

BOARD APPROVED

Admissions & Continued Occupancy Policy (ACOP)

INDIANAPOLIS HOUSING AGENCY

ADMISSIONS & CONTINUED OCCUPANCY POLICY

(A.C.O.P.)

This plan (ACOP) also serves as our “Tenant Selection and Assignment Plan (TSAP)” because, as set forth by HUD, it meets the requirements for a TSAP and provides the details as to how this Agency processes the selection and assignment of applicants for Public Housing.

The ACOP also includes the regulatory “One-Strike” provisions for admission to Public Housing and applicable sections of applicable sections of Title I of United States Housing Act of 1937 (42 U.S.C. §1437, *et. seq.*) as amended by § 511 of the Quality Housing and Work Responsibility Act of 1998. (24 C.F.R. § 903, Interim Rule.)

ADMISSIONS AND OCCUPANCY POLICY GOVERNING
HUD-Aided Low Rent Public Housing Operated by
The Indianapolis Housing Agency

SECTION I. INTRODUCTION

1. Mission Statement: Our mission is to be a *top performing* agency that:
 - Provides *quality* and *affordable* housing,
 - Contributes to *safe communities*, and
 - Encourages *individual* and *family self-sufficiency*.

2. Purpose of Policy: The purpose of the policy Admissions and Continued Occupancy Policy, hereinafter referred to as “Policy”, is to establish guidelines for the Indianapolis Housing Agency (“IHA” or “Agency”) staff to follow in determining eligibility for admission to and continued occupancy of Public Housing. The basic guidelines for this Policy are governed by requirements of The Department of Housing and Urban Development (HUD), with latitude for consistent local policies and procedures.

The Policies and Procedures governing Admissions and Continued Occupancy are outlined in this policy and these requirements are binding upon applicants, residents and IHA alike. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy.

Federal Regulations shall mean those found in 24 Code of Federal Regulations (CFR) Parts 900, *et seq.*

3. Primary Responsibilities of IHA:
 - A) Informing eligible families of the availability of public housing assistance;
 - B) Determining and posting annually all utility allowances;
 - C) Receiving applications from families and determining their eligibility for assistance;
 - D) Inspecting Public Housing units to determine that they meet or exceed Housing Quality Standards;
 - E) Approving leases;
 - F) Collecting rent on a monthly basis from tenants;
 - G) Annual re-examinations of income, family composition, criminal backgrounds, and redetermination of rent;
 - H) Authorizing and processing evictions; and

- l) Ongoing maintenance and modernization of the public housing inventory.

4. Objectives: The objectives of this policy are to:

- A) Promote the overall goal of drug free, decent, safe and sanitary housing by:
 - 1) Insuring a social and economic mix of residents within each public housing community in order to foster social stability and upward mobility.
 - 2) Lawfully deny admission or continued occupancy to applicants or tenants whose presence in a public housing community are likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the community or create a danger to IHA employees.
 - 3) Insuring that Elderly families can live in public housing as long as they are able to live independently and/or have someone to help them live independently as in the case of a live-in aid.
- B) Facilitate the efficient management of IHA in compliance with Federal Regulations by establishing policies for IHA inventory and staff.
- C) Contribute to the Agency's fiscal responsibility.
- D) Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 1601-6107; 24 C.F.R. part 146) and all other applicable Federal laws and regulations to insure that admission to and continued occupancy in public housing are conducted without regard to race, color, religion, creed, sex, national origin, handicap, or familial status.

5. Outreach: Disseminate as much information as possible about Public Housing through the local media (for example: newspaper, radio, television, etc.). For those who call with inquiries, the IHA office staff may be available to convey essential information.

- IHA may hold meetings with local social community agencies.
- IHA may sponsor "Open House" programs within the public housing communities to attract potential tenants to view a public housing apartment.
- IHA may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The notice

shall inform families where they may apply for Public Housing. IHA shall take affirmative steps to provide opportunities for participation in the program to persons who, because of such factors as race, ethnicity, sex, age, or source of income, are less likely to apply for Public Housing. When there is a Local Housing Plan pursuant to Section 24 CFR, Part 91 (Comprehensive Housing Affordability Strategy (CIHAS)), IHA planned programs will be incorporated in the CIHAS.

SECTION II. FAIR HOUSING POLICY

It is the policy of IHA to comply fully with all Federal, State, and local nondiscrimination laws and in accordance with the rules and regulations governing The Fair Housing Act (42 U.S.C. § 2000d – 1 to 3535: 24 C.F.R. part 1), Equal Opportunity in housing and employment, and with the Americans with Disabilities Act of 1990 (42 U.S.C. § 1601-6107: 24 C.F.R. part 146)

Specifically, IHA shall not on account of race, color, sex, religion, creed, national or ethnic origin, familial status, disability or handicap, deny any family or individual the opportunity to apply for or receive assistance under HUD's Public Housing Programs, within the requirements and regulations of HUD and other regulatory authorities.

To further its commitment to full compliance with applicable Civil Rights laws, IHA will provide access to information to public housing residents regarding "discrimination". Also, this subject will be discussed during the briefing session and any complaints will be documented and made part of the applicant's/tenant's file.

SECTION III. PRIVACY RIGHTS

Applicants will be required to sign the Federal Privacy Act Statement that states what conditions and to whom HUD will release resident information.

All third party requests, for information involving an applicant or participant, must be accompanied by a release request, signed by an authorized applicant, in order for IHA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law regulations. IHA may be compelled to release certain information pursuant to a valid legal process. However, IHA will reserve the right to defend these information requests if deemed necessary.
(Reference HUD Form 9886)

SECTION IV DECONCENTRATION RULE

1. The objective of the Deconcentration Rule for public housing units is to ensure that families are housed in a manner that will prevent a concentration of poverty families and/or a concentration of higher income families in any one development. The specific objective of the housing authority is to house no less than 40 percent of its public housing inventory with families that have income at or below 30% of the area median income by public housing development. Also the housing authority will take action to insure that no individual has a concentration of higher income families in one or more of the developments. To insure that the housing authority does not concentrate families with higher income levels, it is the goal of the housing authority not to house more than 60% of its units in any one development with families whose income exceeds 30% of the area median income. The housing authority will track the status of family income, by development, on a monthly basis by utilizing income reports generated by the housing authority's computer system.

2. To accomplish the deconcentration goals, the housing authority will take the following actions:
 - A) At the beginning of each housing authority fiscal year, the housing authority will establish a goal for housing 40% of its new admissions with families whose incomes are at or below the area median income. The annual goal will be calculated by taking 40% of the total number of move-ins from the previous housing authority fiscal year.

 - B) To accomplish the goals of:
 - 1) Housing not less than 40% of its public housing inventory on an annual basis with families that have incomes at or below 30% of area median income, and

 - 2) Not housing families with incomes that exceed 30% of the area median income in development that have 60% or more of the total household living in the development with incomes that exceed 30% of the area median income, the housing authority's Tenant Selection and Assignment Plan, which is a part of this policy, provides for skipping families on the waiting list to accomplish these goals.

SECTION V.

DEFINITION OF TERMS

Definitions are amended from time to time and are contained in Section 24 CFR, which are incorporated by reference including any subsequent amendments, as if fully set out herein.

1. Accessible dwelling units – When used with respect to the design, construction or alteration of an individual dwelling apartment, means that the apartment is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical handicaps. An apartment that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR §8.32 & §40 [the Uniform Federal Accessibility Standards] is “accessible” within the meaning of this paragraph.
 - When a specific individual is making an individual dwelling apartment in an existing facility accessible for use, the apartment will be deemed accessible when it meets the standards that address the impairment of that individual.
2. Accessible Facility – Means all or any portion of a facility other than an individual dwelling apartment used by individuals with physical handicaps. [24 CFR §8.21]
3. Accessible Route – For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. [24 CFR §8.3 & §40.3.5]
4. Adaptability – Ability to change certain elements in a dwelling apartment to accommodate the needs of handicapped and non-handicapped persons or ability to meet the needs of persons with different types & degrees of disability. [24 CFR §8.3 & §40.3.5]
5. Allocation Plan – The plan submitted by IHA and approved by HUD under which IHA is permitted to designate a building or portion of a building for occupancy by Elderly Families or Disabled Families. [24 CFR §945]
6. Alteration – Any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, re-

roofing, interior decoration or changes to mechanical systems.
[24CFR §8.3 & §8.23(b)]

7. Applicant – A person or a family that has applied for admission to public housing.
8. Area of Operation – The jurisdiction of IHA as described in State law and IHA's Articles of Incorporation.
9. Assets – Assets means “cash (including checking accounts), stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. “Assets do not include the value of personal property such as furniture, automobiles and household effects.” **IMPORTANT:** see the definition of Net Family Assets, for assets used to compute annual income. (see 24 CFR 913.102 for definition of Net Family Assets)
10. Auxiliary Aids – Means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. [24 CFR §8.3]
11. Care attendant – A person that regularly visits the apartment of an IHA resident to provide supportive or medical services. Care attendants have their own place of residence (and if requested by IHA must demonstrate separate residence) and do not live in the public housing apartment. Care attendants have no rights of tenancy.
12. Co-head of household – A household where two persons are held responsible and accountable for the family.
13. Dependent – A member of the household, other than head, spouse, sole member, foster child, or live-in aide, who is under 18 years of age, or 18 years of age or older and disabled, handicapped, or a full-time student. [24 CFR §913.102]
14. Designated Family – Means the category of family for whom IHA elects to designate a community (e.g. elderly family in a community designated for elderly families) in accordance with the 1992 Housing Act. [24 CFR §945.105]
15. Designated Housing – A community(s), or portion of a community (ies) designated for elderly only or for disabled families only in accordance with the Housing Opportunity Program Extension Act of 1996.

16. Disabled Family – A family whose head, spouse or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including live in aides determined to be essential to the care and well being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly. (24 CFR §945.105)
17. 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 preference for involuntary displacement. (24 CFR §913.103)
18. Divestiture Income – Imputed income from assets disposed of by applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets (24 CFR §913.103) in this section.)
19. Elderly Family – A family whose head or spouse (or sole member) is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly. (24 CFR §945.10)
20. Elderly Person – A person who is at least 62 years of age. (24 CFR §945.105)
21. Extremely Low-Income Family – Extremely low-income family means a family whose Annual Income does not exceed 30% of the median annual income for the area, with adjustments for smaller and larger families, as determined by the Secretary of Housing and Urban Development (24 CFR § 5.603).
22. Family – Two or more persons (with or without children) regularly living together, related by blood, marriage, adoption, guardianship or operation of law who will live together in IHA housing; OR two or more persons who are not so related, but are regularly living together, can verify shared income or resources that will live together in IHA housing.

Buildings can also be designated for disabled families by following the requirements of the 1992 Housing Act. This entails preparing an allocation plan noting which buildings (if any) will be set aside for the disabled and preparing a supportive services plan. HUD approval is required for both the allocation and the supportive services plans.

23. 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. Educational institution shall include but not be limited to: college, university, secondary school, vocational school or trade school (24 CFR 913.102).
24. Head of the Household – Head of the household means the family member (identified by the family) who is held responsible and accountable for the family.
25. Individual with handicaps, Section 504 definition [24 CFR §8.3] The Section 504 definitions of individual with handicaps and qualified disability with handicaps are not the definitions used to determine 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 handicaps means any person who has:

- a) A physical or mental impairment that:
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.
- d) For purposes of housing program, 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.
- e) Definitional elements:
 - i) As used in this definition the phrase, “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; muscular skeletal; special sense organs; respiratory, including speech

organs; cardiovascular; reproductive; digestive; genital-urinary; hemic and lymphatic; skin; and endocrine; or

- ii) 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.
- iii) **“Major life activities”** means: functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- iv) **“Has a record of such an impairment”** means: has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
- v) **“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;
 - Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
 - Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.

26. Involuntary displacement – One of the local preferences for admission. [24 CFR §960.211(c), 960.213] An applicant qualifies for this preference if: the applicant has been involuntarily displaced and is not living in standard, permanent replacement housing or within no more than six months from the date of preference status certification by the family or verification by IHA that the applicant will be involuntarily displaced. (Standard permanent replacement housing is defined later in this section.)

An applicant is or will be involuntary displaced if the applicant has vacated or will vacate (as described above) his or her housing apartment as a result of one or more of the following actions:

- i) A disaster, such as flood or fire resulting in the inhabitability of an applicant's apartment;
- ii) Activity carried on by an agency of the United States, or by any State or local governmental body or agency in connection with code enforcement, or a public improvement program, or developmental program;
- iii) Action by a housing owner that forces an applicant to vacate his/her apartment, provided:
 - The reason for the owner's action is beyond an applicant's ability to control,
 - The action occurs despite the applicant's having met all previously imposed conditions of occupancy, and
 - The action taken is other than a rent increase.
- iv) Examples of actions taken by a housing owner that cause an applicant to vacate an apartment include BUT ARE NOT LIMITED TO:
 - Conversion of the apartment to non-rental or non-residential use;
 - Closing of the apartment for rehabilitation or any other reason;
 - Notice to an applicant that he/she must vacate an apartment for the owner's personal/family use or occupancy;
 - Sale of the apartment in which the applicant resides under an agreement to vacate when possession is transferred;
 - Any other legal act that results or will result in the withdrawal of the apartment by the owner from the rental market.
- v) The reasons listed above do not include vacating the apartment by the resident as a result of actions taken because the resident refused to:
 - Comply with applicable program policies or procedures under the 1937 Housing Act with respect to the occupancy of under-occupied or overcrowded units;
 - Accept a transfer to another housing apartment in accordance with the policies and procedures of a HUD-Approved desegregation plan.

vi) An applicant is also involuntary displaced if:

- The applicant has vacated his/her housing apartment as the result of actual or threatened physical violence directed against the applicant or one or more members of the applicant's family by a spouse or other member of the applicant's household.
- The applicant lives in a housing apartment with an individual who engages in such violence.

