

MARQUETTE HOUSING COMMISSION



***ADMISSIONS
AND
CONTINUED OCCUPANCY
POLICY***

(ACOP)

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ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the Marquette Housing Commission's (here after referred to as MHC) policies for the operation for the public housing program, incorporating federal, state and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

1.0 FAIR HOUSING

1.1 COMPLYING WITH CIVIL RIGHTS LAWS

- A. Civil rights laws protect the rights of applicants and tenants to equal treatment in the administration of its programs. It is the policy of MHC to fully comply with all Civil Rights laws, including but not limited to:
 - 1. Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex;
 - 2. 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;
 - 3. Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities;
 - 4. Age Discrimination Act of 1975, which establishes certain rights of the elderly;
 - 5. Title II of the Americans with Disabilities Act of 1990 (ADA) requires MHC provide individuals with disabilities with access to its programs, services and activities including, common areas and public spaces. *(Title II does not require that individual housing units be accessible to individuals with disabilities; rather, Section 504 and the Fair Housing Act govern access for individuals with disabilities to MHC's housing units.)*
 - 6. Applicable state laws or local ordinance; and
 - 7. Legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.
- B. MHC shall not discriminate because of race, color, national origin, actual or perceived sexual orientation, religion, familial status, gender identity, marital status or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land that is part of a development under MHC's jurisdiction covered by the Annual Contributions Contract with the Department of Housing and Urban Development (here after referred to as HUD).
- C. MHC shall not, on account of race, color, national origin, gender identity, religion, familial status, sexual orientation, or disability:
 - 1. Deny any applicant the opportunity to apply for housing (when the waiting list is open);
 - 2. Deny any qualified applicant the opportunity to lease housing suitable to their needs;
 - 3. Provide housing that is different (of lower quality) from that provided to others;
 - 4. Subject anyone to segregation or disparate treatment;
 - 5. Restrict access to benefits enjoyed by others in connection with the housing program;
 - 6. Treat any applicant differently when determining eligibility or requirements for admission;
 - 7. Deny anyone access to the same level of services; or
 - 8. Deny tenant the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
- D. MHC shall not automatically deny admission to otherwise qualified applicants because of their membership or affiliation with a group to which negative behavior may be imputed.
- E. MHC will correct situations or procedures which create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of MHC's housing program and non-housing programs, in accordance with Section 504, and the Fair Housing Amendments Act of 1988, there are requirements, optional actions and prohibitions:
 - 1. MHC **must**, upon request by an applicant or resident with a disability,
 - a. make structural modifications to its housing and non-housing facilities and;
 - b. make reasonable accommodations in its procedures or practices;**unless** such structural modifications or reasonable accommodations:
 - a. would result in an undue financial and administrative burden on the housing commission, or
 - b. would result in a fundamental alteration in the nature of the program
 - 2. In making structural modifications to existing housing programs or in carrying out alterations for otherwise qualified persons with disabilities, MHC **may**, but is not required to:

- a. make each of its existing facilities accessible;
 - b. make structural alterations when other methods can be demonstrated to achieve the same effect;
 - c. make structural alterations requiring the removal or alteration of a load-bearing structural member;
 - d. provide an elevator in any housing project solely for the purpose of locating accessible units above or below the grade level.
3. When making substantial alterations to an existing housing facility MHC **may**, but is not required to;
- a. provide an elevator in any public housing project solely for the purpose of locating accessible units above or below the grade level;
 - b. make structural alterations that require the removal or altering of a load-bearing structural member; or
 - c. make structural alterations to meet minimum accessibility requirements where it is structurally impracticable.
- Note: the undue burdens test is not applicable to housing undergoing substantial alteration.*
- F. MHC will not permit these policies to be subverted for personal or political favors. MHC will not offer units in an order different from that prescribed by this policy, since doing so violates the policy, federal law, and the civil rights of the other families on the waiting list.

1.2 FAIR HOUSING DISCRIMINATION

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

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

2.0 REASONABLE ACCOMMODATIONS

- A. Facilities and programs used by tenants will be accessible to persons with impaired mobility. Application and management offices, hearing rooms, community rooms and other public areas will be usable by tenants with a full range of abilities.
- B. Documents used by applicants and tenants will be accessible for those with vision or hearing impairment. All documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated into languages other than English.
- C. MHC may present examples to help applicants and tenants understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance. In writing materials for applicants and tenants, MHC staff will be prepared to explain rules and benefits verbally, as often as may be needed.
- D. A person with a disability may request a reasonable accommodation at any time they are a tenant. When MHC has initial contact with the applicant, MHC staff will grant a request for an alternative form of communication. Examples of alternative forms of communication may include, but are not limited to: a qualified sign language interpreter provided for and paid for by MHC; having written materials explained orally by staff either in person or by telephone; provision of written materials in large/bold font; permitting applicants to file applications by mail; and, permitting alternative sites for the receipt of applications. In addition, MHC's obligation to provide alternative forms of communication to persons with disabilities does not preclude an individual's right to have a friend, relative or advocate accompany him/her for purposes of conducting business with MHC.
- E. Notifications of reexamination, inspection, appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting a reasonable accommodation.
- F. If the disability is not apparent or documented, MHC will obtain verification through a licensed professional that the person is a person with a disability.
- G. There must be a nexus between the requested accommodation and the disability. Generally the individual knows best what it is needed. However, MHC retains the right to be shown how the requested accommodation enables the individual to access or use MHC's programs or services.
- H. If more than one accommodation is equally effective in providing access to MHC's programs and services, MHC retains the right to select the most efficient or economic choice.
- I. The reasonable cost necessary to carry out approved requests, including requests for physical modifications, will be borne equally by the tenant and MHC if there is no one else able to pay for the modifications. However, such accommodation/modification must be directly related to the disability.

1. If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, MHC will generally approve such request if it does not violate codes or affect the structural integrity of the unit.
 2. At the time of move out, the unit must be returned to its original condition and this is the responsibility of the resident.
- J. Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc. A reasonable accommodation assists the tenant to meet essential lease requirements, not lower or waive the essential requirements.

3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND TENANTS

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

4.0 FAMILY OUTREACH

- A. MHC will publicize the availability and nature of the public housing program for extremely low-income, very low and low-income families in a newspaper of general circulation, or by other suitable means, as needed.
- B. MHC will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines allowing them to make appropriate referrals to MHC.

5.0 RIGHT TO PRIVACY

- A. All adult members of both applicant and tenant households are required to sign HUD Form 9886 - Authorization for Release of Information and Privacy Act Notice and Debts owed to Public Housing. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement. Refusal to sign HUD Form 9886 by any adult member of the household will deem the family ineligible to participate.
- B. Applicant or tenant information will not be released without a release of information signed by the applicant or tenant.

6.0 REQUIRED POSTINGS

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

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. A listing of all the developments by name, address, number of units, address of all project offices, office hours, telephone numbers and TDD numbers.
- D. Income limits for admission
- E. Current schedule of routine maintenance charges
- F. Dwelling lease
- G. Grievance procedure
- H. Fair housing poster
- I. Equal Opportunity in Employment poster
- J. Any current MHC notices

7.0 TAKING APPLICATIONS

- A. Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Applications will be accepted at:
316 Pine Street, Marquette MI 49855 or 125 Dobson Place, Marquette, MI 49855
- B. Applications are taken to compile a waiting list. Due to the demand for housing in MHC's jurisdiction, MHC may take applications on an open enrollment basis.
- C. All applications will be accepted for open waiting lists, and may be verified as necessary.
- D. Applications may be mailed or sent electrically to interested families upon request.
- E. The application will be date and time stamped upon receipt by MHC.

