reside in the unit, the person's name and birth date will be added to the lease. The head of household and GHA will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the



lease. Only people listed on the most recent certification form and lease, or added in accordance with these policies will be permitted to occupy a dwelling unit.

If the GHA determines that an individual does not meet the GHA's suitability, screening, eligibility criteria or documentation requirements, the GHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

Residents who fail to notify the GHA of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the lease. Such persons are considered to be unauthorized occupants by the GHA, and the entire household will be subject to lease termination and eviction.

When a change in the circumstance of resident family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List.

### Household Member Removals

The resident must notify the GHA of a family member move-out within 15 calendar days of its occurrence. The family may either provide verification of the adult member move out, such as lease at another location, or may provide a self-certification that the family member is no longer part of the household.

### Changes Affecting Income or Expenses

This section applies to families paying income-based rent. Families paying flat rent are not required to report change in income or expenses.

- All **increases** in income must be reported to the GHA within 15 calendar days of the change.
  - The GHA will conduct an interim recertification when the amount of unearned income is greater than 10% of the income on the most current recertification; or
  - The GHA may conduct an interim recertification when the earned income is greater than 10% following an interim for a loss of income.
- All **decreases** in income must be reported to the GHA within 15 calendar days of the change.
  - GHA will only conduct an interim recertification when the amount of income loss (either at a single occurrence or cumulatively) equals 3% or more of the income on the most current recertification.
- A family must report an increase in income/assets that occurs during the recertification period (within 120 days of the effective date anniversary, if the increase occurs after the family has completed the recertification packet and was not included).

Failure to adhere to the reporting requirements for change of income, for the determination of eligibility and for the redetermination of on-going eligibility is a violation which may result in termination.



## GHA-Initiated Interim Re-Examinations

Links [24 CFR 960.257](#); [24 CFR 966.4](#)

The GHA will also conduct interim re-certifications in each of the following instances:

- Any decrease in income due to the removal of a family member, regardless if the amount of lost income meets the 3% threshold.
- Until the completion of the EID program, for families receiving the allowance (EID), the GHA will conduct an interim re-examination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the second 12 month exclusion period (50 percent phase-in period).
- If at the time of the annual re-examination, participant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the GHA will conduct an interim re-examination.
- The GHA may conduct an interim re-examination at any time in order to correct an error in a previous re-examination, or to investigate a participant fraud complaint.

The family must complete an Interim Change form and provide necessary information within 15 calendar days of the GHA request.

### Interim Re-Examination Effective Dates

If the family rent is to increase:

- The increase generally will be effective on the first of the month following 30 days' notice to the family.
- If a family fails to report a change within the required time frames or fails to provide all required information within the required time frames, the increase will be applied retroactively to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement.

If the family rent is to decrease:

- If the tenant has complied with the interim reporting requirement and the tenant's rent is anticipated to decrease, rent decreases will be effective on the first day of the month after the decrease has been reported.
- Effective upon the GHA HOTMA Compliance Date, if the tenant has complied with the interim reporting requirement and the tenant's rent is anticipated to decrease, rent decreases will be effective on the first day of the month after the date of the actual change leading to the interim reexamination of family income.
- GHA may apply rent decreases retroactively for circumstances in which families fail to report changes in a timely manner in the event of verified circumstances beyond the control of the family (example: hospitalization). A retroactive rent decrease may not be applied prior to the later of either the first of the month following the date of the actual decrease in income, or the first of the month following the most recent previous income examination.

### 10.3 Transfer Policy

The GHA will maintain a transfer list and that transfers are processed in the correct order. Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date. Transfers will be processed in the following order:

- **Category 1 – Emergency Transfers**

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case-by-case basis. If the emergency is not finally resolved by temporary accommodation, and the resident requires a permanent transfer, that transfer will be placed at the top of the transfer list. The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

- Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours.
  - Examples of such unit or building conditions would include a gas leak, no heat in the building during the winter, no water, toxic contamination, and serious water leaks.
- Emergency transfers within sites or between sites may be made to repair unit defects hazardous to life, health, or safety, alleviate verified medical problems of a life threatening nature, or, based on documentation provided by a law enforcement agency (or other permissible documentation), protect members of the household from attack by the criminal element in a particular property or neighborhood, including Violence Against Women's Act.

Residents will receive one offer of an emergency transfer.

When the transfer is required by GHA, refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, refusal of that offer without good cause will result in the removal of the household from the transfer list and the family must wait six months to reapply for another transfer.

- **Category 2 – Administrative Transfers**

These transfers will take priority over new admissions and include:

- Transfers within or between sites to alleviate verified medical problems of a serious nature.
- Permit modernization of units.
- Permit a family that requires a unit with accessible features to occupy such a unit, remove residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency).





- For families that occupy an accessible unit but do not require the accessible features, GHA will require the family to agree to transfer to a non-accessible unit when a non-accessible unit becomes available. GHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features of the accessible unit.
- Provide housing options to residents who are victims of hate crimes.

- **Category 3 – Administrative Transfers**

These transfers do not automatically take priority over new admissions, and include transfers:

- Within or between sites may be made to correct occupancy standards (i.e. over/under housed conditions). GHA will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over housed) for the unit occupied.
  - Overcrowded is the number of household members exceeds the maximum number of people allowed for the unit size in which the family resides.
  - Over housed is the family no longer qualifies for the bedroom size in which they are living.
- Address situations such as neighbor disputes are not criminal but interfere with the peaceful enjoyment of the unit or common areas.

### GHA Required Transfers

The types of transfers that may be required by the GHA, include, but are not limited to:

- Transfers to make an accessible unit available for a disabled family
- Transfers to comply with occupancy standards
- Transfers for revitalization, rehabilitation, demolition, disposition
- Emergency transfers

Transfers required by the GHA are mandatory for the resident. If the resident does not move, the resident is in violation of the lease which is grounds for lease termination.