To qualify as involuntarily displaced by domestic violence, the applicant must demonstrate that the violence occurred recently or is of a continuing nature. If the family is admitted, based on documentation presented by the applicant, IHA may terminate assistance to the family for breach of this certification.

vii) An applicant is also involuntary displaced if:

- Family members provided information on criminal activities to a law enforcement agency and based on an assessment of an actual or potential threat to the safety of family member(s), the agency recommends re-housing the family to avoid violence against family members as a reprisal for providing such information.
- One or more members of the applicant family have been victims of one or more hate crimes, and the family has vacated because of such a crime or the fear associated with such a crime. Hate crime shall be defined as: actual or threatened physical violence or intimidation that is directed against a person or his or her property because of the person's race, color, religion, sex, national origin, handicap, or familial status. IHA will attempt to determine whether the hate crime occurred recently or is of a continuing nature.
- A member of the family has mobility or other impairment that makes the person unable to use a critical element of his/her apartment. This category of displacement applies only when the owner is not legally obligated to make changes to the apartment that would make the critical element accessible to the person with disabilities as a reasonable accommodation.

27. Kinship care – An arrangement in which a relative or non-relative becomes primary caregiver for a child or children but is not the biological parent of the child or children.

28. Live-in Aide – A person who resides with an elderly person(s) or person(s) with disabilities and who: (a) is determined by IHA to be essential to the care and well being of the person(s); (b) is not obligated to support the family member; and (c) would not be living in the apartment except to provide the necessary supportive services. (24 CFR 913.102)

IHA policy on live-in aides stipulates that:

- i) Before a live-in aide may be moved into an apartment, a third-party verification must be supplied that establishes the need for such care and the fact that the person cared for will be able to remain in the apartment and comply with the lease terms as the result of such care;
- ii) Move-in of a live-in aide must not result in overcrowding of the existing apartment (although, a reasonable accommodation for a resident with a disability may be to move the family to a larger apartment);
- iii) Live-in aides have no leasehold rights to the apartment as a remaining member of a resident family;
- iv) Relatives who satisfy the definitions and stipulations above may qualify as a live-in aide but only if they sign a statement prior to moving in relinquishing all right to the apartment as the remaining member of a resident family.
- v) A live-in aide can be a single person. A live-in aide with a family may also be considered for admission to the apartment provided that the addition of the live-in aide's family does not result in overcrowding of the existing apartment. The live-in aides and adult members of the live-in aide's family must meet IHA's screening requirements with respect to past behavior especially:
 - A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors;
 - Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which adversely affect the health, safety, or welfare of other residents or staff or

cause damage to the apartment or the development;
and

- A record of eviction from housing or termination from any other residential programs.

29. Low-Income household – A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller and larger families (24 CFR §913.102).
30. Medical Expense Allowance – For purposes of calculating adjusted income for elderly or disabled families only, medical expenses means expense in excess of 3% of Annual Income, where these expenses are not compensated for or covered by insurance (24 CFR §913.102).
31. Minor – A minor is a person less than 18 years of age. An unborn child will not be considered a minor. (See definition of dependent.) Some minors are permitted to execute contracts, provided a court declares them “emancipated”.
32. Mixed Population Community – Means a public housing community for elderly and disabled families. The IHA is not required to designate this type of community or prepare an allocation plan, for HUD approval. [24 CFR 945.105]
33. Multifamily housing community – For purposes of Section 504, means a community containing five or more dwelling units. [24 CFR §8.3]
34. Near-elderly family – Means a family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age). The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well being of the near-elderly person or persons. A near-elderly family may include other family members who are not near elderly. [24 CFR §945.105]
35. Near-elderly person – Means a person who is at least 50 years of age but below 62, who may be a person with a disability. [24 CFR §945.105]
36. Net Family Assets – The net cash value, after deducting reasonable costs that would be incurred in disposing of:
 - i) Real property (land, houses, mobile homes).

- ii) Savings (CDs, IRA or KEOGH accounts, checking and savings accounts, precious metals).
- iii) Cash value of whole life insurance policies.
- iv) Stocks and bonds (mutual funds, corporate bonds, savings bonds).
- v) Other forms of capital investments (business equipment).
- vi) Net cash value is determined by subtracting the reasonable cost likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such cost are: brokerage or legal fees, settlement cost for real property, or penalties for withdrawing saving funds before maturity.
- vii) 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 application or re-examination. This does not apply to assets transferred as the result of a foreclosure or bankruptcy sale.
- viii) 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 §913.102).

37. Paying more than 50% of income for rent – This is one of IHA’s local preferences for admission. A family must be paying more than 50% of income for rent at the time of verification by IHA to qualify for this preference. [24 CFR §960.215]

An applicant does not qualify for this preference if either of the following is applicable:

- i) The family is paying 50 percent of income for rent for less than 90 days.
- ii) The applicant is paying 50 percent of income for rent because the applicant’s housing assistance under certain HUD programs has been terminated because of the applicant’s refusal to comply with applicable procedures on the occupancy of under-occupied and overcrowded units.
 - The programs are: Section 8 programs or public and Indian Housing programs under the United States Housing Act of 1937; the rent supplement program under section 101 of the Housing and Development Act of 1965; or rental assistance payments under Section 236(f)(2) of the National Housing Act.

(a) Definitional Elements:

- Family Income: Is Monthly Income or 1/12 of Annual Income as defined in 24 CFR 913.102.
- Rent: Is the actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord. Rent includes the monthly cost of shelter plus utilities when utilities are resident-paid.
- Utilities: If the utilities are purchased directly by resident from the utility providers the applicable utility cost is determined in one of two ways:
 - 1) IHA's utility allowance for family-purchased utilities and services used in IHA's resident-based program;
OR
 - 2) If the family chooses the average monthly payments that it actually made for these utilities and services for the most recent 12-month period; or if that information is not obtainable for the entire 12-month period, for an appropriate recent period.

(b) Amounts paid to or on behalf of the family under any energy assistance program must be subtracted from the rent amount to the extent that they are not included in the family's income.

(c) The formula for establishing rent burden preference can be expressed as follows:

- i) Rent = Monthly rent for shelter
Plus monthly utilities and services
Less energy assistance payments not counted in Income
- ii) 50% of Family Income = Annual Income divided by 12 times .5
- iii) Is (i) greater than (ii)? – If yes the family qualifies. If no the family is not entitled to the preference.

(d) Verification of income, rent, and utility payments - The same standards the Agency uses in verifying income for the purpose of determining eligibility and Total Tenant Payment are applicable to verification of this preference.

38. Service Provider – means a person or organization qualified and experienced in the provision of supportive services, and that is in compliance with any licensing requirements imposed by State or local law for the type of service or services to be provided. The service provider may provide the service on either a for-profit or not-for-profit basis. (24 CFR §945.105)
39. Single Person – A person who is **not** an elderly person, a person with disabilities, a displaced person, a pregnant person, or the remaining member of a resident family (24 CFR §945.105)
40. Standard Permanent Replacement Housing [24CFR §960.213(a)(2)] – such housing is:
- a) decent, safe, and sanitary;
 - b) adequate for the family size;
 - c) occupied pursuant to a lease or occupancy agreement, and
 - d) Standard Permanent Replacement Housing does not include a transient facility such as a motel, hotel, or temporary shelter for victims of domestic violence or homeless families. In the case of domestic violence, the term does not include the housing apartment that the applicant, applicant's spouse, or other member shared with the person who engaged in the violence.
41. Spouse – Spouse means the husband or wife of the head of the household.
42. Substandard Housing [24 CFR §960.214] – This is one of IHA's local preferences.
- a) An apartment is substandard if it:
 - 1. Is dilapidated; dilapidated means the apartment:
 - i) Does not provide safe and adequate shelter, and in its present condition endangers the health, safety, or well-being of a family; or
 - ii) Has one or more critical defects, or a combination of intermediate defects in sufficient number and extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect or lack of repair, or from serious damage to the structure.
 - 2. Does not have operable indoor plumbing.

3. Does not have a usable flush toilet inside the apartment for the exclusive use of a family (This element of the definition of substandard would not apply to multi-generation families or families doubled up in otherwise adequate units).
 4. Does not have a useable bathtub or shower inside the apartment for the exclusive use of the family.
 5. Does not have a safe or adequate source of heat.
 6. Should, but does not, have a kitchen.
 7. Has been declared unfit for habitation by an agency or department of government.
 8. Single Room Occupancy (SRO) is not considered substandard solely because it lacks sanitary or food preparation facilities.
 - b) Applicants who are homeless families are considered to be living in substandard housing. A homeless family includes any person or family who:

Lacks a fixed, regular, and adequate nighttime residence; and has a primary nighttime residence that is:

 - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelter, and transitional housing for the mentally ill);
 - An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - A public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings.
 9. Homeless family does NOT include any individual imprisoned or otherwise detained pursuant to an act of Congress or State law.
43. Supportive Services – Means services available to persons residing in a development, requested by disabled families and for which there is a need.

The term may include, but is not limited to, meal services, health-related services, mental health services, services for non-medical counseling, meals, transportation, personal care, bathing, toileting, housekeeping, shore assistance, safety, group and socialization activities assistance with medications (in accordance with State law), case management, and personal emergency. (24 CFR §945.105)

44. Resident Rent – The amount payable monthly by the family as rent to IHA. Where all utilities (except telephone) and other essential housing services are supplied by the Agency, Resident Rent equals Total Resident Payment. Where some or all utilities (except telephone) and other essential Housing Services are not supplied by the IHA and the cost thereof is not included in the amount paid as rent, Resident Rent equals Total Resident Payment less the Utility Allowance (24 CFR §913.102)
45. Total Tenant Payment (TTP) – The TTP is the highest of the following amounts, rounded to the nearest dollar: (1) 30% of the family's monthly adjusted income; (2) 10% of the family's monthly income; (3) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is designated for housing; or (4) flat rent as opted for by the resident or (5) minimum rent.
46. Uniform Federal Accessibility Standards – Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically handicapped persons will have ready access to and use of such structures. The standards are set forth in Appendix A to 24 CFR part 40. See cross reference to UFAS in 504 regulations, [24 CFR §8.32(a)]
47. Utilities – Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility. 24 CFR §965.473).
48. Very Low-Income Family – Very low-income family means a family whose Annual Income does not exceed 50 percent of the median Annual Income for the area, with adjustments for smaller and larger families, as determined by the Secretary of Housing and Urban Development (24 CFR §913.102).
49. Utility Reimbursement – Funds that are reimbursed to a resident or to the utility company on the residents behalf if the utility allowance exceeds the Total Resident Payment (24 CFR §913.102)

50. Welfare Assistance – Income assistance from federal or state welfare programs, including Temporary Assistance to Needy Families (TANF). Welfare assistance does not include assistance solely for the purpose of meeting housing expenses nor does it include programs that provide services for working families such as healthcare and children.

SECTION VI. ADMISSIONS

1. How to Apply: - The IHA operates site-based waiting lists. Families wishing to apply for Public Housing shall complete an application for public housing assistance.

Applications will be accepted at the community site locations only. At these locations, applications are accepted for any community for which the waiting list is open.

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

Completed applications will be accepted for all applicants and the information will be verified by IHA.

Applications must be made in person at IHA during specified dates and business hours posted at IHA's Office and/or any designated community which will be publicized accordingly.

The application must be dated, time-stamped.

Individuals, who have a physical impairment, which would prevent them from completing an application in person, may call IHA to make special arrangements. A Telecommunication Device for the Deaf (TDD) is also available.

If the applicant is visually impaired, all notices must be in a format readable to the applicant.

2. Closing of Application Acceptance:

If IHA is taking applications, IHA may suspend the taking of applications for any individual community if the waiting list is such that additional applicants would not be able to occupy a public housing apartment within the next 12-month period. Application taking may be suspended by bedroom size, if applicable. IHA will

make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the fact that applications for public housing units are being suspended.

To reach persons, who cannot read the newspapers, IHA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

3. Opening of Application Acceptance: When IHA starts taking applications for any community, the waiting list may be opened by bedroom size.

IHA will utilize the following procedures:

IHA will make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the availability and nature of housing assistance for eligible families.

The notice must contain the following:

- a) The date applications will be accepted and the location where applications can be completed.
 - b) The date of acceptance and closing of applications must be published.
 - c) Briefly describe the Public Housing program; and
 - d) State that applicants for Public Housing must specifically apply for the Public Housing units and that applicants for Public Housing may also apply for the Section 8 Program, If the program is simultaneously accepting applications, and they will not lose their place on the Public Housing waiting list if they also apply for Section 8 assistance.
 - To reach persons, who cannot read the newspapers, IHA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.
4. Application Period (Dates):- The application closing date may be determined administratively at the same time that IHA determines to open enrollment. The open enrollment period shall be long enough to allow enough applicants as required by the projected turnover and the number of public housing vacancies.