- F. Persons with disabilities who require a reasonable accommodation in completing an application may call MHC to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available. The TDD telephone number is 906-226-7559.
- G. The application process will involve two phases.
 - 1. The first phase is the initial application for housing assistance.
 - a. Upon receipt of the family's application, MHC will make a preliminary determination of eligibility. MHC will notify the applicant in writing of the date and time of placement on the waiting list, and the approximate wait before housing may be offered.
 - b. If MHC determines the family to be ineligible, the notice will state the reasons therefore and will offer the applicant the opportunity of an informal review of the determination. Such request for an informal review must be in writing and within ten (10) calendar days of the date of the letter.
 - 2. The second phase is the final determination of eligibility, which takes place when the family nears the top of the waiting list.
 - a. MHC will ensure verifications of all preferences, eligibility, suitability and selection factors are current and to determine the family's final eligibility for admission into the Public Housing Program.
- H. The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. MHC will annotate the applicant's file and will update their place on the waiting list

8.0 ELIGIBILITY FOR ADMISSION

A family will be deemed eligible if they meet all of the following criteria:

- A. Meet one of the PHA's definitions of family. The term "family" includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - 1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
 - 2. A group of persons residing together and such group includes, but is not limited to:
 - a. 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);
 - b. An elderly family;
 - c. A near-elderly family;
 - d. A disabled family;
 - e. A displaced family; and
 - f. The remaining member of a tenant family.

In addition, for categorizing family as defined above, the terms disabled family, elderly family and near-elderly family (per 24 CFR 5.403) 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.

- B. Income eligibility
 - 1. To be eligible for admission to developments, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
 - 2. Income limits apply only at admission and are not applicable for continued occupancy.
 - 3. A family may not be admitted to the public housing program from another public housing without meeting the income requirements of MHC.
 - 4. Income limits are revised annually based on the Median Income for Marquette County.
 - 5. Income limits are posted at administrative offices.
- C. Have at least one family member who is a U.S. citizen or an eligible immigrant.
 - 1. The citizenship/eligible noncitizen status of each family member regardless of age must be determined.
 - 2. Prior to being admitted all citizens and nationals will be required to sign a declaration of citizenship. They will be required to show proof of their status by such means as a birth certificate, military ID, or military DD214 Form, passport, etc.
 - 3. Prior to being admitted all eligible non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Marquette Housing Commission will make a copy of the individuals INS documentation and place the copy in the file.

4. Family members who do not claim to be citizens, nationals, or eligible non-citizens must be listed on a statement of non-eligible members and the list must be signed by the head of household.
 5. Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.
 6. Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.
 7. If no family member is determined to be eligible under this section, the family's eligibility will be denied.
 8. The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.
 9. If MHC determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible non-citizen listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of three (3) years.
- D. Provide Social Security documentation for every family member
1. To be eligible, all family members must provide a copy of their Social Security card. The same is true for Foster Care. All require Social Security cards and birth certificates prior to entering the household. A valid U.S. passport is an acceptable substitute for a birth certificate.
 2. If a current resident gets a new SSN (Social Security Number), they must provide MHC with the new card within sixty (60) days.
 3. Applicants and participants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals;
 - a. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States).
 1. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
 2. A family that consists of two or more household members and at least one household member that has eligible immigration status, is classified as a mixed family and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. MHC may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
 - b. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. MHC may confirm HUD's validation by viewing the household's summary report or the identity verification report in the EIV system.
 - c. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.
 4. Acceptable evidence of SSN consists of:
 - a. An original SSN card issued by SSA (Social Security Administration);
 1. Card shows the individual's name and SSN only – issued to U.S. citizens or citizens lawfully admitted to the U.S. for permanent residence and non-citizens with permission to work permanently in the U.S. (i.e. refugees and asylees).
 2. In addition to individual's name and SSN, the legend "NOT VALID FOR EMPLOYMENT" emblazoned on it. SSA issues this card to lawful non-citizens who do not have permission to work, but are required by law to provide a SSN to obtain general assistance benefits that they already have qualified for.
 3. In addition to the individuals' name and SSN, the legend "VALID FOR WORK ONLY WITH DHS AUTHORIZATION". SSA issues this card to people with DHS permission to work temporarily in the U.S.
 - b. An original SSA-issued document, which contains the name and SSN of the individual;
 - c. An original document issued by a federal, state, or local government agency which contains the name and SSN of the individual.

It should be noted that most (if not all) individuals who are lawfully present in the U.S. have been assigned a SSN. All applicants/participants, including each member of the household (with the exception of those listed) are required to disclose his/her assigned SSN.
 5. Unacceptable evidence of SSN card
 - a. MHC may deem documentation of the SSN provided by the applicant/participant as unacceptable for the following reasons:
 1. The document is not an original document; or

2. The original document has been altered, mutilated or is not legible; or
3. The document appears to be a forged document (i.e. does not appear to be authentic).
- b. MHC will explain the reason(s) the document is not acceptable and request the individual obtain acceptable. The applicant must provide documentation of the SSN and submit it to MHC prior to acceptance.
6. Individuals without an assigned SSN may include the following:
 - a. Newborn children (these individuals will be issued a SSN upon SSA confirmation of birth),
 - b. Noncitizens lawfully present in the U.S.,
 - c. Noncitizens unlawfully present in the U.S. (cannot be assigned a SSN).
7. Citizens and lawfully present non-citizens who state they have not been assigned a SSN by the SSA, must make such declaration in writing and under penalties of perjury to MHC. Such declaration will be maintained in the tenant file.
8. Penalties for failure to disclose and/or provide documentation of SSN:
 - a. Applicant will be denied assistance.
 - b. Tenant assistance will be terminated and family will be evicted.
 - c. If the family is otherwise eligible, MHC may defer the family's termination provided the family comes into compliance within sixty (60) calendar days and IF:
 1. The failure to meet the SSN disclosure and documentation was due to circumstances that could not be foreseen and were outside the control of the family; and
 2. There is a reasonable likelihood that the family will be able to disclose the SSN and provide documentation by the deadline.

E. PHA Screening

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

1. MHC will consider objective and reasonable aspects of the family's background, including the following (including live in aides):
 - a. History of meeting financial obligations, especially rent.
 - b. 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 or Housing Commission property.
 - c. History of criminal activity by any household member, live in aide, or guests/visitors involving crimes or physical acts of violence against persons or property; or activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property of another, other criminal or drug related criminal activity that would adversely affect the health, safety, or wellbeing of other tenants, neighbors or staff; current use by applicant, household members or guests of illegal controlled substances; or pattern of illegal use by the applicant or household members of a controlled substance, or pattern of abuse of alcohol, which may interfere with health, safety or right to peaceful enjoyment of the premises by others; or cause damage to the property. In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, MHC has the discretion to consider all of the circumstances in each case, including:
 - i. the seriousness of the case;
 - ii. the extent of participation or culpability of individual family members;
 - iii. the effect of denial or termination of assistance on other family members not involved in the action or failure to act
2. Examples of unacceptable criminal activity or drug related activity include, but are not limited to, the following:
 - a. Applicants convicted of manufacturing or producing methamphetamine will be permanently denied admission to MHC.
 - b. Applicants convicted of violent crimes regardless of date committed may be denied admission to MHC.
 - c. Any type of drug trafficking, use or possession by the applicant/resident, household members or guests, within the last five years. The term "drug trafficking" includes the illegal manufacture, sale or distribution, or the possession with the intent to manufacture, sell or distribute a controlled substance.