### VAWA Transfer Policy

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at [24 CFR part 5, subpart L](#) is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

GHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. GHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and



safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. GHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If GHA has no safe and available units for which a tenant who needs an emergency is eligible, GHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, GHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

GHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives GHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.

### Adverse Action Transfers

A GHA-required move is an adverse action, and is therefore subject to notice requirements for adverse actions.

The GHA will pay the reasonable costs of transfers that the GHA requires, except that residents will be required to pay the cost of occupancy standards transfers. The reasonable costs of transfers include the cost of packing, moving, and unloading. GHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, GHA will collect information from companies in the community that provide these services. GHA will reimburse the family for eligible out-of-pocket moving expenses up to GHA's established moving allowance.

### Resident-Requested Transfers

The types of requests for transfers that GHA will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to GHA's occupancy standards, and transfers to a location closer to employment, a relative who will care for children of a working mother, medical treatment, in areas providing more opportunity for economic self-sufficiency, or to move from an upstairs to a downstairs unit for medical or accessibility reasons. GHA will always consider a request to transfer as a reasonable accommodation for a person with a disability.



### Reasonable Accommodation Transfers

In case of a reasonable accommodation transfer, the GHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the GHA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted. If the request is submitted orally, GHA will document the request in writing, with: the resident name, reasonable accommodation request, date, and signature of GHA staff taking the request.

The GHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family.

GHA shall never offer a unit as a fully accessible unit to an applicant, resident, or program participant when the unit only has accessible features. Any offer of a unit in GHA with accessible features to an applicant, resident, or program participant shall include a written notice of what features are accessible in the unit and the ability of the person to reject the unit for not meeting their disability-related needs without losing their place for the next available accessible unit.

### Re-examination Policies for Transfers

If the family transfers to a new unit, GHA may perform a new annual re-examination (unless a re-examination has occurred in the last 120 days), and the anniversary date will be changed.



# CHAPTER 11: DENIAL OF ASSISTANCE AND LEASE TERMINATIONS

Link: [24 CFR 960.203](#)

## 11.1 Evidence and Considerations

GHA will use the preponderance of the evidence as the standard for making all admission decisions. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

GHA will consider the following factors prior to making its denial or termination decision:

- Evidence of the applicant or resident's participation in or willingness to participate in social service or other appropriate counseling service programs
- The age of the applicant and the circumstances surrounding the unfavorable event or history
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully
  - GHA will require the applicant/resident to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.
- Whether the cause of the unfavorable information may be that the applicant/resident is the victim of domestic violence, dating violence, sexual assault or stalking.
  - GHA acknowledges that a victim of domestic violence, dating violence, sexual assault or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to a unit, a prior arrest record) that would warrant denial under GHA's policies. Therefore, if GHA makes a determination to deny admission to an applicant family, GHA will include in its notice of denial/termination a statement of the protection against denial provided by VAWA, a description of GHA confidentiality requirements.
  - A request that an applicant/resident wishing to claim this protection submit to GHA documentation meeting the specifications below with her or his request for an informal hearing for an applicant and a grievance hearing for a resident.
- The existence of mitigating factors, such as loss of employment or other financial difficulties.
- If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission or termination of assistance, GHA will determine whether the behavior is related to the disability. If so, upon the family's request, GHA will determine whether alternative measures are appropriate as a reasonable accommodation. GHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial or termination.



As a condition of receiving or keeping assistance, a family may agree to remove the culpable family member from the application or unit. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the public housing unit. An incarcerated culpable family member may not be an applicant, resident or guest for five years from incarceration release date. The family must present evidence of the former family member's current address upon GHA request.

## 11.2 Denial of Assistance

Link: [24 CFR 960.204](#); [24 CFR 5.Subpart I](#)

GHA is required to deny admission if the applicant has:

- Engaged in criminal activity or GHA has reasonable cause to believe a household member's current use or pattern of use of illegal drugs or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to a peaceful enjoyment of the premises by other residents.
  - In determining reasonable cause, GHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. GHA will also consider evidence from treatment providers or community-based organizations providing services to household members.
- Any member of the household has been evicted from federally assisted housing in the last three years for drug related criminal activity.
  - GHA will admit an otherwise-eligible family who was evicted from federally- assisted housing within the past 3 years for drug-related criminal activity, if GHA is able to verify the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by GHA, or the person who committed the crime is no longer living in the household.
- Any household member is currently engaged in the use of illegal drugs.
  - Currently engaged in is defined as any use of illegal drugs during the previous six months.
- Any household member has ever been convicted of drug related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- And any other HUD required reason.

GHA may deny admission to an applicant family if GHA determines the family:

- Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past five years.
- Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five years which may adversely affect the health, safety, or welfare of other tenants.





- Has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances).
- Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program.
- Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent.
- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last five years.
- The applicant or any member of the applicant household is not a former resident of a public housing authority, or a former participant in the Housing Choice Voucher program, who had a record of lease violations or whose tenancy was terminated by the Housing Authority or private landlord.
- No previous resident may be readmitted unless all previous amounts owed have been paid to public housing authority; but payment of such debt does not necessarily entitle an applicant to eligibility under this section unless GHA has agreed in writing to grant eligibility upon payment of amounts due.
- Has engaged in or threatened violent or abusive behavior toward GHA personnel.
- Abusive or violent behavior towards GHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
  - Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- And any other HUD required reason.