A. Nondiscrimination

1. It is the policy of IHA to comply with all applicable laws relating to Civil Rights, including Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern), any applicable State laws or local ordinances and any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted. (24 CFR § 100.5)
2. IHA shall not discriminate because of race, color, sex, religion, familial status, disability, or national origin in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any community(s) under IHA 's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.¹ (24 CFR § 100.5)
3. IHA shall not, on account of race, color, sex, religion, familial status, disability, or national origin:
 - a) Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
 - b) Provide housing which is different from that provided others similarly situated;²
 - c) Subject a person to segregation or disparate treatment;
 - d) Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
 - e) Treat a person differently in determining eligibility or other requirements for admission;³

¹ Under certain specific conditions described in the Housing Opportunity Program Extension Act of 1996, IHA is permitted to designate occupancy of certain developments for older persons (including elderly people with disabilities).

² A PHA is required to provide persons with disabilities housing that is appropriate for their need. Therefore, accessible or adaptable housing, although different from that provided to others, is permitted because it permits persons with disabilities to freely participate in the public housing program.

- f) Deny a person access to the same level of services; or⁴
 - g) Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
4. IHA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents, elderly families with pets, or families whose head or spouse is a student). Each applicant in a particular group or category must be treated on an individual basis in the normal processing routine. (24 CFR § 960.205)
5. IHA will establish policies and procedures that ensure equal housing opportunities for all. In accordance with §504 and the Fair Housing Amendments Act of 1988, IHA will make structural modifications to its housing and non-housing facilities (24 CFR §§ 8.21, 8.23, 8.24, and 8.25), and/or reasonable accommodations (24 CFR § 100.204) to permit persons with disabilities to take full advantage of the housing program.
- a) In making structural modifications or reasonable accommodations to existing housing programs, IHA is not required to:
 - i) make each of its existing facilities accessible [24 CFR § 8.24 (a) (1)]; or make structural alterations when other methods can be demonstrated to achieve the same effect; [24 CFR § 8.24 (b)]
 - ii) make structural alterations that require the removal or altering of a load-bearing structural member [24 CFR § 8.32 (c)]
 - iii) provide an elevator in any multifamily housing community solely for the purpose of locating accessible units above or below the grade level; [24 CFR § 8.26]
 - iv) take any action that would result in a fundamental alteration in the nature of the program; [24 CFR § 8.24 (a) (2)]
 - v) take any action that would result in an undue financial and administrative burden on the Agency. [24 CFR § 8.24 (a) (2)]

³ Except that a PHA is required to offer reasonable accommodation to applicants with disabilities. This will not affect the PHA's screening or eligibility.

⁴ This requirement applies to service provided by the PHA and services provided by others which has been authorized by the PHA and which takes place on PHA property.

6. When IHA makes substantial alterations (in developments with 15 or more units, work whose value exceeds 75% of the replacement cost of the facility) to an existing housing facility, it must comply with the accessibility requirements for new construction (see 24 CFR § 8.23).
7. In general, accepting an applicant from a lower waiting list position before one in a higher position violates policy, federal law, and the civil rights of the other families on the waiting list. (24 CFR § 906.204 (a)(3)(ii)) Accordingly, IHA will not offer units in an order different from that prescribed by this policy except where necessary to comply with income mixing and the prohibition against concentration of extremely low-income families in certain community (ties) or building(s).

B. Accessibility and Plain Language

1. Facilities and programs used by residents must be accessible. Application and management offices, hearing rooms, community centers, laundry facilities, craft and game rooms and other common areas must be available for use by residents with a full range of disabilities. If these facilities are not already accessible (and located on accessible routes), they will be made so, subject to the undue financial and administrative burden test. (24 CFR § 8.20 and 8.21) Alternatively, where there are comparable programs or facilities, IHA will provide accessible transport that will permit a resident to use an accessible facility or participate in an accessible program at a building other than where the resident lives. (24 CFR § 8.20 and 8.21)
2. IHA will use best efforts to develop documents that use plain language and are written simply and clearly so that all applicants, including those with learning or cognitive disabilities, can understand the information contained in the documents. IHA may also, when appropriate, provide other forms of communication such as large print documents, documents on tape, or documents translated into a language other than English.
3. IHA will, to the extent possible, assist residents and facilitate third party assistance to residents, particularly those unable to read or to write in English and those suffering from mental retardation or other learning or cognitive disabilities. Assistance can include explaining documents orally or providing examples, having a third party (e.g. friend, relative or advocate) receive, interpret or explain housing documents, providing sign language or

foreign language interpretation, or any other assistance intended to help residents better understand documents and issues.⁵

4. At a minimum, IHA will prepare the following information in a “plain language” accessible format:
 - a) Marketing and informational materials.
 - b) Information about the application process.
 - c) The application form.
 - d) All form letters notices to applicants and residents.
 - e) General statement about reasonable accommodation.
 - f) Orientation materials for new residents.
 - g) Guidance or instructions about care of the housing apartment.
 - h) Information about opening, updating or closing the waiting list.
 - i) All information related to applicant’s rights (to informal meetings, etc.).

C. Marketing and Outreach

1. It is the policy of IHA to conduct marketing and outreach activities that will promote income mixing and deconcentration of poverty. These efforts will take into consideration IHA’s policy to address the needs of low-income and extremely low-income families, including elderly families and families with disabilities. The level and nature of marketing and outreach activities will be based on the level of vacancies in IHA units, the availability of units through turnover, and the waiting list characteristics. IHA will periodically assess the need for and scope of marketing and outreach activities.
2. Efforts will be made to target all agencies that serve and advocate for potentially qualified applicants.
3. All marketing materials will comply with the Fair Housing Act requirements with respect to wording, logo, size of, type, etc (24 CFR § 109. 30.6).
4. Marketing material will/should include:
 - a) An accurate description of the housing units, application process, waiting list and preference structure;
 - b) “Plain language” that incorporates more than strictly English-language print media;

⁵ Fair housing law require PHA to pay for a sign language interpretation for the hearing impaired. The laws do not establish the same requirement for foreign language interpretation.

- c) Clearly defined eligibility standards such as individuals and families and persons with physical and mental disabilities.
- d) IHA's responsibility to provide reasonable accommodations to persons with disabilities.

D. Qualifications for Admission

1. It is IHA's policy to admit only applicants who are eligible and able to meet the applicant selection standards.
2. An applicant is qualified if he or she meets all of the following criteria:
 - a) Is a family as defined in Section IV, Definition 22, of this policy:
 - b) Heads a household where all members of the household are citizens or eligible noncitizens; (24 CFR § 200, and §§ 912.5 - 912.14)
 - c) Has an annual income at the time of admission that does not exceed 80% of area medium income ("AMI");
 - d) Provides a Social Security number for all family members, age 6 or older, or can document and certify that they do not have Social Security numbers; (24 CFR §913.109)
 - e) Meets or exceeds the Applicant Selection Criteria set forth in this policy, including mandatory attendance and successful completion of IHA's Pre-Occupancy Orientation session; (24 CFR §960.205) and
 - f) Is not currently adequately housed in an IHA dwelling apartment. Applicants who are listed on a current IHA dwelling lease (or are part of the household as verified by IHA records) and reside in an apartment meeting the occupancy standards for the family size are not qualified for admission and will not be placed on the waiting list for new applicants. (IHA may make exceptions to this requirement due to emergency conditions including but not limited to severe harassment, hate crimes, and witness protection, as authorized by IHA's Executive Director or designee)

**SECTION VII. VERIFICATION AND DOCUMENTATION FOR ADMISSIONS
AND
CONTINUED OCCUPANCY**

A. REQUIRED DOCUMENTATION

Families are required to provide Social Security Numbers (SSN) for all family members age 6 and older prior to admission. All members of the family defined above must either:

1. Submit SSN documentation; or
2. Sign a certification if they have not been assigned a SSN. If the individual is under 18, his or her parent or guardian must execute the certification. If the participant, who has signed a certification form, obtains a SSN, it must be disclosed at the next regularly scheduled reexamination, or next rent change.
3. Verification will be accomplished by providing a valid Social Security card issued by the Social Security Administration.
4. IHA will accept copies of the Social Security card only when it is necessary for IHA to verify by mail the continuing eligibility of participant families.
5. If an applicant or resident cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. He or she may be required by IHA to provide one or more of the following alternative documents to verify his or her SSN, until a valid Social Security card can be provided;

These documents include:

- Driver's license, that displays the SSN
- Identification card issued by a Federal, State or local agency
- Identification card issued by an employer or trade union
- Identification card issued by a medical insurance
- Company Earnings statements or payroll stubs
- Bank statements
- IRS Form 1099 or W-2 Form
- Benefit award letters from government agencies
- Medicaid Cards
- Unemployment benefit leave
- Retirement benefit

- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records.
- If IHA verifies Social Security benefits with the Social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.
- Applicants will not be placed on the waiting list until the documentation is provided and verified. Applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation.

Additional documentation that may be required in determining eligibility for admissions:

- Temporary Assistance To Needy Families (TANF)
- Birth Certificate, or Drivers License that displays the date of Birth and/or form (s) that are issued by a Federal, State, City or County Agency that displays the date of Birth.
- Child Care Verification
- Credit References (at initial admission or when adding someone to the lease)
- Credit Bureau Reports (at initial admission or when adding someone to the lease)
- Employer's Verification
- Landlord Verification (at initial admission or when adding someone to the lease)
- Social Security Benefits
- Assets Verification
- Bank Accounts
- Marital Status- Couples that are considered married under common law can provide the same information, as listed above, to document that they are living together as a married couple. The couple also certifies in their application for housing that they are married. Separation means the ending of co-habitation by mutual agreement. If *an applicant is divorced** or separated and has children by that spouse, applicant must provide at least one of the verifications listed: A final divorce decree. *(Applies to individuals who are divorced and are not separated and is the only documentation accepted for individuals that are divorced) Verification that applicant is pursuing child support through Department of Family and Social Services, Child Support Apartment or Circuit Clerks Office. If applicant is receiving personal child support, then applicant can make arrangements to have the child support paid through the court system, either through the circuit clerks

office, Department of Family and Social Services, or through a court referee. Receiving TANF (Temporary Assistance to Needy Families) through the Department of Family and Social Services for former spouse's children. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that both filed from different addresses.

- Personal References: Personal references may be used when an applicant cannot produce prior rental history records.
- Supplemental Social Security Income (SSI) Benefits
- Unemployment Compensation
- VA Benefits
- Any other reasonable information needed to determine eligibility requested by the IHA, which may include police reports.

NOTE: APPLICANT WILL BE PLACED ON WAITING LIST BASED ON “PRESUMPTIVE” ELIGIBILITY. THE IHA MAY NOT ACTUALLY VERIFY VARIOUS INCOME AND OTHER FACTORS UNTIL THE APPLICATION NEARS THE TOP OF THE WAITING LIST.

SECTION VIII. GROUND FOR DENIAL OF ADMISSION

1. IHA is not required nor obligated to assist families who:

- A) Owes rent, other monies, or judgments to any IHA or any other federally subsidized housing program, the applicant will be declared ineligible. At IHA's discretion, the applicant may be declared eligible upon payment of debt, with the date and time of application being the time of payment and successful completion of all necessary verification.

Note: Applicants that owe IHA or any other federally subsidized program funds will not be processed for occupancy. The applicant must pay the funds owed prior to the application being processed. After the application is processed the applicant must meet all other conditions for occupancy. Re-paying funds that are due does not necessarily qualify an applicant for occupancy. Such payments will be considered along with other factors in the application process. Any money

owed to IHA, which has been discharged by bankruptcy, shall not be considered in making this determination.

- A. Has previously been evicted from public housing.
- B. Committed acts, which would constitute fraud in connection with any federal assisted housing program.

Intentional misrepresentation of income, family composition or any other information affecting eligibility, will result in the family being declared ineligible. In the event the misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation.

- C. Did not provide information required within the time frame specified during the application process.
- D. Convicted of drug-related criminal activity or violent criminal activity. IHA shall prohibit admission to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- E. Has a history of not meeting financial obligations, especially the payment of rent.
- F. Has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits, which may adversely affect the health, safety or welfare of the other tenants.
- G. Has a history of criminal activity involving crimes of physical violence to persons or property and other criminal activity that may adversely affect the health, safety, or welfare of other tenants.
- H. During the interview process the applicant demonstrates hostile behavior that indicates the prospective applicant may be a threat to our public housing residents.
- I. The applicant family must have properly completed all application requirements, including verifications. Intentional misrepresentation of income, family composition or any other information affecting eligibility, will result in the family being declared ineligible. In the event the misrepresentation is

discovered after admission, the lease will be terminated for such misrepresentation.

- J. The applicant and all adults must sign a release allowing IHA to request a copy of a police report from the National Crime Information Center, Police Department or other Law Enforcement Agencies.
- K. If the applicant is a former Public Housing or Section 8 participant who vacated the apartment in violation of their lease, the applicant may be declared ineligible.
- L. If IHA determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. IHA may waive this requirement if:
 - (1) The person demonstrates to IHA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - (2) Has successfully completed a supervised drug or alcohol rehabilitation program;
 - (3) Has otherwise been rehabilitated successfully; or
 - (4) Is participating in a supervised drug or alcohol rehabilitation program.