**For the purposes of this section, the term drug trafficking means the illegal manufacture, sale, distribution, use, possession and/or use or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substance Act (21 U.S.C.802) or as determined by State or Federal law and as described in CRS Report for Congress order RS21199 "No-fault eviction of Public Housing Tenants for Illegal Drug Use." This includes the use of medical marijuana.*

- d. One of the following types of conduct committed by an applicant/resident, household member, or guests within the past five (5) years.
 - i. illegal possession/discharge/display/carrying of firearm or illegal weapon/deadly weapon
 - ii. assault, aggravated assault, assault by threat, stalking
 - iii. physical violence to persons or property, or criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another;
- e. A pattern of continuing conducts/acts, regardless of type or severity which may interfere with the health, safety or right to peaceful enjoyment of the premises by others;
3. Debts owed to MHCs and termination information: HUD maintains a National repository of unpaid debts to MHCs and a family's negative status when a family voluntarily or involuntarily ends participation in the Public Housing or Section 8 program. If an applicant has an unpaid debt or negative status when applicant vacated a subsidized unit in the past, this information is available to all MHCs nationwide and may result in the denial of applicant's request for future HUD rental assistance. In the case of unpaid debts, applicant will be denied until the debt is satisfied in full (and MHC has verified such satisfaction).
4. The existence of any of the above-referenced behaviors by applicant/resident/Live-in aide or any household member, regardless of the resident's knowledge of said behavior, shall be grounds for rejection at the time of admission. In order to deny assistance, it is not necessary that the resident, family member or guest be convicted.
5. In addition, an applicant's misrepresentation or omission of any information related to eligibility, local preference for admission, income, allowances, assets, rental history, criminal history, family composition or rent shall be grounds for rejection at the time of admission. MHC may require any additional documentation it deems necessary to determine the applicants ability to uphold the lease agreement.
 - a. Having committed fraud in connection with any Federal, State or Local Program, including the intentional misrepresentation of information related to their housing application or benefits derived there from
 - b. Have an outstanding balance with a Housing Commission/Authority or other subsidized housing from a previous tenancy
 - c. A record of disregard for rules of occupancy and rights of others.
 - d. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
 - e. History of noncompliance with a lease.
6. MHC will ask applicants to provide information demonstrating their ability to know, understand and comply with their lease. MHC will verify the information provided. Such verification may include but not be limited to the following:
 - a. A credit check of the all family members over the age of 18;
 - b. A rental history check of all adult family members and live in aides; applicant must provide a minimum of two (2) landlord references and/or five (5) years of rental history for Management to contact regarding suitability as a tenant. If due to other circumstances, there was no accessible rental history for the immediate past five years, MHC may request and use information gathered beyond the immediate past five year period.
 - c. A criminal background check on all adult household members, including live-in aides. Criminal history will be verified utilizing a national data base. Also, MHC will ask whether the tenant or any member of the tenant's household is subject to a State lifetime sex offender registration program in any state. MHC will verify this information using the Dru Sjin National Sex Offender Database and/or other official federal, state and local resources and document this information
 - d. Live-In Aides shall be subject to the same screening (suitability) criteria as an applicant.
 - e. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing or allowed on MHC property.
 - f. E.I.V. Earned Income Verification- Debts Owed report/previous negative actions

8.1 GROUNDS FOR DENIAL

MHC is not required nor obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria; including inability to know, understand and comply by with requirements of the lease.
- B. Do not supply information or documentation required by the application process or following a hearing;
- C. Failed to respond to a written request for information, or a request to declare their continued interest in the program or other inquiry within the requested timeframe;
- D. History of not meeting financial obligations, especially rent;
- E. A history of failure to maintain their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;
- F. A history of criminal activity by any household member or visitors involving crimes of physical violence against persons or property and any other criminal activity. This would include drug-related criminal activity.
- G. A history of disturbing neighbors, destruction of property, or poor housekeeping.
- H. Currently owes rent or other amounts to any subsidized housing program. Family may be considered for re-admission after account is paid in full and three (3) years have passed since full payment is received. If applicant owed money to any subsidized housing program, later filed bankruptcy which dismissed responsibility for such debt, such applicant will be denied.
 - a. Exception: If an applicant owes the Marquette Housing Commission \$50.00 or less, the balance must be paid in full but the applicant will not be subject to the 3 year waiting period.
- I. Have committed fraud, bribery or any other corruption in connection with any Federal, State or local government program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted or asked to leave from any housing within five years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use.
- K. Were evicted or asked to leave from any housing because of repeated violations of terms of the lease within the past 5 years;
- L. Were evicted or asked to leave from any housing within five years of the projected date of admission because of lease violations, abuse of alcohol or drug-related criminal activity involving the illegal manufacture, sale, distribution or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- M. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
- N. Have engaged in or threatened abusive or violent behavior towards any MHC staff or tenants or others;
- O. Household member (including live in aides) who has been evicted from public housing or any housing assistance program within the past 5 years or has a negative status.
- P. Family household member who has been terminated for cause under the certificate or voucher program;
- Q. If MHC determines that a family member has knowingly permitted an ineligible noncitizen to reside in their unit.
- R. Have a history of violating a lease.
- S. Denied for Life: If any family member has been arrested and/or convicted of manufacturing or producing methamphetamine (speed) or other illegal drug ;
- T. Denied for Life: Has a lifetime registration under a State sex offender registration program.
- U. Nothing in this section relieves MHC of its obligation to provide reasonable accommodation where required under state or federal law. MHC may not grant a reasonable accommodation for medical marijuana use and must deny admission to prospective applicants and their household using medical marijuana.

8.2 *INFORMAL REVIEW*

- A. If MHC determines that an applicant does not meet the criteria for receiving public housing assistance, MHC will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within 10 business days of the denial. MHC will describe how to obtain the informal review.
- B. The informal review will be conducted by a counterpart or supervisor of the employee who made the determination. The applicant must be given the opportunity to present written or oral objections to MHC's decision. MHC must notify in writing the applicant of the final decision within 14 calendar days after the informal review, including a brief statement of the reasons for the final decision.
- C. The participant family may request that MHC provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial, or within 30 days of receipt of the INS appeal decision.

9.0 **MANAGING THE WAITING LIST**

9.1 *OPENING AND CLOSING THE WAITING LIST*

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

9.2 *WAITING LIST*

Persons seeking housing must submit part I of MHC application

- A. Application will be time and date stamped as well as initialed by employee receiving application;
- B. Applications will be sorted and distributed to appropriate property.
- C. If more than one property is requested, cross referencing will be maintained.
- D. Application will be processed and applicant will be notified of eligibility or denial;
 - 1 Eligible applicants will be placed on appropriate bedroom size waitlist and preference points will be awarded.
 - 2 Denied applicants will receive reason for denial and information to request an informal review.
 - a Informal reviews will be completed by supervisor or counterpart at another MHC property.
- E. Wait list shall be sorted and updated as needed to ensure accuracy at least annually.
- F. All correspondence, either written or verbal, with applicant shall be noted in applicant file.

9.3 *FAMILIES NEARING THE TOP OF THE WAITING LIST*

- A. When a family nears the top of the waiting list, MHC will contact the family in order to:
 - 1. Complete Part II of the completed MHC Application
 - 2. Provide original Birth Certificate/SS card for all family members
 - 3. Provide photo ID's for all family members over 18
 - 4. Submit proof of all income, assets, and applicable expenses
- B. MHC will determine final eligibility by:
 - 1. Verifying all necessary income and assets
 - 2. Obtaining landlord verifications or reference letters
 - 3. Run credit, criminal and EIV bad debts background checks

9.4 *PURGING THE WAITING LIST*

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

9.5 *REMOVAL OF APPLICANTS FROM THE WAITING LIST*

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

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

9.6 *MISSED APPOINTMENTS*

- A. All applicants who fail to keep a scheduled appointment with MHC will be sent a notice of termination of the process for eligibility.
- B. MHC will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause

exists for missing an appointment, MHC will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

9.7 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by MHC, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. MHC system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, MHC will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation.