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied admission:

- Drug-related criminal activity, defined by HUD as 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.
- Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.
- Other criminal activity means a history of criminal activity involving crimes of actual or threatened persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents. For the purposes of this policy, this is construed to mean a member of the current family has been arrested or convicted of any criminal or drug-related criminal activity within the past three years.
- Criminal activity that may threaten the health, safety, or welfare of other tenants, including the possession of illegal firearms.





- Criminal activity that may threaten the health or safety of GHA staff, contractors, subcontractors, or agents.
- Criminal sexual conduct, including but not limited to sexual assault, incest, statutory sexual seduction, open and gross lewdness, or child abuse, and are required by law to register as a sex offender.
- Civil disobedience.

### 11.3 Notice of Denial

Link: [24 CFR 960.208](#)

GHA will notify applicant families in writing of any decision to deny assistance.

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, GHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given ten business days to dispute the accuracy and relevance of the information. If the family does not contact GHA to dispute the information within that ten day period, GHA will proceed with issuing the Notice of Denial of Admission.

A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

If the reason an applicant with disabilities did not respond to GHA's attempts to contact him/her is related to the disability, GHA will, as a reasonable accommodation, reinstate the applicant in the former position on the waiting list.

### 11.4 Denial of Assistance for Noncitizens

Link: [24 CFR 5.514\(d\)](#); [\[24 CFR 5.508\(g\) \(5\)\]](#)

Denial of assistance based on immigration status is subject to special hearing and notice rules. GHA will notify applicant families of denial of assistance in accordance with HUD regulations. When GHA determines an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within ten business days of the determination. The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with GHA. The informal hearing with the GHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but it may be delayed pending the completion of the informal hearing process.

When GHA receives notification the USCIS secondary verification failed to confirm eligible immigration status, GHA will notify the family of the results of the USCIS verification within seven business days of receiving the results. The family will have 30 days from the date of the notification to request an appeal of the USCIS results, made by the family directly in writing to the USCIS. The family must provide GHA with a copy of the written request for appeal and proof of mailing within ten business days of mailing the request to the USCIS.



GHA will send written notice to the family of its right to request an informal hearing within ten business days of receiving notice of the USCIS decision regarding the family's immigration status.

## 11.5 Informal Hearing Policy

Link: [24 CFR 966 Subpart B](#)

GHA will only offer informal reviews to applicants for the purpose of disputing denials of admission.

A request for an informal hearing must be made in writing and delivered to GHA either in person, email or by first class mail, by the close of the business day no later than 15 calendar days from the date of GHA's notification of denial of admission. If the applicant requests a review because GHA denied admission based on an incomplete application, the applicant must submit the required documentation that is missing from the application with the request for an informal review. The applicant may request an extension in writing before the expiration of the 15 calendar day period. GHA will grant an extension of 15 calendar days. If, after reviewing the documentation provided by the applicant, GHA determines the family is eligible for assistance, no informal hearing will be scheduled, and GHA will proceed with admission of the applicant family.

An informal hearing appointment notice will be sent to the applicant at their address of record within ten business days of the family's request.

An applicant may request to reschedule the informal reviews once for good cause, but such request must be made in writing and received by GHA no later than 24 hours before the scheduled review. The tenant may request to reschedule a review for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a review must be made orally or in writing prior to the review date. At its discretion, GHA may request documentation of the "good cause" prior to rescheduling the review.

The informal hearing will be conducted by a person other than the one who made the decision under review or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision of GHA.

The person conducting the informal hearing will make a recommendation to GHA, but GHA Director of Housing is responsible for making the final decision as to whether admission should be granted or denied.

GHA will notify the applicant of GHA's final decision, including a brief statement of the reasons for the final decision. The notice will be sent, in writing, to the applicant at the address on record.

GHA will also retain a copy of such decision, with all names and identifying references deleted, in a special file and made available for inspection by a prospective complainant, his representative or the Review Officer. In rendering a decision, GHA will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice.



- The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in GHA policy, then the decision to deny assistance will be overturned. The validity of the evidence. GHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove there are grounds for denial, and the denial is required by HUD, GHA will uphold the decision to deny admission.
- If the facts prove the grounds for denial, and the denial is discretionary, GHA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.
- If the informal hearing decision overturns the denial, processing for admission will resume.
- If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.
- The family will be allowed to copy any documents related to the review at a cost of \$.10 per page. The family must request discovery of GHA documents no later than 12:00 p.m. on the business day prior to the review.
- The complainant or GHA may arrange, in advance and at the expense of the party making the arrangements, for a transcript of the review. Any interested party may purchase a copy of such transcript.

### Informal Hearing for Citizenship

The GHA will provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinator of the person who made or approved the decision.

## 11.6 Lease Terminations

Link [24 CFR 966.4](#)

### Resident Initiated Terminations

1. Required Notice: Before a resident vacates the unit, the resident is required by the lease to give a 30-day written notice terminating the lease to the management office. The resident's obligation to pay rent continues until the end of the notice period and the keys are returned to Management, except if the unit is re-rented sooner.
2. Vacates Due to Death, Illness, or Nursing Home Admission: In general, a 30-day written notice from a family member will be required. However, the management staff will attempt to balance the needs of the family at the time of crisis against the need for time to prepare and re-rent the unit. The GHA may allow more time if circumstances warrant it.
3. Moving Without Notice: If a resident moves without giving proper notice (known as a "skip") or does not return the keys to Management, the resident may be sent an abandonment notice specifying the date management became aware of the "skip" and follow up with legal action to recover the unit.

4. Negotiated Vacates or Evictions: Occasionally a vacate date is negotiated as part of a court settlement, a hearing settlement, or to avoid a termination action or if the Resident is evicted. In these cases, no further written notice is required.
5. Rent Cut-off Dates: Rent will be charged through the effective date of the vacate notice. If the resident vacates before the end of notice period, turns in the keys to management, the unit is readied, and the unit is re-rented to a new resident before the end of the notice period, the vacating Resident will not be liable for rent from the date the new resident signs the lease for that unit until the end of the notice period.