Note: The above list is not intended to be all-inclusive. Applicants may be denied admission if IHA has reason to believe that the conduct of the applicant would be likely to interfere with other tenants in such a manner to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare or to affect adversely the physical environment or the financial stability of the community if the applicant were admitted to the community.

NOTIFICATION OF DENIAL

1. If an applicant is denied admission, IHA will notify the applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal meeting on such determination. The denial letter will allow the applicant fourteen (14) business days to request an informal meeting (verbal and/or in writing) with IHA. An IHA representative will hear the appeal and issue a decision, in writing within ten (10) calendar days of the meeting.

2. As a general rule, applicants may be denied admission to Public Housing under the following circumstances:

A. Denied admission for one (1) year for the following:

- Past rental record
- Bad rent paying habits
- Bad housekeeping habits, in and outside the apartment
- Damages beyond reasonable wear and tear
- Disturbances
- Live-ins
- Demonstrates hostile behavior during the interview process that indicates the applicant may be a threat to our residents.

B. Denied admission for three (3) years for the following:

- Persons evicted from public housing, Indian Housing, Section 8.
- Section 23 programs because of drug-related criminal activity are ineligible for admission to public housing beginning on the date of such eviction.

Note: IHA may waive this requirement if: the person demonstrates to IHA's satisfaction successful completion of a rehabilitation program approved by IHA, or the circumstances leading to the eviction no longer exist.

C. Denied admission for five (5) years for the following:

- Fraud (giving false information on the application).
- An arrest or conviction record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on the date of the last reported act, completion of sentence and/or probation period.
- Drug use without evidence of rehabilitation.

D. Denied admission for ten (10) years for the following:

- Conviction for drug trafficking

E. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

F. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") on the premises of the public housing community.

Premises are defined as the building or complex in which the dwelling apartment is located, including common areas and grounds.

Note: As noted above these time frames are only guidelines and IHA may deny admission to any individual whose behavior may adversely affect the health, safety or welfare of other tenants or may admit persons who exhibit evidence of rehabilitation.

(SECTION IX WAS AMENDED ON September 7, 2005. AMENDMENT ATTACHED TO THE LAST PAGE OF THIS POLICY AS NEW SECTION IX.)

SECTION IX. RESIDENT SELECTION AND ASSIGNMENT PLAN

1. Equal Opportunity: - The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. IHA shall not deny to any family the opportunity of applying for admission nor shall it deny to any eligible applicant the opportunity of leasing or renting an apartment suitable to its need in any low-rent community operated by IHA.

2. Selection Process: - Tenants shall be selected from among eligible applicant families whose family composition is appropriate for available dwelling units. IHA will take into consideration the needs of individual families for low rent housing and the statutory purpose in developing and operating a socially and financially sound low-income housing community, which provides a decent home and a suitable living environment and fosters economic and social diversity in the resident body as a whole. Selection will be made in such a manner as:
 - A. For every fiscal year, IHA shall reserve a percentage of its new admissions for families whose incomes do not exceed 30% of the area median income. The goal for public housing shall be 40% of new admissions. In reaching the new admissions goals, IHA is required to avoid concentrating very low-income families in community (ties).

 - B. To maintain a resident body in each community composed of families with a broad range of income and rent paying ability which is generally representative of the range of incomes of low income families in IHA's area of operation as defined by state law.

- C. IHA will utilize waiting list as primary vehicle to define “order of selection” of applicants.

3. Order of Selection: - Applications will be filed in the following hierarchical order:

- A. Apartment size/type needed by applicants; and
- B. Preferences, if applicable; and
- C. Date and time of successful completion of all necessary verification; and
- D. Provided, however, the provisions of the deconcentration rule, contained within this policy, shall supercede the selection of applicants based on date and time and local preference points, if applicable, and allow IHA to skip families on the waiting list to accomplish this goal.

4. Verification of Preference, If Applicable: - At the time of application, initial determinations of an applicant's entitlement to a preference may be made on the basis of an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified.

Note: An applicant can reject an offer 1 time before losing their place on the waiting list. If an applicant rejects the 1st offer, the applicant will be notified at that time that due to the fact they refused the offer of assistance, they will go to the bottom of the waiting list. This will be explained at time of application. IHA will notify the applicant that their actions may affect their place on the waiting list, and the next offer of assistance will be made when their name reaches the top of the waiting list a second time. If an applicant rejects 2 offers they will be “dropped from the list”.

5. Interviews and Verification Process

- a) The following items will be verified:
 - (i) Family composition and type (Elderly/non-elderly);
 - (ii) Annual income;
 - (iii) Assets and Asset income;
 - (iv) Allowance Information;
 - (v) Preferences;
 - (vi) Social Security numbers and Birth Certificates of all family members
 - (vii) Citizenship or eligible non-citizenship status
 - (viii) Any other

- b) Generally, IHA will use written third party verifications to substantiate applicant or resident claims. IHA may also use phone verifications with the results recorded in the file, dated, and signed by IHA staff; review of documents; and if no other form of verification is available, applicant certification. Applicants will be required to cooperate fully in obtaining or providing the necessary verifications.
 - c) Verification of citizenship or eligible non-citizenship status shall be carried out pursuant to 24 CFR §912.8 using the Immigration and Naturalization Service's (INS) SAVE system and, if needed, a manual search of INS records.
6. IHA's records with respect to applications for admission to any low-income housing assisted under the United States Housing Act of 1937, as amended, shall indicate for each application the date and time of receipt; the determination by IHA as to eligibility or ineligibility of the applicant; when eligible, the apartment size for which eligible; the preference rating, if any; and, the date, location, identification, and circumstances of vacancy offered and accepted or rejected.

E. Waiting List Management

1. Waiting List Preferences

- a) IHA may give preferences to applicants on the waiting list or may add applicants to a waiting list based on certain family characteristics and income mix and deconcentration requirements. Applicants must provide verification of qualification for any preference.
- b) IHA will not give preferences to applicants on the waiting list or will not add applicants to the waiting list based on a system of preferences if the following conditions exist:
 - i) There is an adequate pool of applicants already on the waiting list who are likely to qualify for a preference; and [See 24 CFR §960.207(b)(1)];
 - ii) It is unlikely that under IHA's system for applying the preference that the family making the application could qualify for assistance ahead of other applicants already on the waiting list. [See 24 CFR §960.207(b)(2)]; or

- iii) Preferences will adversely affect IHA policy to promote income mixing or deconcentration of poverty.
- c) The determination above is based on the preference system described in these policies, the preference or preferences claimed by applicants already on the waiting list, and the preference or preferences claimed by the applicant-seeking placement on the waiting list.
- d) Change in Preference Status while on the Waiting List
 - i) Applicants who experience a change in circumstances that either qualifies or disqualifies them for a preference will be required to contact IHA immediately so their status on the waiting list may be updated.
 - ii) Upon determination that the family qualifies for a preference, they will be moved up on the waiting list in accordance to their preference(s), any ranking preference(s), and their date and time of application.

F. The Preference System

1. IHA preference system is used to establish the order of placement on the waiting list, not to guarantee admission, and every applicant must still meet IHA's Resident Selection Criteria (described later in this policy) before being offered housing. There may be factors other than preferences that affect the selection of applicants from the waiting list.
2. Preferences will be granted to applicants who are otherwise qualified and who, at the time they are certified for admission, meet the definitions of the preferences described below.
3. Preferences are based on local housing needs and priorities and are also used to encourage and promote self-sufficiency among residents. IHA will apply the following preferences, all of which are ranked equally:
 - a) Employment and/or Participation in Work Training Programs.

While the Family is on the Waiting List- Employment of a previously unemployed family member, age 18 or older, at time of application or during processing of application that lasts at least 90 days and provides a minimum of 20 hours of work per week for the family member claiming the preference.

At the Time of Offer - Employment of a previously unemployed family member, age 18 or older, employed at the time of IHA's offer of housing. Employment at the time of the offer must have been for a 90-day period immediately prior to the offer of housing and provide a minimum of 20 hours of work per week for the family member claiming the preference.

- Employment periods may be interrupted but to receive the preference, a family must have an employed family member prior to the actual offer of housing as described above.
 - A family member that leaves a job after receiving the benefit of the preference will be asked to document the reasons for the termination. Someone who voluntarily terminates their employment (as opposed to layoff, or taking a new job) will be considered to have misrepresented the facts to IHA and will lose their preference.
 - The amount earned shall not be a factor in granting this local preference. The local preference shall also be available to a family if the head, spouse, or sole member is 62 or older, or is receiving Social Security Disability, or SSI benefits, or any other payments based on the individual's inability to work. [24 CFR 960.212 (b)(1)]
- i) Job Training - IHA will give a local preference for a family that can verify, at the time of initial application or while on the waiting list, participation in a job training program or graduation from such a program. The family must notify IHA if it enters such a program while on the waiting list and provide documentation of participation to IHA such as attendance and program files. IHA will not grant this preference if the family fails to provide documentation. Notice and verification of the preference claim must be received prior to the actual offering of housing to claim this preference applicants must be in good standing with respect to attendance and program rules of the training program.

- b) Elderly, Disabled, or Disability - Families with the head, spouse or sole member who is 62 years or older, or is receiving social security disability, or SSI benefits, or any other payments based on the individuals inability to work.
- 4. IHA will not hold units vacant for prospective applicants with preferences, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with preferences.
- 5. IHA will not give preference to an applicant if any member of the applicant family is a person evicted during the past three years because of drug-related criminal activity from housing assisted under the 1937 Housing Act. [24 CFR 960.211(b)(3)] IHA may give an admission's preference in any of the following cases:
 - a) Applicants must advise IHA at time of initial application of any factors that may qualify them for a preference;
 - b) If IHA determines that the evicted person clearly did not participate in or know about the drug-related criminal activity; or
 - c) If IHA determines that the evicted person no longer participates in any drug-related criminal activity.
- 6. Administration of the Preferences
 - a) IHA requires that applicants certify to their qualification for preferences at the time of initial application.
 - b) Due to administrative constraints, the IHA generally cannot verify preferences at time of application. Hence, applicants will generally self-certify their preferences at time of placement on the waiting list. Subsequently, when applicants come near the top of the waiting list, they will be required to verify their preferences. If that preference cannot be verified, the application will be placed on the non-preference waiting list according to date/time.
 - c) If at the time of initial application a preference is claimed, IHA will advise the family of the need to verify the claim. At the initial application interview, the family will be advised to notify IHA of any change that may affect their ability to qualify for a preference.

- d) Applicants that are otherwise eligible and are certified or verified as qualifying for a preference will be placed on the waiting list in the preference applicant pool.
 - e) Families who claims a preference that do not qualify for a preference at the time of application will be notified in writing and advised of their right to an informal meeting as described below. If otherwise qualified, the family's application will then be placed on the waiting list in the appropriate non-preference category.
 - f) Applicants that certify/verify to a preference at the time of initial application must be able to verify their continued preference status prior to the offer of an apartment. Applicants that cannot verify continued preference status would lose their preference qualification and their standing on the waiting list.
 - g) Families that lose their original preference, but still qualify for another preference, will be placed on the waiting list in accordance with their current preference status. Families that cannot qualify for any of the preferences will be moved into a non-preference category, in a lower position on the waiting list based on date and time of IHA's completion of all necessary verification.
7. Qualifying for Preferences. Applicants may not qualify for this preference if they were a resident family and refused to comply with applicable program policies or procedures with respect to the occupancy of under-occupied and over-crowded units; or failed to accept a transfer to another housing apartment in accordance with a court decree or in accordance with the policies and procedures of a HUD-approved desegregation plan.
8. Notice and Opportunity for a Hearing [24 CFR §960.211(e)]
- a) IHA will provide a written notice of determination in those cases where an applicant does not meet the criteria for receiving a preference. This notice shall contain a brief statement of the reasons for the determination and a statement that the applicant has the right to request an informal hearing to review the determination.
 - b) If the applicant requests an informal hearing, IHA shall designate an officer or employee to conduct the hearing. This person(s) may be the person who made the initial determination or reviewed the determination of his or her

subordinate. A written summary of this meeting shall be made and retained in the applicant's file.

- c) The applicant will be advised that he/she may exercise other rights if the applicant believes that illegal discrimination, based on race, color, religion, national origin, age, disability, or familial status has contributed to IHA's decision to deny the preference.

H. Factors Other than Preferences that Affect the Selection of Applicants from the Waiting List

The Preference System described in this policy will work in combination with requirements to match the characteristics of the family to the type of apartment available including units with targeted populations. When such matching is required or permitted by current law, IHA will give priority to the families described below. The ability to provide priority for family types will depend on the apartment size available. These priorities will apply to applicants in both the preference and non-preference pool.

The following factors will affect the applicant's selection process:

1. Units with Accessible Features. IHA will give priority to families that include persons with disabilities who can benefit from the apartment features. If no family can be found for an apartment with accessible features, IHA will house a family not needing the apartment features subject to the procedures described in the Resident Selection and Assignment Plan, described later in this policy. Under this policy a non-disabled family in an accessible apartment can be required to move so that a family needing the apartment features can take advantage of the apartment.
2. Units Designated for Elderly or Disabled Families. IHA will give a priority to elderly or disabled families for units designated for such use.
 - a) Units designated for the elderly⁶ (24 CFR §§945.201, 945.105, and 945.303) - in accordance with the 1992 Housing Act elderly families with a head, spouse or sole member at least 62 years of age will receive a preference for admission to such units or buildings covered by a HUD-approved Allocation Plan.