10.0 TENANT SELECTION AND ASSIGNMENT PLAN

10.1 PREFERENCES

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

- 10 Points Income sufficient to result in a rent of \$300.00 or more per month**
- 8 Points Income sufficient to result in a rent of \$200.00 or more per month*
- 7 Points Elderly
- 7 Points Disabled
- 4 Points Working 30 hours or more per week
- 3 Points Near-elderly families (age 55-61). If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using these priorities. All such families will be selected from the waiting list using the preferences as outlined above.
- 3 Points Veteran or the spouse of a veteran or service person who has served in the Armed Forces of the United States of America and was discharged under circumstances other than dishonorable.
- 3 Points Working between 20-29 per week, participating in a job training program
- 2 Points Works, lives, or attends an educational program in the City of Marquette.
- 1 Point Fleeing domestic violence;
- 1 Point Participates in a child reunification program;
- 1 Point Chronically homeless at time of offer of unit;

If an applicant is relocating to MHC and has to resign from a position that has given them preference points related to working and/or higher income, MHC will no longer assign such previous given points.

- A. The date and time of application will be noted and utilized to determine the placement on waiting list when applications have the same amount of preference points.

<u>*Deductions</u>	<u>Annual income</u>	<u>**Deductions</u>	<u>Annual income</u>
None	\$8,000.00	None	\$12,000.00
Disability	\$8,400.00	Disability	\$12,400.00
1 Dependent	\$8,480.00	1 Dependent	\$12,480.00
2 Dependents	\$8,960.00	2 Dependents	\$12,960.00
3 Dependents	\$9,440.00	3 Dependents	\$13,440.00
4 Dependents	\$9,920.00	4 Dependents	\$13,920.00
5 Dependents	\$10,400.00	5 Dependents	\$14,400.00
6 Dependents	\$10,880.00	6 Dependents	\$14,880.00
7 Dependents	\$11,360.00	7 Dependents	\$15,360.00
Disability + 1 Dependent	\$8,880.00	Disability + 1 Dependent	\$12,880.00
Disability +2 Dependents	\$9,360.00	Disability +2 Dependents	\$13,360.00
Disability + 3 Dependents	\$9,840.00	Disability + 3 Dependents	\$13,840.00
Disability +4 Dependents	\$10,320.00	Disability +4 Dependents	\$14,320.00
Disability + 5 Dependents	\$10,800.00	Disability + 5 Dependents	\$14,800.00
Disability + 6 Dependents	\$11,280.00	Disability + 6 Dependents	\$15,280.00
Disability + 7 Dependents	\$11,760.00	Disability + 7 Dependents	\$15,760.00

10.2 ASSIGNMENT OF BEDROOM SIZES

The following guidelines will determine the number of bedrooms required to accommodate a family at the time of admission. MHC occupancy standards require at least one person, but no more than two people, per bedroom. Standards may be waived when a vacancy problem exists and it is necessary to achieve or maintain full occupancy. Standards may also be waived at the request of the family however, once a family accepts a unit, they will not be eligible for a transfer until their family size changes.

- A. Live-In Aides shall be taken into consideration when determining bedroom distribution.
- B. It will not be necessary for persons of different generations or opposite sex, except for husband and wife or persons signing a declaration of affinity, to share a bedroom, but they may do so at the request of the family.
- C. Children of the opposite sex shall not be required to share a bedroom, but may do so at the request of the family.
- D. A single head of household shall not be required to share a bedroom with their child.
- E. An unborn child shall not be counted to determine unit size, unless the unborn child will be the only dependent.
- F. MHC will count children temporarily in foster care, kinship care, or away at school in determining bedroom size.

10.3 SELECTION FROM THE WAITING LIST

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

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

After MHC reaches the required 40% of new admissions being very low income, persons with low to moderate incomes will be given priority over very low income applicants

10.4 DECONCENTRATION POLICY

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

10.5 OFFER OF A UNIT

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

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

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

10.6 REJECTION OF UNIT

If the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected. If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause will be determined by MHC. Documentation of cause may be required.

10.7 ACCEPTANCE OF UNIT

The family will be required to sign a lease within three (3) days after the date of acceptance or the business day after the day the unit becomes available, whichever is later. The family does not receive keys to the unit until the full security deposit and first month's rent is paid in full or payment is guaranteed from outside source and verified. If fewer than five days remain in the month, the next month's rent shall be paid at time of admission.

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

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

MHC Dwelling Leases are one calendar year in length. After the first calendar year, the lease automatically renews and becomes a month-to-month lease unless other notice is given by tenant or MHC. Tenants are required to give a 30 day notice of their intent to move.

11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

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

11.1 INCOME

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

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

Annual income includes, but is not limited to:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services.
 1. For those with fluctuating income (Ex.: waitress), MHC will use historical data (when available) and average amounts earned to anticipate annual income.
- B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by MHC. However, with assets under \$5,000, actual income earned is included in income and must be third party verified.
- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, trusts, disability or death benefits, and other similar types of periodic receipts. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.
- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- F. Welfare assistance.
 1. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
 2. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.
- G. Regular contributions or gifts received from organizations or from persons not residing in the dwelling for such things as utility payments or grocery purchases. The full amount of child support or alimony to which the family is

entitled unless it is verified that the family is not getting the payment and is taking legal action to secure the back amount.

- H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)
- I. After retirement, the amount which the resident is eligible to draw down from his/ her pension or retirement plan shall be counted as income, whether or not the resident elects to draw the entire amount.
- J. The income of all members of the family over the age of 18 who are counted for bedroom size determination, shall be included in the annual income determination unless in school full time.
- K. Non-cash contributions given in exchange for services rendered may be counted as income.
- L. Income from assets shall be considered to be:
 - 1. Actual income received, or
 - 2. If total assets equal \$5,000 or more, income from these assets shall be the actual income received or a percentage of the total value of the assets, based on an imputed percentage determined by MHC (2% currently).
- M. Per capita payments from Indian tribes/casinos (in excess of \$2,000) .
- N. First \$480 of income of dependent full time student over age 18. If head or co-head or other adult (not considered a dependent) of household, full earnings are used.
- O. Seasonal Employment: An Interim Review will be conducted when income changes and the tenants requests the change.
- P. Recipient of a Trust or serve as a Settler Trust for someone.

11.2 ASSETS

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

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

11.3 ANNUAL INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years. The first \$480 of income of full time students over age 18 is included.
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

- G. The amounts received from the following programs:
1. Amounts received under training programs funded by HUD (such as the Green Thumb Program);
 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
 4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Commission, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
 5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
 6. Temporary, nonrecurring or sporadic income (including gifts); However, if such payments are made every year (although sporadic), they are counted. Example: Family pays for resident's cable TV for the year for two or more consecutive years;
 7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
 8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
 9. Adoption assistance payments in excess of \$480 per adopted child;
 10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
 - a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
 - i. Is authorized by a Federal, State or local law;
 - ii. Is funded by the Federal, State or local government;
 - iii. Is operated or administered by a public agency; and
 - iv. Has as its objective to assist participants in acquiring employment skills.
 - b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end
 - c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
 11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
 - a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
 - b. Families whose income increases during the participation of a family member in any family self-sufficiency program.
 - c. Families who are or were, within 6 months, assisted under a State TANF program.
 - d. Underemployed – A person who has earned in the past 12 months no more than the equivalent of 500 hours of work at the greater of the federal or state minimum wage.