#### Effect of Giving Notice to Vacate:

1. Except as provided below, once a resident has given written notice to GHA management that he or she is terminating the dwelling lease and vacating his or her unit, the resident will not be allowed to cancel, revoke, or otherwise change the notice.
2. If the unit has not been shown and accepted for re-rental by a new or transferring resident, the vacating resident may request GHA management to agree to an extension of the vacate date or, in a case of hardship, may request management to allow the notice to be cancelled by the resident. Any agreement to a change in the vacate date or a cancellation of the notice is at the discretion of management and will be made in writing.
3. If a resident fails to vacate the unit on the vacate date stated in the notice to management or as otherwise agreed in writing between the resident and management, management may file an Unlawful Detainer action in court alleging an illegal holdover past the termination of the lease.

## GHA Terminations

### *Termination of Lease for Nonpayment of Current or Retroactive Rent*

If rent is not delivered timely, the Property Manager will proceed to terminate the lease as indicated in that procedure. If retroactive rent becomes due, the Resident must promptly pay such rent. No extension of payment of retroactive rent will be made except as provided for under the hardship provision of payment of security deposit, rent, and other charges. Procedure for termination for nonpayment of retroactive rent is the same as termination for current rent.

*Timing of Notice:* If rent is not paid in full by the eighth day of the month, a Late Payment Notice and a Notice of Termination, terminating the dwelling lease in 30 days will be sent to the resident.

*Writ of Eviction; Physical Eviction:* If the court rules in the GHA's favor and issues a writ of eviction and the writ of eviction is served on the resident, acceptance of the rent payment is at the discretion of management and the resident must voluntarily move or be physically moved out in the presence of the sheriff.



## Consideration of Termination of Lease for Violations Other Than Non-Payment of Rent

When it becomes necessary to consider termination of a lease for other than nonpayment of rent, and prior to sending a termination notice, management may meet with the tenant, or make reasonable efforts to arrange such a meeting, to determine the reason for failure to comply with the lease.

If the breach is the result of criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a resident's household or any guest or other person under the resident's control then VAWA protections may be enacted. All families will be provided with a notice of rights under VAWA upon notification of eviction or termination of assistance.

## Lease Termination for Cause

The Dwelling Lease may be terminated at any point during tenancy for serious or repeated violations of the lease terms. Management will act promptly to propose termination in serious situations that affect any of the following:

1. Any violent or drug-related criminal activity on, near or off premises;
2. Health and Safety;
3. The property, other residents, staff, or neighbors, or;
4. The well-being of the building, development, or neighborhood.

## Non-Renewal of Lease

- Reasons for Non-Renewal: Serious or repeated violations of the Dwelling Lease, including chronic late payment of rent, failure to comply with community service program, record of disturbing other residents, failure to pay on other charges, unsafe and unsanitary housekeeping, are grounds for non-renewal of the lease.
- Timing of a Non-Renewal of a Lease: 30 calendar days prior to the effective date of the annual re-examination, the Property Manager will review the tenant's file to determine if there is cause for non-renewal. If there is sufficient cause, the manager will send the Resident a notice denying the renewal of the lease and informing the Resident that he or she must vacate the dwelling unit by the end of the month following the month in which the notice is given.
- Rights to Hearing: Residents who are notified of the non-renewal of their lease have a right to a hearing in accordance with the Tenants Grievance Procedure. The non-renewal notices will include a notice of the right, and must be filed in writing within ten business days of the termination notice.

## 11.7 Termination Notices

GHA will attempt to deliver notices of lease termination directly to the resident or an adult member of the household. If such attempt fails, the notice will be sent by email or first-class mail the same day.





All notices of lease termination will include a statement of the protection against termination provided by the [Violence against Women Reauthorization Act of 2005](#) (VAWA) for victims of domestic violence, dating violence, sexual assault or stalking. The notice will also include a copy of [HUD form 5382 \(alternate languages\)](#), Certification of Domestic Violence, Dating Violence, or Stalking.

GHA will give written notice of 14 calendar days for nonpayment of rent. For all other lease terminations GHA will give 30-days written notice or, if state or local law allows less than 30 days, such shorter notice will be given.

Expedited Notice (Notice of Violation of Lease with Intent to Terminate) is served in cases of drug-related criminal activity, criminal activity, or any activity of an extreme nature that pose a threat to the health/safety of others including but not limited to a threat to the safety of staff.

**Terminations for Unacceptable criminal activity for Low Income Public Housing Applicants and Residents will be based on the following:**

Drug related convictions; Alcohol related convictions (if it indicates an ongoing pattern); Fraud; Acts of violent behavior convictions; and or Crimes of violent behavior residents will be terminated from the programs.

Applicants/ residents must report any convictions from criminal activity which occurs after the application review (this includes residents, tenants and those that have not yet moved into GHA assisted housing program(s)).

GHA will allow applicants and residents to address and present mitigating circumstances regarding criminal background checks prior to final decision.

## 11.8 Repayment Agreements

Link: [PIH Notice 2018-18](#)

If a family owes amounts to the GHA, as a condition of continued occupancy, the GHA may require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the GHA of the amount owed.

Any repayment agreement between the GHA and a family must be signed and dated by the GHA and by the head of household and spouse/co-head (if applicable). If the family chooses to enter into a repayment agreement, the GHA will require a minimum down payment of 20% of the amount owed. The term of repayment agreement will not exceed twenty-four (24) months, except as provided below. In no event will the GHA enter into a repayment agreement for retroactive rents whereby the monthly amount of the repayment plus TTP is greater than 40% of the family's adjusted monthly income.