⁶ This reference is to buildings or portions of buildings designated for the elderly by following the requirements of the 1992 Housing Act. Designation of housing for the elderly requires the preparation of an allocation plan. A public hearing must be held on the plan and the plan must be presented to HUD for review and approval.

- (i) When there are insufficient elderly families on the waiting list, near elderly (head or spouse ages 50-61) may receive a preference for this type of apartment.
 - (ii) When there are insufficient elderly or near-elderly families and units are ready for leasing more than 60 days all other family types are eligible for such units.
 - b) Units designated for the disabled⁷ (24 CFR §945.105, 945.201, 945.203, 945.205, and 945.303) - in accordance with the 1992 Housing Act, disabled families with a head, spouse or sole member who qualifies as a person with disabilities as defined in 24 CFR §945.105 will receive a preference for admission to units that are covered by a HUD-approved Allocation Plan.
- 3. Admissions Mandated by the Court. Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the Preference System. Other admissions required by court order will also take precedence over the Preference System. If permitted by the court order, IHA may offer the family a housing certificate or voucher.
- 4. Higher or Lower-Income Applicants. IHA will give a priority to higher or lower income applicants in order to achieve income mixing or to facilitate deconcentration of poverty.

I. Applicant Selection Criteria

C

- 1. All applicants will be screened in accordance with HUD regulations (24 CFR part 960) and sound management practices. During screening, IHA will determine applicants' ability to comply with essential provisions of the lease through an assessment of objective evidence of applicants' current and past behavior, including the ability to:
 - a) Pay rent and other charges as required by the lease in a timely manner;
 - b) Care for and avoid damaging the apartment and common areas;

⁷ Buildings can also be designated for disabled families, also by following the requirements of the 1992 Housing Act. This entails preparing an allocation plan noting which buildings (if any) will be set aside for the disabled and preparing a supportive services plan. HUD approval is required for both the allocation and the supportive services plans.

- c) Use common areas, facilities, and equipment in a reasonable way;
- d) Create no health, or safety hazards, and to report maintenance needs;
- e) Comply with health and safety codes;
- f) Comply with community service requirements;
- g) Not interfere with the rights and peaceful enjoyment of others and avoid damaging the property of others;
- h) Not engage in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff; and not engage in drug-related criminal activity on or off IHA premises; and
- i) Comply with necessary and reasonable rules and program requirements of HUD and IHA; including the mandatory community service described in VIII C of this policy.

2. IHA will determine the applicant's ability to comply with essential lease requirements:

Applicant ability and willingness to comply with the essential lease requirements will be verified. Information to be considered in completing applicant screening shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application, in present and prior housing.

The history of the applicant's conduct and behavior must reasonably demonstrate that the applicant family can be expected not to:

- a) Interfere with other residents in such a manner as to diminish the peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare; [24 CFR §960.205(b)]
- b) Adversely affect the physical environment or financial stability of the community; [24 CFR §960.205(b)]
- c) Violate the terms and conditions of the lease;
- d) Require services from IHA staff that would alter the fundamental nature of IHA 's program.

3. IHA will conduct a detailed interview of all applicants using an interview checklist. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification. [24 CFR §960.206(a) & (b)]

4. IHA will complete a credit (covering the prior 2 years) and rental (covering the prior 2 years) history check on all applicants.

5. Payment of funds owed to IHA is part of the screening evaluation. Payment of outstanding balances is an opportunity for the applicant to demonstrate an improved

track record. IHA will consider any past balances owed IHA by the applicant for any program that IHA operates. IHA expects these balances to be paid in full (either in a lump sum or over a period of time) before initiating the full screening process. IHA will not admit families who owe back balances to IHA. (See §960.205 (b)(1))

6. IHA will complete a criminal background check on all applicants including other adult members of the household or any member for which criminal records are available. [24 CFR 960.205(b)(3)]
7. All applicants are required to attend and complete IHA's Pre-Occupancy Orientation Classes.
8. IHA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of:
 - a) **CREDIT HISTORY** - A credit history will be obtained for all applicants and household family members 18 years of age and older. Applicants with "negative" credit history will be rejected and notified in writing of the rejection. Examples of "negative" credit include, but are not limited to, the following:
 - (i) Unpaid judgments relating to a prior tenancy.
 - (ii) Unpaid collection actions relating to a prior tenancy.
 - b) **LANDLORD REFERENCES** - Previous landlords will be contacted regarding the applicant's previous rental history. Applicants with a "negative" landlord reference in the last two (2) years will be rejected and will be notified in writing of the rejection. "Negative" landlord references are defined as any of the following items:
 - (i) Court action for unsanitary or hazardous housekeeping;
 - (ii) Court action for disruptive or dangerous behavior, including disturbance of neighbors, destruction of property, and/or criminal activities;
 - (iii) Court action for non-compliance with rental/occupancy agreements (excluding non-payment of rent);
 - (iv) Evidence of drug-related or alcohol problems;
 - (v) Three (3) or more legal notices for non-payment of rent during any twelve (12) month period;
 - (vi) Outstanding balance due to the previous landlord; and
 - (vii) Evictions by the previous landlord (for any cause).

If no previous independent landlord reference is available for the last two (2) years, landlord references going back an additional five (5) years may be checked.

- c) **CRIMINAL HISTORY** - IHA will obtain a criminal background check for all applicants including other adult household members. Applicants and/or family members with a “negative” criminal history will be rejected. Examples of “negative” criminal history include, but are not limited to, the following:
 - i) Arrest and/or conviction for any felony;
 - ii) Arrest and/or conviction for physical violence against persons or property;
 - iii) Arrest and/or conviction for the manufacture, distribution or illegal use of drugs, drug paraphernalia or classified controlled substances.
 - iv) Arrest and/or conviction for any crime related to larceny, burglary and robbery.
 - v) Arrest and/or conviction for the use or sale of firearms or any gang-related activity;
 - vi) Arrest and/or conviction for any crime related to rape, sexual deviate behavior, molestation or prostitution;
 - vii) Arrest and/or conviction for alcohol or alcohol-related incidents; and
 - viii) Any criminal acts which would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the apartment or the development. [24 CFR §960.205(b)(3) and the Anti-Drug Act of 1988].
 - ix) Outstanding warrants and current probation status are included. Probationary matters will be reviewed on a case by case basis to determine time served and whether in good standing with the conditions of probation.

- d) An applicant’s intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in rejection. [24 CFR §913.109(b) & §760.3]

- e) Applicants must be able to demonstrate the ability and willingness to comply with the terms of IHA’s lease, either alone or with assistance, which they can demonstrate that they have or will have at the time of admission. Availability of assistance is subject to verification by IHA.

9. Home Visits (Only Applicable to Concord, Eaglecreek, and Laurelwood Communities)

- a) Home visits at the current dwelling of the applicant shall be required of all qualified applicants being housed at Concord, Eaglecreek, and Laurelwood Communities. Housekeeping inspections are part of the home visit.
- b) Housekeeping criteria shall include, but not be limited to:
 - i) Conditions in living room, kitchen (food preparation and clean up), bathroom and bedrooms.
 - ii) Conditions of entranceways, halls and yard.
 - iii) Cleanliness of each room.
 - iv) General care of furniture, appliances, fixtures, windows, doors and cabinets.
- c) Other IHA lease compliance criteria will also be checked, such as:
 - i) Evidence of destruction of property.
 - ii) Unauthorized occupants.
 - iii) Evidence of criminal activity.
 - iv) Conditions inconsistent with application information.

The purpose of the home visit is to obtain information to be used in determining the applicant's compliance with Applicant Screening Criteria.

10. Screening applicants who claim mitigating circumstances.

- a) If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. Factored into IHA's screening assessment of the applicant, mitigating circumstances must be verifiable. [24 CFR §960.205(d)]
- b) Mitigating circumstances⁸ are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified, would indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the

⁸ The discussion of mitigating circumstance in this paragraph is applicable to all applicants. IHA is required by regulation to consider mitigating circumstances, see 24 CFR Sec.960.205(d)(1).

unsuitable rental history and behavior is no longer in effect or is under control, AND applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

- c) If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, IHA shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. IHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.
- d) Examples of mitigating circumstances might include: [24 CFR §960.205 (d)]:
 - i) Evidence of successful rehabilitation;
 - ii) Evidence of the applicant family's participating in social service or other appropriate counseling service;
 - iii) Evidence of successful and sustained modification of previous disqualifying behavior.
- e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. IHA will consider such circumstances in light of:
 - i) the applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
 - ii) the applicant's overall performance with respect to all the screening requirements; and,
 - iii) the nature and seriousness of any criminal activity, especially drug-related criminal activity that appears in the applicant's record.

11. Qualified and Unqualified Applicants

- a) Verified information will be analyzed and a determination made with respect to:
 - i) Eligibility of the applicant as a family; (See 24 CFR §912.2)
 - ii) Eligibility of the applicant with respect to income limits for admission; (See 24 CFR §913.104 & 105)
 - iii) Eligibility of the applicant with respect to citizenship or eligible immigration status; [24 CFR §912.4(b)]
 - iv) Apartment size required for the family;
 - v) Preference category (if any) to which the family is entitled; (See 24 CFR §960.211)
 - vi) Qualification of the applicant with respect to the Applicant Selection Criteria. (See 24 CFR §960.205)

NOTIFICATION OF ELIGIBILITY

- b) Families determined to be qualified will be notified by IHA of the approximate date of occupancy insofar as that date can be reasonably determined. [24 CFR §960.207(b)]
- c) Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible noncitizen status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and IHA procedures. [24 CFR §912.9]
- d) IHA will make every effort to accurately estimate an approximate date of occupancy. However, the date given by IHA does not mean that applicants should expect to be housed by that date. The availability of a suitable apartment to offer a family is contingent upon factors not directly controlled by IHA, such as turnover rates, and market demands as they affect bedroom sizes and community location. [See 24 CFR §960.207(b)]

12. Opportunity for Informal Review

- e) Applicants determined unqualified for admission will be promptly notified in writing. These applicants will receive a Notice of Rejection from IHA, stating the basis for such determination. IHA shall provide such applicants with an

opportunity for informal review of the determination. The informal review of applicants should not be confused with the resident grievance process. Applicants are not entitled to use of the resident grievance process. [24 CFR §960.207(a)]

J. Occupancy Guidelines

1. It is IHA’s policy that unit occupancy should be by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear or under utilization.
2. The following general apartment maximum and minimum number of persons per apartment will govern the assignment of a family of a given size and composition. These are only guidelines and the maximums may be exceeded at the request of the family, or because of the square footage of a specific apartment:

a. Occupancy Guidelines Chart

Number of Bedrooms	Min Persons/Apartment	Max Persons/Apartment
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	5	10

3. Exceptions to the maximum standards may be made in case of reasonable accommodations for a person with disabilities, emergencies, and at the discretion of the Executive Director or designee. Further, IHA has the right to permit families exceeding the maximums shown above to occupy units when the family requests such occupancy, and when IHA determines that the apartment in question is large enough.
4. Families may request, in writing, to be placed on the waiting list for an apartment one-bedroom size smaller than that designated on the chart. A family that chooses to occupy a smaller size apartment must agree not to request a transfer until their family size changes.
5. Families will not be placed on the waiting list for a larger apartment unless there is a verifiable medical reason or IHA determines reasonable.
6. An unborn child may be counted as a person in determining apartment size. A single pregnant woman may be assigned to a two-bedroom apartment. In

assigning an apartment IHA will also consider a child who is temporarily away from the home because of placement in foster care or kinship care.

7. Dwelling units will be assigned so that:

- a) It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom. Exceptions may be made for infants and young children or at the written request of the family.
- b) For verified reason of health (disability, addition of a live-in aide, need for medical equipment, etc.), a separate bedroom may be provided for an individual family member.
- c) Two children of the opposite sex (where one or both are 5 years of age or older) will not be required to share a bedroom except at the written request of the family.
- d) The living room will not be used as a bedroom except at the written request of the family.
- e) A single head of household parent shall not be required (but may choose) to share a bedroom with his/her children.

IMPORTANT: The above options will be discussed with each applicant family. Families will also be updated as to the status and movement of each bedroom size waiting list maintained by IHA. Families shall be asked to declare in writing the bedroom size list on which they wish to be placed. If a family opts for a smaller apartment size than would normally be assigned under the above standards (because, for example, the list is moving faster), the family will be required to sign a statement agreeing to occupy the apartment assigned at their request until their family size or circumstances change.

K. Policy statement on resident participation

- a) IHA's policy is to encourage resident participation in the applicant screening process. Further, IHA recognizes that screening is only a part of the occupancy cycle. For IHA resident partnership to be effective, work is required both before and after admission. [Permitted at 24 CFR §960.206 c)]
- b) Given this policy IHA, in conjunction with its resident leaders, proposes the following areas of involvement:

- i) Home Visits - Objective: to work with residents and establish home visit inspection standards. To train residents on the standards and use residents to conduct the home visits as required by this policy.
- ii) Applicant Pre-Occupancy Orientation - Objective: Attendance at a Pre-Occupancy Orientation session will be a requirement of screening. IHA and its residents will develop the agenda for this orientation to include topics such as:
 - rights and responsibilities of IHA and the resident;
 - how rent is calculated;
 - security issues;
 - re-certification requirements;
 - the lease;
 - the move-in inspection;
 - care of the apartment and how to request maintenance;
 - reasonable accommodations for persons with disabilities;
 - services available in or near the development;
 - the resident association;
 - how to conserve utilities and read a utility bill; family budgeting.