While HUD regulations allow for the housing commission to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing commission to provide the exclusion in all cases.
 12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;

13. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
15. Temporary employment by U.S. Census Workers (PIH 2009-19)
16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - a. The value of the allotment for food stamps.
 - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
 - c. Payments received under the Alaska Native Claims Settlement Act
 - d. Income from certain sub-marginal land of the U.S. that is held in trust for certain Indian tribes
 - e. Payments made under HHS's Low-Income Home Energy Assistance Program
 - f. Payments received under the Job Training Partnership Act
 - g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
 - h. The first \$2000 of per capita shares received from judgment funds awarded for certain Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands.
 - i. Amount of scholarships awarded under Title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs Student Assistance programs.
 - j. Payments received under Title V of the Older Americans Act of 1965
 - k. Payments from Agent Orange Settlement Fund or any other fund established pursuant to the settlement in Re-Agent- product liability litigation.
 - l. Payments received under the Maine Indian Claims Act
 - m. The value of child care under the Child Care and Development Block Grant Act of 1990
 - n. Earned income tax credit refund payments
 - o. Payments for living expenses under the AmeriCorps Program
 - p. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937.
 - q. Also excluded from income are payments made for individuals under the Community Services Employment Program administered by the Department of Labor, Title V of the Older Americans Act of 1965 (42 USC 3056(f))
 - r. Payments derived from Title VI of the Older American Comprehensive Services Amendments of 1973 (PL-93-29) such as Foster Grandparents and Older Americans Community Services programs are not included in family income. Also excluded are ACTION Volunteers, administered under the Domestic Volunteers Act of 1973, Title IX (PL 93-113).
 - s. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation.
 - t. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spinal bifida who is the child of a Vietnam veteran.
 - u. Any amount of crime victim compensation that the applicant (under the Victims of Crime Act) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant.
 - v. Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998.
17. Kinship, Kin-GAP and other Guardianship Care Payments are excluded.

11.4 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability medical expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities. If head of household is 62 or over or the head of household is disabled, the whole family qualifies for medical expense deduction.

- D. For any elderly or disabled family:
 - 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
 - 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses. Calculate disability expense before taking into account the medical expenses.
 - 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that are equal to the total of these expenses less 3% of annual income.
- E. Child care expenses (for children under age 13), only if unreimbursed, in an amount reasonable for the area, shall be allowed where necessary to allow a family member to be gainfully employed, to further his/her education or is actively seeking employment (which must be verified). The amount deducted shall not exceed the amount of gross income received for such employment. Such expense shall be allowed only if no adult member of the family is available to provide such care.
- F. An elderly family shall be allowed an amount for Medical Expenses equal to the amount by which the medical expenses exceed 3% of annual income if there is no disabled assistance expenses allowance. Medical expense shall include only actual expenses that are not covered by insurance. Medical insurance premiums are also included.
- G. In no case will allowances be given which exceed the family's annual income.

11.5 EARNED INCOME DIS-REGARD (E.I.D.)

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

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

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

NOTE: The 'counting date' for the 12 month 100% disregard, 50% income disregard and lifetime 48 month period in which the disregards may be used, shall be the original date of hire of the original employment (Example: Resident went to work at K-Mart 1/1/04, was fired 3/1/04; same resident got another job 4/1/04 at Radio Shack: the 1/1/04 date would be the beginning 'counting date').

The EID provisions of the statute and regulations require MHCs to exclude 100% of a family's increased income from earnings for a period of 12 months and 50% of the increased earned income for an additional 12 month period. A resident receives the EID during a lifetime 48-month period from the time the EID first goes into effect. Both counters begin to run from the date of hire. If a previously unemployed (for 12 months or longer) family member becomes employed and fails to report his/her income change for 3 months after his/her MHC's requested date of notification, the household would still have 9 months of the 100% EID and a full year of the 50% EID remaining for use in the next 45 months (48 month time line minus the 3 months of non-reporting). Under HUD guidelines there is no penalty for failing to report an increase in income that would be subject to the 100% disregard, because any income increase within that period would have been disregarded anyway.

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

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

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

MHC must track EID by applicable family members.

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

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

12.0 VERIFICATION (3RD PARTY VERIFICATION)

MHC will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance. Tenants are required to report any change within ten (10) days of the change. Income and asset verification information may not be more than sixty (60) days old.

12.1 ACCEPTABLE METHODS OF VERIFICATION

In the case of suspected "live ins", it is the resident's duty and responsibility to prove a person is not living with them when requested by MHC. MHC will consider mail received at resident's/applicant's address as verification. Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family. Other information, such as included income, excluded income, assets and deduction, will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone, but only after two attempts at written verification has been unsuccessful and file is so documented. It may also be a report generated by a request from MHC or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc. but should be used only if two attempts at written verification has failed. When third party verification cannot be obtained, MHC will accept documentation received from the applicant/tenant. Hand-carried documentation will be accepted if MHC has been unable to obtain third party verification. Photocopies of the documents provided by the family will be maintained in the file and file is documented as to why family-provided documents are being used. In cases where a provider refuses to provide third party verification (ex: Child Support Office), MHC shall attempt to get a letter from that office stating such. A copy of said letter is then to be filed in the tenant's file as an explanation for failure to obtain third party written verification. If unable to get information from independent third party and it is not cost effective or reasonable to do so, MHC must so note the record explaining fully why it was not pursued (make your case). When neither third party verification nor hand-carried verification can be obtained, MHC will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

12.2 TYPES OF VERIFICATION

MHC will abide by HUD's verification hierarchy to obtain current income, assets and expenses. It is required that all adult applicants and participants sign HUD form-9886, Authorization for Release of Information.

1. Upfront Income Verification
 1. Using HUD's Enterprise Income Verification system
 2. Using non-HUD system
2. Written third party verification (may be in possession of the tenant)
 1. Pay stubs (3 current and consecutive)
 2. Payroll summary report
 3. Employer letter or notice of hire
 4. SSA benefit verification letter.
 5. Bank Statements
 6. Child Support Statement or payment records
 7. Welfare benefits letter.
3. Oral third party verification
 1. via telephone or in-person visit
 - a. document date, time, person and contact information
4. Document Review (Tenant provided documents)
 1. Must document in file how calculation was determined.
5. Tenant Declaration
 1. Submit with an affidavit or notarized statement.

To obtain written third party verification, MHC will send a request form to the source along with a release form signed by the applicant/participant via first class mail or by fax.

* Real Property: MHC will use twice the most recent taxable value or SEV (State Equalized Value) indicated on the participant's most recent Michigan tax statement to determine the value of this asset.

MHC may use Form IRS 4506 to verify income.

12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

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

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

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

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

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

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

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

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

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

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

12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number must provide verification of their Social Security number. (Including Foster children and adults). Verification of the Social Security number is the original Social Security card. If the card is not available the family must apply for a card from Social Security that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

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

12.5 TIMING OF VERIFICATION

Verification information must be dated within sixty (60) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

12.6 FREQUENCY OF OBTAINING VERIFICATION

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

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

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

13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

Total Tenant Payment (TTP) will be determined by one of the following methods or amounts:

13.1 THE FORMULA METHOD

The total tenant payment is equal to the highest of:

- A. 10% of (annual income divided by 12 months);
- B. 30% of [adjusted annual income(annual income less allowances granted by HUD) divided by 12 months]; or
- C. \$50 minimum rent charge

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00. Failure to provide required information may result in a lease violation or termination of lease by MHC.

In the case of a family who has qualified for the EID income exclusion, upon the expiration of the initial 12-month exclusion period described, the annual income utilized in determining TTP will be adjusted to exclusion rate of 50% for an additional 12 months.

13.2 THE FLAT RENT

MHC has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. MHC determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the annual recertification date for each affected family.

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

13.3 FAMILY CHOICE

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

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

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- B. The amount of the flat rent.
- C. Information about formula rents.
- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo. However, within the interim 3 years, they must report

changes within ten (10) days of income, assets, medical costs (if applicable), child care costs, and family composition.