### Repayment Agreement Options

Tenants can repay in a lump sum; through a Repayment Agreement (installment payments), or a combination: paying a lump sum when the Repayment Agreement is signed and the remainder in monthly payments not to exceed 24 months.





### **Creating and Reporting Tenant Repayment Agreements**

The total the tenant pays, for a combination of the TTP and the Repayment Agreement, will not exceed 40% of the family's monthly adjusted income for contract purposes but if the family wishes to pay more than the contract amount, they can.

The repayment agreement will be renegotiated when financial circumstances of the household change.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the GHA will terminate the family's tenancy and utilize other available collection alternatives including, but not limited to, the following:

- Collection agencies
- Small claims court
- Civil law suit
- State income tax set-off program

### **Rules Governing Payments and Changes to Existing Agreements**

A Repayment Agreement is a contract; the only provision for revising it is if the household's income changes.

The GHA generally will not enter into a repayment agreement with a family if:

- There is already a repayment agreement in place with the family;
- GHA determines that the family committed program fraud;
- The amount of the calculated payment based on tenant rent and repayment amount not exceeding the 40% maximum rent burden is insufficient to satisfy the debt within the 24 month period;
- The amount is greater than \$5,000, or the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

GHA may at any time not enter into a repayment agreement and instead terminate the family's tenancy and pursue alternative collection methods. If the family's assistance is terminated and repayment has not been made, the money will still be considered to be owed and may be reported in HUD's EIV system as a debt owed. GHA may take such action, as necessary, to collect the amounts owed.

## **11.9 Evictions**

When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, GHA will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases. If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, GHA will seek the assistance of the court to remove the family from the premises as per state and local law.



- A written record of every termination and/or eviction will be maintained by GHA at the development where the family was residing, and will contain the following information:
- Name of resident, number and identification of unit occupied;
- Date of the notice of lease termination and any other notices required by state or local law;
- These notices may be on the same form and will run concurrently;
- Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905).

### Eviction Information

A written record of every termination and/or eviction will be maintained by GHA and will contain the following information:

- Name of resident, number and identification of unit occupied
- Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently
- Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail
- Date and method of notifying the resident
- Summaries of any conferences held with the resident including dates, names of conference residents, and conclusions

## 11.10 Grievance Policy

Links: [24 CFR 966, Subpart B](#); [Notice PIH 2016-05](#)

Grievance is defined as any dispute a tenant may have with respect to a GHA action or failure to act in accordance with the individual tenant's lease or GHA regulations that adversely affects the individual tenant's rights, duties, welfare, or status.

GHA has established a Public Housing Grievance Policy and Procedure (Grievance Procedure) that includes, but is not limited to, applicability of rules, an explanation of the grievance process, identification of applicable time lines, and procedures governing the hearing.

The Grievance Procedure is provided to tenants at the time the lease is signed and is also available in the property management offices and the Public Housing Office.

Grievances related to any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents, neighbors, or employee of GHA (to include but not limited to drug related criminal activity on or off the premises or alcohol abuse) and are excluded from the Grievance Procedures.

The Grievance Procedure will be incorporated by reference in the tenant lease.



Residents and resident organizations will have 30 calendar days from the date they are notified by GHA of any proposed changes in the Grievance Procedure, to submit written comments to GHA.

GHA will accept requests for an informal settlement of a grievance either orally or in writing, to GHA office within ten business days of the grievance event. Within ten business days of receipt of the request, GHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant. The written request will specify the reason for the grievance and the relief sought.

Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

GHA will prepare a summary of the informal settlement within ten business days; one copy to be given to the tenant and one copy to be retained in the GHA's tenant file. The summary will specify:

- The names of the participants;
- Date and time of meeting;
- Nature of the complaint;
- Proposed disposition of the complaint and specific reasons thereof;
- The right of the complainant to a hearing;
- The procedures by which a hearing may be obtained.

The resident must submit a written request for a grievance hearing to GHA within ten business days of the tenant's receipt of the summary of the informal settlement.

Within thirty calendar days of receiving a written request for a grievance hearing (hearing), the hearing officer will schedule and send written notice of the hearing to both the complainant and GHA. The written notice will specify the time, place, and the procedures governing the hearing, and will be delivered to the complainant and the appropriate GHA official.

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 15 minutes. If the tenant appears within 15 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear.

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact GHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

### Escrow Deposits

Before a hearing is scheduled for any grievance involving the amount of rent that GHA claims is due, the family will pay an escrow deposit to GHA. GHA will waive the requirement for an escrow deposit where the family has requested a financial hardship exemption from minimum rent requirements or is grieving the effect of welfare benefits reduction in calculation of family income. These requirements may also be waived by GHA in extenuating circumstances.



## Grievance Hearing

Link: [24 CFR 966, Subpart B](#)

The GHA will promptly schedule the hearing. Hearings will be held at the GHA office. Hearing notices containing the date, time, location and hearing procedures governing the hearing will be provided to the resident and the hearing officer.

GHA grievance hearings will be conducted by a single impartial hearing officer and not a panel. The hearing officer will be someone other than the person who made or approved the decision or a subordinate of that person. The GHA lease states the hearing officer selection policy.

Grievance hearings may be attended by the following applicable persons:

- A GHA representative(s)
- Any witnesses for the GHA
- The resident
- Any witnesses for the resident
- The resident's counsel or other representative
  - If the resident is bringing legal counsel to the grievance hearing, the resident must notify GHA at least 24 hours in advance of the hearing.
- Any other person approved by the GHA will be as a reasonable accommodation for a person with a disability.

If the resident does not attend the hearing, the hearing officer will rule in favor of the GHA.