Residents and IHA staff will design and deliver the orientation. Applicants must attend the orientation in order to complete the screening process.

IHA and the residents for each of the areas mentioned will establish specific procedures. The procedures will provide working details so that residents and staff understand the relationship and goals for each area of participation. The following process will be used to nominate persons for participation in the activities described above:

- i) IHA and the resident organizations will nominate a slate of impartial persons to be involved in the activity. Such persons may include IHA staff members, residents, professional arbitrators, or others. IHA will check with each nominee to determine whether there is an interest in serving, whether nominee feels fully capable of impartiality, whether the nominee can serve without compensation, and what limitations on the nominee's time would affect such service.
- ii) Nominees will be informed that they will be expected to disqualify themselves from participating in applicant rejection meetings that involve personal friends, other residents of developments in which

they work or reside, other family members, or matters in which they have some personal interest.

8. A slate of potential team members nominated by IHA will be submitted to the resident organizations for final review. After the resident organization review, IHA will subsequently contact participants and set up the necessary training programs prior to implementing the procedure.

L. Organization of the Waiting List

It is IHA's policy that each applicant shall be assigned his/her appropriate place on each community's waiting list in sequence based upon date and time of application as well as applicable preferences. Preference and priority factors are established in this policy in accordance with HUD regulations (24 CFR §§912.3, 945.303, 960.211, and 960.401) and are consistent with the objectives of Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 and the HUD regulations and requirements pursuant thereto. [24 CFR §1.4(b)(2)(II) & 100] Exceptions to IHA waiting list will be permitted only to comply with Court Orders, Settlement Agreements, or when approved in advance by the Assistant Secretary for Fair Housing and Equal Opportunity.

IHA will maintain separate site based waiting lists for the HOPE VI funded developments, Concord and Eagle Creek Homes, Tibbs Court, pursuant to the authority granted by the Quality Housing and Work Responsibility Act of 1998.⁹ Applicants to IHA housing may apply to IHA's centralized list and up to two of the sites maintaining a site based waiting list, but they must meet the specialized screening criteria in order to qualify for residency in the above developments. As a matter of convenience, this Policy typically refers to a "waiting list," rather than the centralized list and the site-based lists, but the discussions of the procedures relating to the waiting list apply to both categories.

M. Method of Applicant Selection

1. IHA will first match the characteristics of the applicant to the apartment available, including any priorities for admission required for accessible housing. Applicable preferences as described earlier in this policy will then be used to determine the order of selection from the waiting list. [Required 24 CFR §§945.303 & 960.407] Further, in the selection of a family for an apartment with accessible features IHA will give preference to families that include a person with disabilities who can benefit from the apartment features. [24 CFR §8.27]

⁹ IHA will may implement site-based waiting lists for other sites after going through a notice and comment process in order to amend this Policy.

2. Each qualified applicant first in sequence on the waiting list is made one offer of an apartment of appropriate size. The applicant must accept the vacancy offered or be dropped to the bottom of the qualified applicant list. 2nd refusal of apartment will result in applicant being “dropped from the list” [24 CFR §1.4(b)(2) i and iii]
3. The applicant must accept the vacancy offered within 2 working days of the date the offer is communicated (by phone, mail or the method of communication designated by the applicant) or, be dropped from the qualified applicant list. (See good cause discussion below) Letter to the applicant will confirm offers made over the phone.
4. “Dropped from the list” shall mean the applicant will lose standing by being removed from the waiting list. Once “dropped from the list” applicants must wait for 6 months before reapplying to the public housing program.
5. If an applicant is willing to accept the apartment offered, but is unable to move at the time of the offer and presents to the satisfaction of IHA clear evidence (“good cause”) that acceptance of the offer of a suitable vacancy will result in undue hardship or handicap not related to considerations of race, color, sex, religion or national origin, the applicant will not be dropped from the list. [24 CFR §1.4(b)(2) i and iii]
6. Examples of good cause reasons for the refusal of an offer of housing include, but are not limited to:
 - a) Inaccessibility to source of employment or children’s daycare such that adult household member must quit a job, drop out of an educational institution, or job training program;
 - b) Presence of lead paint in the apartment offered when the applicant has children under the age of six (6) years old;
 - c) The family demonstrates to IHA’s satisfaction that accepting the offer will result in a situation where a family member’s life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone are not good cause.
 - d) A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household

members or live-in aide necessary to the care of the principal household member.

- e) The apartment is inappropriate for the applicant's disabilities.
 - f) An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR §945.303(d)]
7. The applicant must be able to document that the hardship claimed is good cause for refusing an offer of housing. Where good cause is verified to IHA's satisfaction, the refusal of the offer shall not require that the applicant be dropped from the waiting list or otherwise affect the family's position on the waiting list. [24 CFR §85.42]
 8. IHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each acceptance or rejection, including the reason for the rejection.

N. Occupancy of Dwelling Units with Accessible or Adaptable Features [See 24 CFR §8.27(a)(1)(2) and (b)]

1. Before offering a vacant accessible apartment to a non-disabled applicant, IHA will offer such units:
 - a) First, to a current occupant of another apartment of the same development, or other public housing developments under IHA's control, having a disability that requires the special features of the vacant apartment (in effect, a transfer of the occupant with disabilities from a non-adapted apartment to the vacant accessible/adapted apartment).
 - b) Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant apartment.
2. When offering an accessible/adaptable apartment to a non-disabled applicant, IHA will require the applicant to agree to move to an available non-accessible apartment within 30 days when either a current resident or an applicant needs the features of the apartment. This requirement will be reflected in the lease agreement signed with the applicant.

O. Leasing and Occupancy of Dwelling Units

It is IHA's policy that all units must be occupied pursuant to a lease that complies with HUD's regulations (24 CFR Part 966). All leases must have 12-month terms

and are automatically renewable except for noncompliance with the community service requirements that is not cured within the following 12 months.

1. **Applicant folders will be processed at initial intake. The site property management staff in agreement with site base waiting list requirements will make initial intake, waiting list management, screening, and offers of housing. Offers may be made in person, by phone, or in writing.**
2. When offering units, IHA will provide the applicant with a brief property description and other information to help orient the applicant to the community and location in the property. Staff making offers will be familiar with IHA's housing sites. If the applicant preliminarily accepts the offer of an apartment, site staff will schedule a date to show the apartment with the applicant and the community manager of the property.
3. Once the apartment is shown and the applicant accepts the apartment, the security deposit and all the rent is paid, the manager will execute a lease. If the applicant refuses the apartment, the reason for refusal must be obtained in writing from the applicant. The applicant must sign the "Apartment Offer and Refusal form". The Regional Manager reviews the form and gives a "good cause" determination. No applicant will be expected to sign a lease for an apartment that is not ready for occupancy. [See §966.4 I]
4. Applicant is required to report changes in family composition, income, or status between the time of the interview with the applicant and the showing of the apartment. The change will be processed centrally or at the community where applicant applied. The necessary information will be obtained and processed for placement in applicant's file. IHA staff shall not lease units to families whose occupancy will create an over or under housed situation. (Over-housed, family is too small for the apartment; under-housed, family is too large for apartment.)
5. The lease shall be signed by the head, spouse, and all other adult (18 years and older) members of the household accepted as a resident family and by an authorized representative of IHA, prior to actual admission. [24 CFR §966.4(p)]
6. If a resident transfers from one IHA apartment to another, a new lease will be executed for the dwelling into which the family moves. [24 CFR §966.4c(3)]
7. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:
 - a) A new lease agreement will be executed, or

- b) A Notice of Rent Adjustment will be executed, or
 - c) An appropriate rider will be prepared and made a part of the existing lease, or appropriate insertions made within the lease. All copies of such riders or insertions are to be dated and signed by the Resident and an authorized representative of the Housing Agency. [24 CFR §966.4(o)]
8. Only those persons listed on the most recent re-certification form shall be permitted to occupy a dwelling apartment. [24 CFR Secs.960.209(b) and 966.49(a)(2)] Except for natural births to family members, any family seeking to add a new member must make the request to management in writing for approval prior to the new member occupying the apartment. [24 CFR §966.4(f)(3) & c(2)]
9. Additions to the household - Following receipt of a family's request for approval, IHA will conduct a pre-admission screening of the proposed new member. Only new members approved by IHA following the screening process will be added to the household. The results of screening shall be used to determine whether or not to admit the new member. Children born to a family member, children under the age below which Juvenile Justice records are not made available, who are adopted by a family member or who are added through a kinship care arrangement are exempt from the pre-admission screening process. The exemption age specified in this paragraph is subject to change should the State or locality modify its laws concerning the availability of police or court records for juvenile offenders.
10. Examples of situations where the addition of a family member is subject to screening are:
- a) Resident plans to be married and files a request to add the new spouse to the lease;
 - b) Resident is awarded custody of a child over the age for which juvenile justice records are available;
 - c) Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child (ren).
 - d) An apartment is occupied by a remaining family member(s) under age 18 (and not an emancipated minor) and an adult, not a part of the original household, request permission to take over as the head of the household.

Note: All changes in family composition must be reported in 10 days from the date of the change, whether adult or minor.

- e) Family member takes custody or guardianship over minor children who reside.
- 11. Residents who fail to notify IHA of additions to the household will be in violation of the lease. Residents who permit persons to join the household without undergoing screening are also in violation of the lease. Such persons will be considered unauthorized occupants by IHA and the entire household will be subject to eviction.
- 12. Family members over age 18 who move from the dwelling apartment to establish new households shall be removed from the lease. The resident has the responsibility to report the move-out within 30 calendar days of its occurrence. These individuals may not be re-admitted to the apartment and must apply as a new applicant for placement on the waiting list (subject to applicable income limits, preferences, resident selection, and screening requirements). Medical hardship, or other extenuating circumstances shall be considered by IHA in making determinations under this paragraph.

P. Resident Transfers

- 1. Objectives of the Transfer Policy:
 - A. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
 - B. To facilitate a relocation when required for modernization or other management purpose.
 - C. To facilitate relocation of families with inadequate housing accommodations.
 - D. To eliminate vacancy loss and other expense due to unnecessary transfer.

It is IHA 's policy that transfers will be made without regard to race, sex, sexual orientation, color, religion, national origin, or familial status. Residents may be transferred to accommodate a disability. (24 CFR S 100.5)

Residents will not be transferred to a dwelling apartment of equal size within IHA sites or between other IHA sites except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director, or designee.

IHA has three types of transfers:

- Emergency
- Administrative – Category 1
- Administrative – Category 2.

2. Resident Transfer Criteria:

- a) Emergency Transfers are permitted when the apartment or building conditions pose an immediate threat to resident life, health or safety, as determined by IHA. Emergency transfers within sites or between sites may be made to repair apartment defects hazardous to life, health, or safety, alleviate verified medical problems of a life threatening nature, or, based on documentation provided by a law enforcement agency, protect members of the household from attack by the criminal element in a particular property or community. These transfers shall take priority over new admissions.
- b) Administrative transfers – Category 1: Include transfers to remove residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency), provide housing options to residents who are victims of hate crimes or extreme harassment, alleviate verified medical problems of a serious nature, permit modernization of units, or permit a family that requires an apartment with accessible features to occupy such an apartment. These transfers shall take priority over new admissions.
 - i) Request for medical transfers under Administrative Transfer-Category 1 will be made to the Community Manager. The Resident will provide the Community Manager with the necessary verification and/or documentation to substantiate the need for a medical transfer. Whenever feasible, transfers will be made within a resident's area. Medical transfers may also be initiated by IHA. (e.g., moving a person with mobility problems to an apartment with accessible features).
- c) Administrative transfers – Category 2: within sites or between sites may be made to correct occupancy standards (over/under housed conditions), to correct and avoid concentration of the most economically and socially deprived families, to facilitate income-

mixing, and to address situations such as neighbor disputes that are not criminal but interfere with the peaceful enjoyment of the apartment or common areas. These transfers will not take priority over new admissions.

- i) Transfers to correct occupancy standards may be requested or recommended in writing at the time of re-examination or interim re-determination. This is the only method used to determine over/under-housed status. Residents will be granted a preference and place on the waiting list ahead of other applicants who do not qualify for a preference.
- ii) Residents in an over/under housed status will be advised in their 30 day "Notice of Rent Adjustment" that a transfer is recommended and that the family has been placed on the transfer list. Upon approval of transfer; the tenant and the Community Manager affected by the transfer should be notified. Residents will be granted a preference and placed on the waiting list ahead of other applicants who do not qualify for a preference. This will avoid unfair treatment of applicants with qualifying dependents who have waited for a unit longer than the existence of a resident's new dependent.
- iii) When a head of a household, originally housed in a bedroom by him/herself, has a child, that child shall remain in the parent's bedroom until it is five (5) years of age. After age 5 a Category 2 administrative transfer may be recommended. **Exceptions:** spouse or partner returns to the apartment, marriage takes place, or family decides to remain in the apartment and in IHA's opinion the apartment is large enough to accommodate the number of persons now in the household. (Other than for births that occur during tenancy, IHA's prior approval of additions to the household is required.)