- E. Families who opt for the flat rent may request to have a reexamination and return to the formula (income) based method at any time due to hardships as identified below:
 - 1. The family's income has decreased because of changed circumstances including loss or reduction of employment, or reduction or loss of earnings or other assistance.
 - 2. The family's circumstances have changed increasing their expenses for child care, medical care, transportation, education or similar items.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
 - 4. Such request by the family must be made within ten (10) days of the hardship. MHC will verify the financial hardship, if possible.
 - 5. MHC must make the determination within thirty (30) days after the family request.
 - 6. Once a family switches to formula (income-based) rent because of hardship, the family must wait until its next annual reexamination to switch back.
 - 7. A certification for the family to sign accepting or declining the flat rent.
- F. Each year at least 60 days prior to their anniversary date, MHC will send a reexamination letter to the family. The opportunity to select the flat rent is available only at the time of annual or interim recertifications. At the appointment, MHC may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with MHC representative, they may make the selection on the form and return the form to MHC.

13.4 MINIMUM RENT

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

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

13.5 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

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

- A. The family's head or spouse has eligible immigration status; and
- B. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full

assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. MHC will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, MHC will provide additional search periods up to the maximum time allowable.

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

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

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

13.6 EXCESS UTILITY ALLOWANCE (FAMILY HOUSING)

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

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

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

13.7 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents can be paid using the rent drop box located at 316 Pine Street (Pine Ridge) or at 125 Dobson Place (Lake Superior Village). Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash over \$10.00 shall be accepted as a rent payment or for other charges.

MHC may charge a \$15.00 late fee if rent and charges due have not been paid prior to open of business (8:00 AM EST) on the 6th day of the month. If the 6th falls on a weekend or holiday, MHC will assess the late charge if the rent has not been received by 8 AM EST the following normal work day. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent. A check returned for non-sufficient funds will require future rent to be paid by money order only. A charge of \$15.00 will be assessed to the resident if a check is returned for non-sufficient funds or stop payment. This may also result in a late fee being charged.

13.8 REPAYMENT AGREEMENTS

When a resident owes MHC back charges and is unable to pay the balance by the due date, the resident may request that MHC allow them to enter into a repayment agreement. MHC has the sole discretion of whether to accept such an agreement. All repayment agreements must assure that the full payment is made within a period not to exceed twelve (12) months or other reasonable period with the exception of fraud cases. For fraud cases refer to 15.7. All repayment agreements (except fraud cases, refer to 15.7) must be in writing and signed by both parties. Failure to comply with the repayment agreement terms may subject the Resident to eviction procedures.

14.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

14.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either:

- A. Contribute eight hours per month of community service (not including political activities) within the community in which MHC development is located, or
- B. Participate in an economic self-sufficiency program unless they are exempt from this requirement.

14.2 EXEMPTIONS

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

- A. Family members who are 62 or older
- B. Family members who are blind or disabled
- C. Family members who are the primary care giver for someone who is blind or disabled
- D. Family members engaged in work activity at least 30 hours per week
- E. Family members who are full-time students
- F. Family members who are exempt from work activity under Part A Title IV of the Social Security Act or under any other State welfare program, including welfare-to- work program
- G. Family members receiving assistance under a State program funded under Part A, Title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program.
- H. Families participating in a Self-Sufficiency Program or are in school for at least 8 hours per month or a combination of each activity for a total of 8 hours per month.

14.3 NOTIFICATION OF THE REQUIREMENT

MHC shall identify all adult family members who are apparently not exempt from the community service requirement. MHC shall notify all such family members of the community service requirement and of categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. MHC shall verify such claims.

The notification will advise families that their community service obligation will begin upon the initial lease signing. Community Service obligation/exemption will also be determined at each annual/interim recertification. The notification will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

14.4 VOLUNTEER OPPORTUNITIES

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

An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment). MHC will coordinate with social service agencies, local schools, and the Department of Social Services in identifying a list of volunteer community service positions. MHC may provide volunteer positions at their properties.

14.5 THE PROCESS

At the time of admission, at each interim, and each annual re-examination thereafter, MHC will do the following:

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

14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

MHC will notify the household of the following:

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

14.7 OPPORTUNITY FOR CURE

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

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

15.0 RECERTIFICATIONS

At least annually, MHC will conduct a reexamination of family income and circumstances. The results of the reexamination determine:

- A. the rent the family will pay;
- B. whether the family is housed in the correct unit size;
- C. continued eligibility

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

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

15.1 GENERAL

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

Failure to provide updated information may result not renewing the lease. Once all verifications are in, rent will be assessed using the formula method. Such rent will be effective the next following month, not charged retroactively (unless fraud is involved.)

During the appointment, MHC will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

At annual recertification, MHC will ask whether the tenant or any member of the tenant's household is subject to a state lifetime sex offender registration program in any state. MHC will verify this information using official federal, state and local resources and document this information in the same manner as admission.

15.2 MISSED APPOINTMENTS

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

15.3 FLAT RENTS

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

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount

in lieu of completing the reexamination process and having their rent based on the formula amount.

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

Each year at least 60 days prior to their anniversary date, MHC will send a reexamination letter to the family. The opportunity to select the flat rent is available only at the time of recertification. At the appointment, MHC may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with MHC representative, they may make the selection on the form and return the form to MHC. In such case, MHC will cancel the appointment.

15.4 INTERIM REEXAMINATIONS

Any and all reports in changes in family income, assets, composition, medical expenses, disability, child care expense, or any circumstances that may affect rent must be submitted in writing using MHC's Tenant Report of Change Form. Verbal reports will not be accepted.

During an interim reexamination, the information affected by the changes being reported will be reviewed and verified. Also, MHC will ask whether the tenant or any member of the tenant's household is subject to a State lifetime sex offender registration program in any state. MHC will verify this information using the Dru Sjorin National Sex Offender Database and/or other official federal, state and local resources and document this information in the same manner as admission. Families are required to report the following changes to MHC between regular reexaminations. If the family's rent is being determined under the formula method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) days of their occurrence.

- A. A member has been added to the family through birth or adoption or court-awarded custody, marriage, live in aide, or familial status.
- B. A household member is leaving or has left the family unit.
- C. Changes in income, assets, family composition or expenses (medical, child care).
- D. To add a member other than through birth of a child or adoption, member will be treated as an applicant and apply as such.

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

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

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

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

Interim reexaminations reported after the 20th of any month will not be conducted until the following month.

15.5 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for twelve (12) months or have a temporary decrease in income, MHC may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

Families with no income shall be recertified every ninety (90) days.

Tenants that are on minimum rent due to excluded or disregarded income will not be required to recertify every ninety (90) days.

15.6 EFFECTIVE DATE OF RENT CHANGES DUE TO REEXAMINATIONS

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

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

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

15.7 FRAUD

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

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

In fraud cases, penalties shall be as follows:

- A. If the retroactive rent calculation results in a total tenant repayment of \$100 or less, MHC will send a lease violation including possible penalties associated with fraud (repayment, possible referral to OIG or local prosecuting attorney, credit bureau, possible program termination, etc.). The resident will be given thirty (30) days to pay the full amount owing; no repayment agreement will be offered. Failure to pay will result in the issuance of a Notice to Quit.
- B. If the retroactive rent calculation results in a total between \$101 and \$2,000.00, MHC will send a lease violation including possible penalties associated with fraud (repayment, possible referral to OIG or local prosecuting attorney, credit bureau possible program termination, etc.). The Resident will be given the option of entering into a repayment agreement not to exceed six months.
- C. If the retroactive rent calculation results in a total over and above \$2,000.00, the Resident will be served with a Notice to Quit, the lease will be terminated, the amount owed will be due in full within 30 days and the case may be turned over to the OIG and/or local prosecuting attorney. After 30 days, if full payment is not made, MHC will notify the Credit Bureaus of such balance.
- D. If the resident commits fraud (fails to report changes in income, assets, family composition, changes in circumstances that affect deductions) more than once during their tenancy, a Notice to Quit will be issued and the lease will be terminated. MHC may notify OIG and/or local prosecuting attorney. MHC will continue its efforts to collect any outstanding debt owed by the resident, including any retroactive rent resulting from the fraud..