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence:

- Oral evidence: the testimony of witnesses;
- Documentary evidence: a writing which is relevant to the case, for example, a letter written to GHA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.
- Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram;
- Real evidence: A tangible item relating directly to the case.
- Hearsay evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If GHA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine GHA documents prior to the grievance hearing) the hearing officer will refuse to admit such evidence.

Other than the failure of GHA to comply with discovery requirements, the grievance hearing officer has the authority to overrule any objections to evidence.



If the complainant would like GHA to record the proceedings by audiotape, the request must be made to GHA by 12:00 p.m. on the business day prior to the hearing. GHA will consider an audio tape recording of the proceedings is a transcript.

### Hearing Decision

In rendering a decision, the grievance hearing officer will consider the following matters:

- GHA Notice to the Family
- GHA Evidence to Support the GHA Decision
- Resident Presented Evidence
- Validity of Grounds for Termination of Tenancy

The hearing officer will prepare a written decision. A copy of the decision will be sent to the resident and the GHA. The GHA will retain a copy of the decision in the tenant's folder. The GHA will maintain a log of all hearing officer decisions, the date of the decision, the general reason for the grievance hearing. The hearing officer log will be available upon request of the hearing officer, the resident, or a resident's representative.

The decision of the hearing officer will be binding unless the GHA Board of Commissioners determines that:

- The grievance does not concern GHA action or failure to act in accordance with or involving the resident's lease on GHA regulations, which adversely affects the resident's rights, duties, welfare or status; or
- The decision of the hearing officer is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and the GHA.

A decision by the hearing officer or Board of Commissioners in favor of the GHA or which denies the relief requested by the resident in whole or in part will not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial or judicial review in any judicial proceedings, which may thereafter be brought in the matter.



## CHAPTER 12: PROGRAM INTEGRITY

The GHA anticipates that the majority of families and GHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. To ensure that the GHA's program is administered effectively and according to the highest ethical and legal standards, the GHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

GHA will initiate an investigation of a Resident family only in the event of one or more of the following circumstances:

- Referrals, Complaints, or Tips. GHA will follow up on referrals from other agencies, companies or persons which are received by mail, or in person, which allege that a Resident family is in non-compliance with, or otherwise violating the lease or the program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the Resident file.
- Internal File Review. A follow-up will be made if GHA staff discovers (as a function of a [re]certification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, GHA's knowledge of the family, or is discrepant with statements made by the family.
- Verification or Documentation. A follow-up will be made if GHA receives independent verification or documentation that conflicts with representations in the Resident file (such as public record information or credit bureau reports, reports from other agencies).

The management and occupancy staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and Resident families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by Resident families.

1. *Things You Should Know*: The program integrity bulletin ([form HUD-1140-OIG](#) created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the PHA's expectations for cooperation and compliance.
2. *Program Orientation Session*: Mandatory orientation sessions will be conducted by Housing Management at the time of initial occupancy. At the conclusion of all New Resident Orientation sessions, the family representative must sign all applicable forms to confirm that all rules and pertinent regulations were explained to them.
3. *Resident Counseling*: GHA will routinely provide resident counseling as a part of every re-examination interview in order to clarify any confusion pertaining to program rules and requirements.
4. *Review and Explanation of Forms*: GHA will explain all required forms and review the contents of all (re)certification documents prior to signature.
5. *Use of Instructive Signs and Warnings*: Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.



6. *Third-Party Verifications:* GHA will use third party verification whenever possible, and if using Resident supplied or other documents for verification purposes, GHA will document the attempts to obtain third party verification

## 12.1 Detecting Errors and Program Abuse

The GHA will employ a variety of methods to detect errors and program abuse, including:

- Using the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the GHA's error detection and abuse prevention efforts.
- Encouraging staff, residents, and the public to report possible program abuse.
- Reviewing all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation.
- Investigating inconsistent information related to the family that is identified through file reviews and the verification process.

For each investigation the GHA will determine

- Whether an error or program abuse has occurred
- Whether any amount of money is owed the GHA
- What corrective measures or penalties will be assessed

## 12.2 Family Prohibited Actions

Any of the following will be considered evidence of family program abuse:

Offering bribes or illegal gratuities to the GHA Board of Commissioners, employees, contractors, or other GHA representatives;

- Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to GHA on the family's behalf;
- Use of a false name or the use of falsified, forged, or altered documents;
- Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition); Omitted facts that were obviously known by a family member (e.g., not reporting employment income);
- Admission of program abuse by an adult family member;

GHA may determine other actions to be program abuse based upon a preponderance of the evidence.

## 12.3 GHA Prohibited Activities

GHA's Crime and Safety measures are stated in the GHA Crime and Safety Procedure.

Any of the following will be considered evidence of program abuse by GHA staff:

- Failing to comply with any public housing program requirements for personal gain;
- Failing to comply with any public housing program requirements as a result of a conflict of interest relationship with any applicant or resident;
- Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to GHA;



- Disclosing confidential or proprietary information to outside parties;
- Gaining profit as a result of insider knowledge of GHA activities, policies, or practices;
- Misappropriating or misusing public housing funds;
- Destroying, concealing, removing, or inappropriately using any records related to the public housing program;
- Committing any other corrupt or criminal act in connection with any federal housing program.

When GHA determines that program abuse by a family or GHA staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, GHA will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the public housing program will be referred to the appropriate local, state, or federal entity.

## 12.4 De Minimis Errors

De minimis errors occur when the GHA determination of a family's income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (or \$360 in annual adjusted income).

As the GHA becomes aware of the existence of an income calculation error, it will correct the error(s) retroactive to the effective date of the action the error was made. Depending upon the family circumstances and when errors are detected, the GHA may take one of the following corrective actions to credit or repay the family.