3. Resident History Requirement for Transfers

- e) The 3-prong "good standing criteria" is required for a transfer – residents will be considered for transfers if they:
 - i) Have not engaged in any activity that threatens the health and safety of residents and staff;
 - ii) Do not owe back rent or other charges, or evidence a pattern of late payment; or

- iii) Meet reasonable housekeeping standards and have no housekeeping lease violations.
 - Exceptions to the good record requirements may be made for emergency transfers, or when it is to IHA's advantage to move forward with the transfer.
 - f) Without a determination of exception the following policy applies to transfers:
 - i) If back rent is owed, the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, back rent is paid in full with approval of the Executive Director or his/her designee.
 - ii) A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection for a period of 30,60, and 90 days from the date the transfer request was submitted.
 - g) Incentive Transfers – IHA may occupy recently modernized and scattered site units through incentive transfers. Depending on IHA's vacant apartment status, modernized units will be filled with incentive transfers, new applicants, or a combination of both. IHA reserves the right to fill modernization units in a manner that has the least impact on vacant units.
 - h) A resident's requests for incentive transfers should be made to the Community Manager. Community Managers may also recommend a resident for an incentive transfer. In order for a resident to be considered for an incentive transfer the following conditions must be met:
 - i) Residency in an IHA development for at least five (5) years.
 - ii) No repayment agreement or unpaid balance at any time in the past three (3) years.
 - iii) No history of disturbances that resulted in lease violation or violence toward staff or neighbors as indicated by notices of lease violation in the resident's file.
 - iv) Good housekeeping record.
4. Cost of transfers – Residents shall bear the cost of transfers to correct occupancy standards. Transfers requested or required by IHA will be paid for by IHA. In addition to the out-of-pocket moving expenses, resident's will be required to pay a "transfer fee". A "Transfer Fee" list will be posted in IHA offices and is based on our contract price for maintenance and an administrative charge for processing the transfer. The "Transfer Fee" list is updated annually by IHA. IHA

will charge the actual cost of the transfer, which includes the administrative cost, the cost of preparing the apartment for re-rental and, if applicable, a penalty for not turning in the keys to the old apartment within three (3) days of the transfer. The resident is allowed a period of three (3) days to move and turn in the keys to the old apartment without being charged a penalty. If the move takes more than three (3) days and the keys are not turned in the resident will be charged a penalty of \$10 per day for each day the keys are not turned in to IHA. Prior to the transfer IHA will perform an inspection on the current apartment to determine the amount of charges the resident will be required to pay as a result of resident caused damages, if any. All transfer charges must be paid at the time the resident signs his/her lease and receives the keys for the new apartment. The Landlord will perform a final inspection with the resident on the apartment that the resident transferred from, after the keys are turned in, and a final determination will be made by IHA staff regarding charges that may be due to IHA. For example, the resident may not have cleaned the apartment properly and/or damaged the apartment during the moving process. If there are any charges that are due IHA, as a result of this inspection, the resident must pay for these damages within fourteen (14) days of written notice from IHA. The resident must sign a transfer agreement after IHA has authorized the transfer and prior to the transfer. All transfer fees must be paid prior to transfer.

The Community Manager has the responsibility to obtain and document all pertinent information relative to a request for transfer.

5. Resident Transfers, Administrative Requirements

- a) Transfers will be processed at a central location. The Department of Housing Management will maintain a central transfer list.
- b) Chief Property Manager will review all transfer requests and make recommendations to the Director of Housing Management or designee. Final approval must come from the Director of Housing Management or designee.
- c) If approved, residents will receive one offer of a transfer. Refusal of that offer without good cause will result in the removal of the household from the transfer list.

SECTION X

ELIGIBILITY FOR CONTINUED OCCUPANCY, ANNUAL RE-EXAMINATION, AND REMAINING FAMILY MEMBERS

A. Eligibility for Continued Occupancy

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined in Section 1 of this policy. (Note: for purposes of continued occupancy remaining family members qualify as family. Remaining family members can also include court ordered emancipated minors under the age of 18.)
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members, age 6 and older, each have Birth Certificates and Social Security numbers or have certifications on file indicating they have no Social Security number.
4. Who are citizens or have eligible noncitizen status. Every member of a resident family must submit either evidence of citizenship or eligible noncitizen status as required by 24 CFR §912.6.
5. Comply with the community service requirement.

B. Remaining Family Members and Prior Debt

As a party to the lease, remaining family members (other than the head or spouse) 18 years of age or older will be responsible for all arrearages incurred by the former head or spouse. IHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred prior to the remaining family member attaining age 18.

C. Redetermination of Family Income and Composition

1. Regular redetermination.
 - a) Income-based Rent - IHA shall, at least once a year, re-examine the incomes and composition of all resident families and must make adjustments in rents after consultation with the family and verification of the information. (24 CFR §960.209(a) and 24 CFR section 5.617);
 - b) Flat Rents – IHA shall recertify every three (3) years, however all changes of family composition and income are to be reported annually.
 - c) Community Service and Economic Self-Sufficiency Requirement – For non-exempt families, IHA shall determine compliance with the

community service and economic self-sufficiency requirements in 24 CFR 960 Subpart F

2. Special Re-examinations. When it is not possible to estimate projected family income with any degree of accuracy at the time of admission or regular re-examination, a temporary determination will be made with respect to income and a special re-examination will be scheduled every 90 days until a reasonably accurate estimate of income can be made. The resident will be notified in advance as to the date for the special re-examination(s). Special re-examination shall also be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder.
3. Interim Redetermination. Upon the submission of a signed change if income/family composition for an interim redetermination based on the change in family income or composition will be completed. IHA will make the redetermination within a reasonable time after the family's request. The adjustment will be made even if the income change will not last a full year.
4. Re-examination Procedures
 - a) Employment, income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be documented and filed in the resident's folder. [24 CFR §960.206]
 - b) Verified information will be analyzed and a determination made with respect to:
 - i) Eligibility of the resident as a family or as the remaining member of a family;
 - ii) Apartment size required for the family;
 - iii) Income based rent; and
 - iv) Resident's choice of rental payment
 - c) Income shall be computed in accordance with the definitions and procedures set forth in this policy. [24 CFR §913]
 - d) Families failing to respond to the initial, and second notice of the re-examination appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a Notice of Lease Violation by the Community Manager for failure to comply with the terms and conditions of occupancy required by the lease. Failure to comply will result in rent

being raised to the fair market Flat Rent established by IHA effective the annual date. Continued failure to respond will result in the termination of the lease. [24 CFR §966.4 (c)(2)]

5. Action Following Re-examination

- a) If there is any change in rent, the lease will be amended, a new lease will be executed or a Notice of Rent Adjustment will be issued. [24 CFR §966.4(c) & (o)]
- b) If any change in the apartment size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described above.

SECTION XI RENT, INCOME and UTILITIES

Rent [24 CFR 5.603, 5.614]

1. Resident's Choice of Rental Payment

A. In order to maximize family choice, IHA gives residents the annual option to pay either an income-based rent or a flat rent. IHA will provide sufficient information for an informed choice. Such information will include the dollar amounts of resident rent for the family under each option and IHA's policy on switching type of rent in circumstances of financial hardship.

1. **Income-based Rents.** Income based rents, including applicable utility allowance, shall not exceed the highest of 30% of the family's monthly-adjusted income, or the 10% of the family's gross monthly income. Income will be calculated as set forth in this policy.

The income-based rent has a minimum rent of \$50 (including any amount for utilities). IHA will grant exceptions to the minimum rent requirement to any family where the minimum rent is higher than the income-based rent or the family is unable to pay due to financial hardship as listed below.

- a) Residents qualify for a financial hardships exemption if one of the following conditions exist:
 - i) Family has lost eligibility or is awaiting eligibility under a federal, state, or local assistance programs;
 - ii) Family would be evicted as a result of imposition of minimum rent;
 - iii) Family income has decreased due to changed circumstances, including loss of employment;

- iv) Death in the family; or
 - v) Other circumstances determined by IHA or HUD.
- b) IHA will immediately suspend the minimum rent requirement while verifying hardship or determining its duration. If IHA cannot verify the hardship or determines that is temporary, IHA will reinstate the minimum rent and will develop a repayment plan for the family.
 - c) If IHA determines that there is a qualifying hardship, but it is temporary, IHA will reinstate the minimum rent from the time of suspension. IHA will not evict the family for nonpayment of the minimum rent in excess of rent otherwise payable during the 90-day period beginning the date the family requested an exemption. IHA will offer the family a reasonable repayment agreement for the amount of back rent owed.
 - d) If IHA determines there is no qualifying hardship exemption, IHA will reinstate the minimum rent including the back payment for minimum rent from the time of suspension on terms and conditions established by IHA.
 - e) Appeal of financial hardship determination. A family who appeals a financial hardship determination through the public housing grievance procedure is exempt from any escrow deposit requirement in the grievance procedure.

2. Flat Rents

Residents may choose a flat rent that has been established based on a reasonable market value as calculated on an annual basis. The flat rents will be posted in each community.

A. Rent Adjustments

1. Switching. Residents choosing the flat rent option may switch to income based rents in the case of financial hardship.

Residents qualify under a financial hardship requirement, if one of the following conditions exists:

- i) loss of reduction of income;
- ii) death in the family or loss of assistance;

- iii) increase in the family's expenses for medical costs, childcare, transportation or education.

Note: In order to qualify for switching from flat rent to income-based rent, the resident must notify and provide verification of the condition to IHA.

2. Rent Adjustments by IHA

The Flat Rent amount may be re-calculated every two years by IHA; however, if the resident opts for flat rent as the rent of choice, the flat rent amount will remain for three (3) years. For families who choose the flat rent, the family must still report any changes in income.

- a. The minimum ceiling rent as calculated by IHA will be adjusted annually to reflect operating expenses as reported on the Statement of Operating Receipts and Expenditures as of the end of the most recent fiscal year and be determined in conjunction with HUD guidelines.

Residents must report all changes in family composition, status, or income to the Community Manager within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a notice of Lease violation.

Not all changes in family income between re-examinations will result in a rent change.

Residents that obtain work for the deferral of income and then quit work to avoid being employed at the next regular reexamination will be considered as misrepresenting the facts and subject to retroactive increases as described below. Residents with seasonal or part time employment of a cyclical nature will be asked for third party documentation of the circumstances of their employment including start and ending dates.

For those residents who opt for income based rent, IHA will process an interim adjustment in rent if it is found that the resident at an annual or interim re-examination has misrepresented the facts upon which the rent is based so that the rent the resident is charged is less than what would have been charged. IHA will apply any increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred.

Limits on rent increases.

IHA will not increase rent for 12 months based on additional income that is derived from:

- i) employment of a family member who was previously unemployed for one year or more;¹⁰
- ii) participation of a family member in a self-sufficiency or other job training program; or
- iii) assistance during the previous 6 months under any state program for temporary assistance for needy families as provided in Part A of Title IV of the Social Security Act;

Phase-in of rent increases. Upon expiration of the 12-month moratorium on rent increases, IHA will only increase rent payable by the resident in the following 12 months by not more than 50% of the rent increase amount.

Complete justification and verification of the circumstances applicable to rent adjustments must be documented by the resident and approved by the Chief Property Manager or his/her designee. [24 CFR §960.206]

IHA will process interim adjustments in rent in accordance with the following policy:

- (a) When a decrease in income is reported, and the management office receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed.
- (b) Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.

Residents granted a reduction in rent under these provisions may be required to report for special re-examinations at intervals determined by the Community Manager. Reporting is required until the circumstances cease or until it is time for next regularly scheduled re-examination, whichever occurs first. If family income increases during this time, the rent will be increased accordingly. A fully documented record of the circumstances and decision shall be included in the resident's folder.

IHA will not make rent adjustments where there have been income changes as a result of a reduction in welfare benefits based on:

- a) fraud by a member of the family;
- b) family's failure to comply with the welfare program's requirement for work activities or participation in an economic self-sufficiency

¹⁰ Unemployed refers to anyone who did not work over 10 hours for 50 weeks at the minimum wage.

program. IHA will not treat the following conditions as a failure to participate in an economic self-sufficiency program:

- i) expiration of life time limit
- ii) family sought but could not find work; or
- iii) family completed program but loss benefit due to duration time limits (24 CFR section 5.618)

B. Effective Date of Adjustments

Residents will be notified in writing of any rent adjustment and such notice will state the effective date of the adjustment.

1. Rent decreases go into effect the first of the month following the reported change, provided the change in income or circumstances was reported within ten (10) days of the date of the decrease occurrence.
2. Rent increases (except those due to misrepresentation) require 30 days written notice and will go in to affect the first of the month following the thirty-day notice.

C. Failure to Report Accurate Information and/or Failure to Report in Timely Manner

If it is found the resident has misrepresented or failed to report to Management the facts upon which his/her rent is based so that the rent being paid is less than what should have been charged, then the increase in rent will be made retroactive. Failure to report accurate information is also grounds for initiating eviction proceedings in accordance with IHA 's dwelling lease [24 CFR §966.4 (1)(2)] and the lease terms.

Households that fail to report information in a timely manner, or who otherwise do not comply with the agency's annual recertification process, will be raise to the flat rent.