16.0 UNIT TRANSFERS

16.1 OBJECTIVES OF THE TRANSFER POLICY

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

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit. The occupancy standards of MHC shall balance the need to avoid overcrowding with the need to make the best use of available space. If a unit becomes overcrowded or underutilized, the family will be required to move to an appropriate size unit as soon as one becomes available.
- C. To facilitate relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To eliminate vacancy loss and other expense due to unnecessary transfers

- F. To make a handicap accessible unit available for an applicant with special needs by a resident placed in a handicap unit during a time when no handicapped applicant was interested.
- G. Transfers should be the exception, not the rule.

16.2 *CATEGORIES OF TRANSFERS*

- A. Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.
- B. Category 2: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.
- C. Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain MHC occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by MHC when a transfer is the only or best way of solving a serious problem. Unborn children or children being adopted are not considered for bedroom size until they are born or in the home full time.

16.3 *DOCUMENTATION*

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

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

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

16.4 *PROCESSING TRANSFERS*

- A. Transfers on the transfer waiting list will be sorted by the above categories and within each category by date.
- B. Emergency transfers may be housed ahead of any other families, including those on the applicant waiting list.
- C. Transfers in category C will be housed as needed.
- D. Upon offer and acceptance of a unit, the family will execute all required documents and pay any rent and/or security deposit within three (3) days of being informed the unit is ready to rent. The family will be allowed five (5) calendar days to complete a transfer.

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

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

16.5 *COST OF THE FAMILY'S MOVE*

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

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;

- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
 - D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.
- The cost of the transfer will be borne by MHC in the following circumstances:
- A. When the transfer is needed in order to carry out rehabilitation activities; or
 - B. When action or inaction by MHC has caused the unit to be unsafe or uninhabitable.
- The responsibility for moving costs in other circumstances will be determined on a case by case basis.

16.6 TRANSFER REQUESTS

A tenant may request a transfer at any time after they have completed their first year’s lease. MHC will grant or deny the transfer request in writing within ten (10) business days of receiving the request. If the transfer is approved, the family’s name will be added to the transfer waiting list.

16.7 RIGHT OF THE MARQUETE HOUSING COMMISSION IN TRANSFER POLICY

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

17.0 INSPECTIONS

An adult family member and MHC staff will inspect the premises prior to commencement of occupancy and turn in the signed Move-in Check List to MHC within seven (7) days of being given the keys. A move in checklist listing the condition of the premises and all equipment provided will be completed. The statement will be signed by both parties with a copy retained in MHC file and a copy given to the family member. An authorized MHC representative will inspect the premises at the time the resident vacates. In accordance with State law, MHC will furnish a statement of any charges to be made. The resident’s security deposit and pet deposit can be used to offset against any tenant-caused damages to the unit. MHC does not provide carpeting in dwelling units. Should a resident accept carpeting in place at time of move in, it is understood that such resident assumes all responsibility for its care and/or removal. Ownership of the carpeting passes on to the new resident.

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

17.1 ANNUAL INSPECTIONS

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

17.2 SPECIAL INSPECTIONS

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

17.3 HOUSEKEEPING INSPECTIONS

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

17.4 NOTICE OF INSPECTION

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

17.5 EMERGENCY INSPECTIONS

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

17.6 MOVE-OUT INSPECTIONS

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

18.0 PET POLICY

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

19.0 TERMINATION

19.1 TERMINATION BY TENANT

After the Tenant's initial 12 month lease expires, the tenant may terminate the lease at any time upon submitting a thirty (30) day notice in writing. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

In the event of a death of a tenant, the family shall be given 10 days from the date of occurrence to empty belongs from the unit. Should the family need more time to vacate the premises, the flat rent must be paid for that period of time, in advance. Family will need to declare a date by which items will be removed from the apartment. Rent will continue until keys are turned in and a move out inspection by staff has been conducted.

19.2 TERMINATION BY THE HOUSING COMMISSION

MHC may terminate the lease for serious or repeated violations (3 violations in a 12 month period) of material lease terms. Such violations include but are not limited to the following:

- A. Nonpayment of rent or other charges;
- B. Failure to provide, within 10 days, accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- C. Failure to allow inspection of the unit;
- D. Failure to maintain the unit in a safe and sanitary manner;
- E. Assignment or subletting of the premises;
- F. Use of the premises for purposes other than as a dwelling unit (other than for housing commission approved resident businesses)
- G. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- H. Any criminal activity, drug-related activity or any evidence of drug/drug-related activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine or medical marijuana use by any household member or guest on the premises of MHC;
- I. Non-compliance with Non-Citizen Rule requirements;
- J. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Commission;
- K. Allowing people on the No Trespass List or a Sex Offender on public housing property;
- L. Committing fraud as defined by MHC;
- M. Failure to cooperate with ninety day reviews by zero income families;
- N. PHA, owner or manager may "bifurcate" a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant, and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by federal, state, and local law for the termination of leases or assistance under the relevant program of HUD assisted Housing.
- O. MHC will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State Sex Offender registration program. Guests or visitors who are on the State

Sex Offender registration program are prohibited from being on MHC property and a resident can be evicted for allowing them on the property.

All tenants have the right to follow the established Marquette Housing Commission Grievance Procedure. A request for a grievance hearing must be made within ten (10) business days of the Notice to Quit.

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

19.3 ABANDONMENT

MHC considers a unit to be abandoned where a resident has clearly indicated by words or actions an intention not to continue living in the unit. An arrearage in rent owed to MHC will also be taken into consideration to determine as to whether a unit has been abandoned. Examples include, but are not limited to, observation by any MHC employee of a resident packing and removing their belongings from a unit, statements made to MHC by neighbors or relatives or others indicating that a unit has been abandoned or will be abandoned (confirmation will be sought from the resident as soon as possible, unless it is clear that the resident has removed their belongings from the unit), or when a resident has forwarded their mail and/or has not retrieved mail to the premises within a two week period of time. In the event the resident is away from the unit, without intent to abandon, it is the resident's sole responsibility to make arrangements for the pick up of mail, newspaper, or other such items delivered to their unit. When MHC considers a unit to be abandoned, it will post a "Notice of Abandonment" on the door of the residence and send a copy by first class mail along with a "Notice to Quit". It is understood, as previously allowed under the Dwelling Lease Agreement, attorney's fees and court costs will be passed on to the resident. If the resident has failed to provide a new address for forwarding by the U.S. Post Office and mail is returned as undeliverable or by lack of forwarding order, this will be conclusive proof that the resident has relinquished any claim in the property so abandoned. A "Notice of Abandonment" may be sent at any time MHC has cause to consider a unit to be abandoned, not limited to the circumstances set forth above. The "Notice of Abandonment" will explain to the resident the abandonment policy, the date of the termination of notice (thirty days from the date of posting), and the date when MHC will no longer retain any abandoned property (thirty days from the date of notice).

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

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

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

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

any circumstances, which give rise to possible abandonment of the unit and/or other reasons for termination of their residency.

19.4 RETURN OF SECURITY DEPOSIT

After a family moves out and returns keys, the move checklist, and a forwarding address, MHC will return the security deposit and pet deposit within 30 days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in. MHC will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 30 days of move out or end of participation, whichever is greater. If Security Deposit was paid by someone other than the tenant (Salvation Army for example) such security deposit (if any available) will be returned to the payee.