- Repay the family the tenant portion overpayment
- This may be performed if the family no longer resides in the same unit or a unit under the same ownership as when the family overpayment was made.
- Apply the family a credit to reduce the amount of tenant rent to owner until the amount of family overpayment has been met.
- This may be performed if the family continues to reside in the same unit as when the overpayment was made.

Families will not be required to repay the GHA in instances where the GHA miscalculated income resulting in a family being undercharged for rent.

## 12.5 Consideration of Remedies

All errors and instances of program abuse will be corrected prospectively. Whether the GHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

In the case of family-caused errors or program abuse, the GHA will take into consideration:



- The seriousness of the offense and the extent of participation or culpability of individual family members
- Any special circumstances surrounding the case
- Any mitigating circumstances related to the disability of a family member
- The effects of a particular remedy on family members who were not involved in the offense

### Disposition of Cases Involving Misrepresentation

- In all cases of misrepresentations involving efforts to recover monies owed, GHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:
  - Criminal Prosecution: If GHA has established criminal intent, and the case meets the criteria for prosecution, GHA may refer the case to HUD's OIG, and terminate rental assistance.
- Administrative Remedies: GHA may:
  - Terminate tenancy and demand payment of restitution in full.
  - Terminate tenancy and execute an administrative repayment agreement in accordance with the GHA's Repayment Policy.
  - Permit continued occupancy at the correct rent and execute an administrative repayment agreement in accordance with GHA's Repayment Policy.

## 12.5 Notice and Appeal

GHA will inform the relevant party in writing of its findings and remedies within seven (7) business days of the conclusion of the investigation. The notice will include:

- A description of the error or program abuse,
- The basis on which GHA determined the error or program abuses,
- The remedies to be employed, and
- The family's right to appeal the results through an informal hearing or grievance hearing.

Increases in the tenant rent will be implemented only after the family has received a 30-day notice. Any decreases in tenant rent will become effective the first of the month following the discovery of the error.

## 12.6 Firearms Policy

Except for sworn Law Enforcement Officers, in accordance with State of Texas Laws and Regulations, any person owning, transporting, or possessing firearms on GHA property:

- Must follow all Federal laws and regulations as well as State of Texas laws and Regulations covering the Possession, Ownership and Transportation of Firearms;
- Must not openly or conceal carry firearms into or at:
  - The rooms or facilities used during the GHA Board of Directors meetings, as defined by the "Open Meetings Act"; And
  - The rooms or facilities used by the Texas Head Start education program.



- Firearms and ammunition kept inside of GHA owned rental units must be secured in such a way as to prevent unauthorized access and comply with any state or local laws and ordinances.

For each violation of this Policy, GHA reserves the right to pursue:

- Eviction of GHA unit resident or lease holder;
- Termination of “Rental Assistance” to resident, lease holder or HCV client; and
- Removal of violators of this policy by law enforcement officials.

GHA will post written signs in compliance with the law of the State of Texas at every entrance where firearms may be prohibited.



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## Appendix A: Excluded Income

Category	Exclusion	CFR	Description
Other	Federally Mandated Income Exclusions	24 CFR 5.609(b)(22)	Amounts that must be excluded by federal statute. HUD will publish a Federal Register notice that includes the qualifying benefits.
Assets	Imputed Income from Assets	24 CFR 5.609(b)(1)	Any imputed return on an asset when net family assets total \$50,000 (adjusted annually) or less and no actual income from the net family assets can be determined.
Non-recurring income	Non-recurring income	24 CFR 5.609(b)(24)	Income that will not be repeated in the coming year based on information provided by the family.
Self-employment	Gross Self-employment Income	24 CFR 5.609(b)(28)	Gross income received through self-employment or operation of a business
Dependents	Minors (children under the age of 18 years)	24 CFR 5.609(b)(3)	All earned income of all children under the age of 18, including foster children.
Dependents	Adoption assistance payments	24 CFR 5.609(b)(15)	Adoption assistance payments for a child in excess of the amount of the dependent deduction.
Students	Earned Income of Dependent Students	24 CFR 5.609(b)(14)	Earned income of dependent full-time students in excess of the amount of the dependent deduction.
Students	Title IV HEA Assistance	24 CFR 5.609(b)(9)(i)	Any assistance that Section 479B of the Higher Education Act (HEA) of 1965, as amended, requires to be excluded from a family's income.
Students	Other Student Financial Assistance	24 CFR 5.609(b)(9)(ii)	Student financial assistance, not excluded under the HEA, for actual covered costs of higher education.
Students	Educational Savings Account	24 CFR 5.609(b)(10)	Income and distributions from any Coverdell educational savings account of or any qualified tuition program under IRS section 530 or any qualified tuition program under section 529.
Baby bonds	Baby bonds	24 CFR 5.609(b)(10)	Income earned by government contributions to, or distributions from, "baby bond" accounts created, authorized or funded by federal, state or local government.
Foster children / adults	Payments for Foster Children / Adults	24 CFR 5.609(b)(4)	Payments received for the care of foster children or adults, including State kinship, guardianship care payments, or tribal kinship payments.
Foster children / adults	Income of foster children / adults	24 CFR 5.609(b)(8)	Income of a live-in aide, foster child, or foster adult as defined in 24 CFR 5.403 and 5.603.
Live-in Aide	Income of a Live-in Aide	24 CFR 5.609(b)(8)	Income of a live-in aide, foster child, or foster adult.
People with Disabilities	ABLE accounts	24 CFR 5.609(b)(22)	Will be included in federally mandated excluded amounts. Notice PIH 2019-09/H-2019-06 details when ABLE account income is excluded.
People with Disabilities	State Payments to Allow Individuals with Disabilities to Live at Home	24 CFR 5.609(b)(19)	Payment made by an authorized by a state Medicaid managed care system or other state agency to a family to enable a family member to live in the family's assisted unit.
People with Disabilities	Plan to Attain Self-Sufficiency (PASS)	24 CFR 5.609(b)(12)(i)	Amounts set aside for use under a Plan to Attain Self-Sufficiency (PASS).
People with Disabilities	Reimbursements for Health and Medical Care Expenses	24 CFR 5.609(b)(6)	Amounts for, or in reimbursement of, health and medical care expenses for any family member.

(continued)



Category	Exclusion	CFR	Description
Trusts	Trust distributions	24 CFR 5.609(b)(2)	Any distributions of a trust's principal are excluded. PHAs and owners must count any distributions of income from an irrevocable trust or a trust not under the control of the family (e.g., distributions of earned interest) as income to the family with the expectation of distributions used to pay the health and medical care expenses of a minor.
Insurance	Insurance payments and settlements for personal or property loss	24 CFR 5.609(b)(5)	Insurance payments and settlements for personal or property loss including, but not limited to: payments through health insurance, motor vehicle insurance, and workers' compensation.
Retirement	Retirement plan	24 CFR 5.609(b)(26)	Income received from any account under an IRS-recognized retirement plan. However, periodic payments are income at the time of receipt.
Military	Hostile fire special payment	24 CFR 5.609(b)(11)	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
Veterans	Veterans aid and attendance payments	24 CFR 5.609(b)(17)	Payments related to aid and attendance for veterans under 38 U.S.C. 1521.
Lawsuits	Lawsuit Settlements	24 CFR 5.609(b)(7)	Amounts recovered in a civil action or settlement based on malpractice, negligence and other breach of duty claim resulting in a family member becoming disabled.
Lawsuits	Reparations for Persecution	24 CFR 5.609(b)(13)	Reparation payments paid by a foreign government for claims by people persecuted during the Nazi era.
Lawsuits	Tribal Claims Payments	24 CFR 5.609(b)(21)	Payments received by tribal members from claims relating to the mismanagement of assets held in trust by the United States.
Lawsuits	Lawsuits related to civil rights	24 CFR 5.609(b)(25)	Civil rights settlements or judgments, including settlements or judgments for back pay.
Reimbursements	Reimbursements from publicly assisted programs	24 CFR 5.609(b)(12)(ii)	Amounts received by a participant in other publicly assisted programs for or in reimbursement of expenses to allow program participation (e.g., special equipment, clothing, transportation, child care, etc.).
Resident Services Stipend	Resident Services Stipend	24 CFR 5.609(b)(12)(iii)	Resident service stipends of \$200 or less per month for performing a part-time service for the PHA that enhances the quality of life in the development.
Employment training programs	Employment training programs	24 CFR 5.609(b)(12)(iv)	Incremental earnings and benefits from training programs HUD and qualifying employment training programs and training of a family member as resident management staff.
FSS	Family Self Sufficiency Account	24 CFR 5.609(b)(27)	Income earned on amounts placed in a family's FSS account.
Housing gap payments	Housing "gap" payments	24 CFR 5.609(b)(23)	Replacement housing "gap" payments to offset increased rent and utility costs to families displaced from one federally subsidized housing unit and another.
Benefits	Deferred Supplemental Security Income, SS income and benefits, or VA disability benefits	24 CFR 5.609(b)(16)	Deferred periodic amounts from: SSI, Supplemental Security Income and benefits or VA disability benefits that are received in a lump sum or prospective monthly amounts.
Property tax rebates	Property Tax Rebates	24 CFR 5.609(b)(18)	Refunds or rebates under state or local law for property taxes paid on the dwelling unit.
Loans	Loan Proceeds	24 CFR 5.609(b)(20)	The net amount disbursed by a lender to a borrower or a third party (e.g., educational institution or car dealership).



## Appendix B: Excluded Assets from Net Family Assets

Category	Excluded Asset	Example(s)	Notes
Personal property	Necessary items of personal property	Medical devices, vehicle for commute	Determining what is a "necessary item" for personal property is a highly fact-specific determination. Additional guidance is forthcoming from HUD.
Personal property	Non-necessary items of personal property if the combined total value does not exceed \$50,000*	Vintage baseball cards, recreational boat, coin collection, art so long as the <i>total</i> value is under the limit	This matches the value of assets that can be self-certified by the family.
Savings account	Retirement account recognized by IRS	IRA, 401(k), 401(b) and retirement plans for self-employed individuals	
Real property	Real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located	Property subject to a lawsuit may be legally restricted from sale.	Such property does not count against the dollar amount limit or the real property limitation
Cash	Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability	A drunk driver injures a family member, who then has a disability. The family sues, and the driver's insurance pays the family.	
Savings account	The value of certain education or disability support savings accounts	Under Internal Revenue Code sections 529, 529A, 530, "baby bond" accounts	Coverdell accounts, tuition programs, any "baby bond" account created, authorized, or funded by Federal, state, or local government
Real property	Interest in Indian trust land	Family has interest in land held in trust by Bureau of Indian Affairs	Existing exclusion
Real property	Equity in a manufactured home where the family receives assistance under 24 CFR 982	HCV Manufactured Home Space Rental participants	
Real property	Equity in property where the family receives assistance under 24 CFR 982	HCV homeownership participant	For real property other than manufactured homes
Savings account	Family Self-Sufficiency (FSS) accounts		The family does not have access to FSS funds during their participation in the program. Also excluded from income.
Cash	Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family	Earned Income Tax Credits (EITC)	
Trust Funds	Trust that is not revocable by, or under the control of, any member of the family or household	Non-revocable trust fund; trust fund revocable once minor child reaches age 21	As long as a trust meets this definition, it is not an asset of the family