20.0 MISCELLANEOUS PROVISIONS

- A. Grievance Procedure: All tenants have the right to follow the established Marquette Housing Commission Grievance Procedure. A request for a Grievance Hearing must be made within 5 business days of the date of the Notice to Quit.
- B. For purposes of eviction, monthly rent, retroactive rent, utilities, repairs, past and present legal fees, garbage fees, and any other fees charged to the resident, shall be part of, included in and due with the Notice to Quit.
- C. For families paying \$50/month rent at the time of move in or move out, rent will not be pro-rated. The family will be charged the full \$50 regardless of the move in or move out date. Additionally, for families paying \$51 or more per month, they will be charged a minimum of \$50 or the prorated amount of rent based on the day they move out, whichever is greater. (Example: Tenant # 1: Tenant's monthly rent is \$150, they move out on the 15th, their prorated rent - \$150 divided by 30 days x 15 days =, this tenant's prorated rent will be \$75.00. Tenant # 2: Tenant's monthly rent is \$51. \$51 divided by 30 days = \$1.70/day x 15 days = \$25.50. This tenant would pay \$50.00)
- D. Resident will be charged administrative costs directly related to bringing eviction action against a resident for non-payment of rent or for cause. This includes staff time, processing fees (including postage) and any other direct costs. This is in addition to attorney fees, court costs and other related fees. Such administrative costs will be based on the employees pay that is performing this function (including value of fringe benefits).

21.0 SET ASIDE FOR CHRONICALLY HOMELESS

The Marquette Housing Commission will set aside one unit at Pine Ridge Apartments for a chronically homeless individual. Chronically homeless is defined as "an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more or has had at least four episodes of homelessness in the past three years." In an effort to allow individuals who meet HUD eligibility but not Marquette Housing Commission eligibility be accepted for housing; Lutheran Social Services and the Superior Alliance for Independent Living (SAIL) will provide case management and support services to the individual, to assure compliance with the Dwelling Lease Agreement. Homeless assistance programs (LSS) will provide case management and support services for up to six months and SAIL can provide continuing case management and support services thereafter. Any person, including chronically homeless must have the capacity to know, understand and comply with the provisions of the lease. When the initial chronically homeless individual vacates Pine Ridge Apartments, another unit should be set aside for another chronically homeless individual. Unless the income of the chronically homeless individual is sufficient to generate a monthly rent of \$195 or more, the chronically homeless individual will be considered part of the 40% requirement that 40% of new admissions must be very low income.

GLOSSARY/DEFINITIONS

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

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

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

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

Adult: A Person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State or tribal law.

Affinity:

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

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

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

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.
- D. Amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; (**24 CFR 5.60**))

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

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

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

Bugs: Insects including but not limited to roaches.

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

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

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

employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. **(24 CFR 5.603(d))**

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

Chronically Homeless: An individual or family who *lacks a fixed, regular, and adequate nighttime residence*, meaning:

- A. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; *or*
- B. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low- income individuals); *or*
- C. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution; *or*
- D. Any individual or family who:
 - i. Is *fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking*, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; *and*
 - ii. Has no other residence; *and*
 - iii. Lacks the resources or support networks, e.g., family, friends, and faith- based or other social networks, to obtain other permanent housing. **(NOTICE PIH 2013-15 (HA))**

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

Co-head of Household A person in a household where two persons are held responsible and accountable for the family, and where each co-head contributes to the rent.

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

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

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

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

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

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

Disabled Family: A family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides **(24 CFR 5.403)**

Disabled Person: See "person with disabilities."

Displaced Person - A person displaced by government action or a person whose dwelling has been

extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws. This definition is used for eligibility determinations only. It should not be confused with the former Federal preference for involuntary displacement. **(42 USC 1437a(b)(3))**

Drug – A controlled substance as defined in the Controlled Substances Act. **(24 CFR § 5.100)**

20. Drug-related Criminal Activity – 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. **(24 CFR § 5.100)**

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

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

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

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

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

Family: Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- A. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- B. A group of persons residing together, and such group includes, but is not limited to:
 - i. 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);
 - ii. An elderly family;
 - iii. A near-elderly family;
 - iv. A disabled family;
 - v. A displaced family; and
 - vi. The remaining member of a tenant family. **(24 CFR 5.403)**

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

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing commission set at the lesser of the market value for the unit or the cost to operate the unit.

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

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

Gainful Employment: Earning a wage or barter.

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

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

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

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

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

Kinship Care: an arrangement in which a relative or non-relative becomes the primary caregiver for a child or children but is not the biological parent of the child or children. The primary caregiver need not have legal custody of such child or children to be a kinship caregiver under this definition. (Definition provided by the Kinship Care Project, National Association for Public Interest Law)

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

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

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

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

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

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

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

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

Near-Elderly Family A family whose head (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, living with one or more live-in aides. **(24 CFR 5.403)**

Net Family Assets - The net cash value, after deducting reasonable costs that would be incurred in disposing of: **(24 CFR § 5.603)**

- A. Real property (land, houses, mobile homes)
- B. Savings (CDs, IRA or KEOGH accounts, checking and savings accounts, precious
- C. metals)
- D. Cash value of whole life insurance policies
- E. Stocks and bonds (mutual funds, corporate bonds, savings bonds)
- F. Other forms of capital investments (business equipment)
- ❖ Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs are: brokerage or legal fees, settlement costs for real property, or penalties for withdrawing saving funds before maturity.

- ❖ Net family assets also include the amount in excess of any consideration received for assets disposed of by an applicant or resident for less than fair market value during the two years preceding the date of the initial certification or reexamination. This does not apply to assets transferred as the result of a foreclosure or bankruptcy sale.
- ❖ In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be less than fair market value if the applicant or resident receives important considerations not measurable in dollar terms (**24 CFR §5.603(b)(3)**).

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

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

Person with Disabilities (Section 504 definition (**24 CFR § 8.3**));

Section 504 definitions of Individual with Disabilities and Qualified Individual with Disabilities are not the definitions used to determine program eligibility. Instead, use the definition of person with disabilities as defined later in this section. Note: the Section 504, Fair Housing, and Americans with Disabilities Act (ADA) definitions are similar. ADA uses the term “individual with a disability”. Individual with disabilities means any person who has:

1. A physical, mental or emotional impairment that:
 - a. substantially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
2. For purposes of housing programs, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.
3. Definitional elements:
 - a. “physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
 - c. “Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
 - d. “Has a record of such an impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
 - e. “Is regarded as having an impairment” means has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation; or
 - f. Has a physical or mental impairment that substantially limits one or more major life activities only as result of the attitudes of others toward such impairment; or
 - g. Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.

NOTE: A person would be covered under the first item if MHC refused to serve the person because of a perceived impairment and thus “treats” the person in accordance with this perception. The last two items cover persons who are denied the services or benefits of MHC’s housing program because of myths, fears, and stereotypes associated with the disability or perceived disability.

4. The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism. Note: These characteristics do not disqualify an otherwise disabled applicant/resident from being covered. The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to public housing a person must meet the program definition of person with disabilities found in this section.

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

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

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

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

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

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

Service person: A person presently serving in the Armed Forces of the United States.

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

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

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

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

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

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

Total Tenant Payment (TTP): The TTP, or income-based rent, is calculated using the following formula:

The greatest of 30% of the monthly Adjusted Income (as defined in these policies) or 10% of the monthly Annual Income (as defined in these policies), or the Welfare Rent if applicable, but never less than the Minimum Rent or greater than the Ceiling Rent, if any. If the Resident pays and of the utilities directly to the utility supplier, the amount of the Utility Allowance is deducted from the TTP.
(24 CFR §5.613)

Very Low-Income Families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

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

ACRONYMS

ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
MHC	Marquette Housing Commission
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
MHC	Public Housing Agency
QHWR	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
TTP	Total Tenant Payment