D. Notice Requirements

1. No resident shall be given a Notice of Lease Termination (30 day notice) without being told by IHA in writing the reason for the termination. The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he / she may wish. Certain actions are excluded from the Grievance Procedure, specifically: criminal activity that threatens the health, safety, or right to peaceful

enjoyment of the premises of other residents or IHA employees; and any drug-related criminal activity on or off such premises. [24 CFR §966.4 (1)(3)]

2. Notices of lease termination can be served personally, and if posted to the apartment door, shall also be sent to the resident by Certified Mail. Return of the Certified Mail receipt, whether signed or unsigned shall be considered proof that the resident received proper notification.
3. The notice shall include a statement describing the resident's right to meet with the Community Manager and determine whether a reasonable accommodation could eliminate the need for the lease termination.

E. Recordkeeping Requirements

A written record of every termination and/or eviction shall be maintained by IHA in the appropriate resident file, and shall contain the following information:

1. Name of resident, number and identification of apartment occupied;
2. Date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;
3. Specific reasons for the notices, citing sections of the lease, and other facts pertinent to the issuing of the notices described in detail;
4. Date and method of notifying resident; and
5. Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

F. Resident-Paid Utilities

In all IHA developments, which require residents to pay the cost of utilities directly to the supplier of utilities, each resident's rent is reduced by a utility allowance that is developed by IHA in consultation with the utility supplier and reviewed by HUD. [24 CFR §965 & 966.4 (b)(2)]

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments:

1. When the supplier of utilities offers a “Budget” or level payment plan, it shall be suggested to the resident to pay his/her bills according to this plan. This protects the resident from large seasonal fluctuations in utility bills and ensures adequate heat in the winter.
2. **Third-Party Notification** – When a resident makes application for utility service in his / her own name, he or she must sign a third-party notification agreement so that IHA will be notified if the resident fails to pay the utility bill.
3. **Ability to get utilities connected** – If a resident or applicant is unable to get utilities connected because of a previous balance owed the utility company at a prior address, resident/applicant will not be permitted to move into an apartment with resident paid utilities. This may mean that a current resident cannot transfer to a scattered site or that an applicant cannot be admitted to an apartment with resident-paid utilities.
4. **Payment Requirements-Resident Paid Utilities** – Paying the utility bill is the Resident’s obligation under the Agency’s lease. Failure to pay utilities is grounds for eviction.

G. Excess Utility Charges

Residents in units where IHA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in the apartment (e.g. window air conditioners). This charge shall be applied as specified in the lease. [24 CFR §966.4(b)(2)]

H. Definitions and Procedures to be used in determining Income and Rent

1. Annual income. Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporary, non-recurring, or sporadic as defined below or is specifically excluded from income by other federal statute. Annual income includes but is not limited to:

The full amount of wages and salaries, overtime pay, commissions, fees, tips, bonuses, and other compensations for person services, before any payroll deductions:

- i) The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business.

Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business;

- ii) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property. Where the family has Net Family Assets in excess of \$5000, 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 based on the current passbook savings rate as determined by HUD;
- iii) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.
- iv) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay.
- v) All welfare assistance payments received by or on behalf of any family member. (See 24 CFR §913.106(b)(6) for welfare rules applicable to "as-paid" states);
- vi) Periodic and determinable allowances, such as alimony and child support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.

2. Anticipating Annual Income [24 CFR 913.106 (d)] If it is not feasible to anticipate income for a 12-month period, the Agency may use the annualized income anticipated for a shorter period, subject to an Interim Adjustment at the end of the shorter period. (This method would be used for teachers who are only paid for 9 months or for tenants receiving unemployment compensation. IHA will use the following deductions to calculate adjusted income.

- a. Mandatory Deductions:

- i) Dependent Deduction – An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, live-in aide, or foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped, or a full-time student.
- ii) Elderly/Disabled Household Deduction – A deduction of \$400 for any elderly or disabled household.
- iii) Earned Income Deduction- A deduction for the earned income of a family member or foster child (other than the family head or spouse) who is under eighteen years of age.
- iv) Child Care Deduction – Reasonable child-care expense, BUT ONLY when such care is necessary to enable a family member to be gainfully employed or to further his / her education. Amounts deducted must not be reimbursed expenses and shall not exceed: (a) the amount of income earned by the family member released to work; or (b) an amount determined to be reasonable by IHA when the expense is incurred to permit education.
- v) Unreimbursed Expenses Deduction – A deduction for the following unreimbursed expenses to the extent that the sum of these amounts exceed 3% of annual income and provided that the amount so calculated does not exceed the employment income earned:
 - Unreimbursed medical expenses for any elderly or disabled family. Medical expenses include but are not limited to services of physicians and other health care professionals, services of health care facilities, insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by IHA for the purpose of determining a deduction from income the expenses claimed must be verifiable;
 - Attendant care or auxiliary apparatus expenses for each disabled family member where such expenses are necessary to permit family member(s), including the

disabled member, to be employed. Equipment and auxiliary apparatus may include but are not limited to wheelchairs, lifts, reading devices for the visually handicapped, and equipment added to cars and vans to permit their use by the handicapped or disabled family member.

- b) Permissive Deductions;
- i) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
 - ii) 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 property losses;
 - iii) Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member;
 - iv) Income of a live-in aide, provided the person meets the definition of a live-in aide. (See Section IV Definition of Terms);
 - v) The full amount of student financial assistance paid directly to the student or the educational institution.
 - vi) The special pay to a family member serving the Armed Forces who is exposed to hostile fire;
 - vii) Community Service and Self-Sufficiency Deductions
 - Amounts received under HUD funded training programs (e.g. Step-Up program; excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);
 - Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

- Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
 - A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for the IHA, on a part-time basis, that enhances the quality of life in public housing. 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.
 - Compensation from State or local employment training programs and training of family members 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 a limited period as determined in advance by the PHA.
- viii) Temporary, non-recurring, or sporadic income (including gifts);
- ix) For all initial determinations and re-examination of income on or after 23 April 1993, reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- x) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- xi) Adoption assistance payments in excess of \$480 per adopted child;
- xii) The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1998 (42 U.S. C. 1437 et seq.), OR any comparable Federal, State or local law during the exclusion period. For purposes of this paragraph the following definitions apply:

- Comparable Federal, State or local law means a program providing employment training and supportive services that (a) is authorized by Federal, State or local law; (b) is funded by the Federal, State, or local government; (c) is operated or administered by a public agency; and (d) has as its objective to assist participants in acquiring employment skills.
 - Exclusion period means the period during which the resident participates in a program described in this section PLUS 18 months from the date the resident successful completion of such program that **IS NOT** funded by public housing assistance under the U.S. Housing Act of 1937 (42 U.S.C.1437 *et. seq.*). If the resident is terminated from employment without good cause, the exclusion period shall end.
 - Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
- xiii) Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment.
- xiv) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling apartment.
- xv) Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
- xvi) 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. (A notice will be published and distributed when necessary.) The following is a list of benefits excluded by other Federal statute as of 3 August 1993
- The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017(h)].

- Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044(g), 5088].
- Examples of programs under this Act include, but are not limited to:
 - The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
 - National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
 - Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Services to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
- Payments received under the Alaska Native Claims Settlement Act [43 USC 1626(a)]
- Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes [(25 USC 459e].
- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 USC 8624(f)].
- Payments received under programs funded in whole or in part under the Workforce Investment Act (PL 105 – 220) (29 USC. 2801)
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90/stat 2503-04);
- The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims

Commission or the Court of Claims by the Secretary of Interior [25 S.C. 117b, 1407]; and

- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087 uu]
- Examples of programs under this act include but are not limited to: Pell Grants, Supplemental Opportunity Grants, State Student incentive Grants, College Work Study, and Byrd Scholarships.
- Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the *In Re Orange* Product liability litigation, M.D. L. No.381 (E.D.N.Y.)
- Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-240, 94 Stat. 1785)
- The value of any child-care provided or arranged (or any amount received as payment for such care or reimbursement for cost incurred for such care) under the Child Care and Development Block Grant Act of 1990. (942 USC. 9858q)

Earned income tax credit refund payments received on or after January 1, 1991 (26 USC 32(j)).

SECTION XII. RESIDENT COMMUNITY SERVICE REQUIREMENT

A. Community Service and Economic Self Sufficiency

This Policy includes requirements and incentives to encourage Community Service and facilitate self-sufficiency among residents. IHA will determine which family members are subject to the community service and self-sufficiency requirement and approve the resident's planned activities to fulfill the requirement. Annually, IHA will review and determine the compliance of each adult member of the family with the community service requirement at least 30 days before lease term expires and determine any changes to each adult family members exempt or nonexempt status.

1. Community Service. Community service is the performance of voluntary work or duties in the public sector that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the resident resides. Political activity is excluded. IHA will not substitute community service for work ordinarily performed by IHA employees or replace a job at any location where community work requirements are performed.
2. Economic Self-Sufficiency Program. Residents can satisfy the community service requirement by participating in economic self-sufficiency activities. These include any program 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, employment 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).
3. Exemptions. IHA will permit an exemption to the community service and economic self-sufficiency requirement for adults demonstrating their membership in any of the following categories:
 - a) 62-years or older;
 - b) Persons engaged in work activities (as defined in § 407 (d) of the Social Security Act 42 U.S.C. 607 (d) as in effect on or after July 7, 1997.);
 - c) Persons participating in a welfare to work program or receiving assistance from and in compliance with a state program funded under Part A Title IV of the Social Security Act. (42 U.S.C. 607 (d) as in effect on or after July 7, 1997); or
 - d) Vision impaired persons or persons with other disabilities (as defined under 216 (i) or 1614 of the Social Security Act [42 U.S.C. 416 (i)(I)]) that are in the judgement of IHA are unable to comply with the requirement, or who are the primary caretakers of such persons; or
 - e) Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State of Indiana, including the State-administered welfare-to-work program.
 - a) Determinations of noncompliance. If IHA determines that a non-exempt resident has not complied with the community service requirement, IHA shall notify the resident:
 - b) Of the noncompliance;
 - c) That the determination is subject to IHA's administrative grievance procedure;

- d) That unless the resident enters into an agreement under paragraph (d) of this section, the lease of the family of which the non-compliant adult is a member may not be renewed and that if the non-compliant adult moves from the apartment, the lease may be renewed; and
- e) That before the expiration of the lease term, IHA shall offer the resident an opportunity to cure the noncompliance during the next twelve-month period; such a cure includes a written agreement by the non-compliant adult to complete as many additional hours of community service or economic self-sufficiency activity needed to make up the total number of hours required over the 12 month term of the lease.

SECTION XIII. LEASE TERMINATION AND EVICTIONS

All Lease terminations and evictions will be processed in accordance with IHA's current dwelling lease and Grievance Procedure. IHA's Dwelling Lease and the Grievance Procedure is incorporated into this document by reference and is the guideline to be used for lease terminations and evictions. The dwelling lease may not cover every specific situation that warrants a lease termination; therefore, for good cause IHA may terminate a lease for reasons that are not specifically listed in the dwelling lease.

SECTION XIV. COMPLAINTS AND GRIEVANCE PROCEDURES

Complaints and Grievance Procedures shall be accomplished in accordance with IHA approved Grievance Procedure. The grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

SECTION XV. SECURITY DEPOSITS

A security deposit shall be made pursuant to schedules posted in the community offices. Security deposits may be refunded as provided by law, in the lease, and in this procedure.

SECTION XVI. PET RULE

1. IHA chooses not to publish rules except those attached to this policy governing the keeping of common household pets (Refer to Section 5.315(b) Content of pet rules: general requirements - public housing programs). Residents will comply with their dwelling lease provisions surrounding these rules.

2. Exclusion from this policy is made for animals that assist persons with disabilities. The resident or prospective resident must certify in writing that the resident or a member of his or her family is a person with a disability; The animal has been trained to assist persons with that specific disability (example, seeing eye dog); and the animal actually assists the person with a disability.

SECTION XVII. ADDITIONAL IHA POLICIES & CHARGES

Additional policies and charges are attached to the end of this document and are incorporated as if fully set out herein. These policies and charges may be changed from time to time, or amended, and such changes or amendments shall be substituted in this document so as to keep this policy current. All items substituted within this document shall be kept by IHA in a separate file for historical and research purposes.

SECTION XVIII. COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS FOR POSTING REQUIRED INFORMATION

There shall be maintained in IHA's office waiting room a bulletin board, which will accommodate the following posted materials:

- Statement of Policies and Procedures Governing Admission and Continued Occupancy Policy (ACOP) this policy also outlines IHA's resident selection and assignment plan.
- Open Occupancy Notice (Applications being Accepted and/or Not Accepted)
- Directory of Housing Communities including names, address of community offices, number of units by bedroom size, number of units specifically designed for the elderly, Handicapped, and office hours of all IHA facilities.
- Income Limits for Admission.
- Utility Allowances.
- Current Schedule of Routine Maintenance Charges.
- Transfer fees
- Schedule of flat rents.
- Dwelling Lease.
- Grievance Procedure.
- Fair Housing Poster.
- "Equal Opportunity in Employment" Poster.
- Any current "Resident Notices".
- Security Deposit Charges.

**AMENDMENT TO
ADMISSIONS AND OCCUPANCY POLICY GOVERNING
HUD-Aided Low Rent Public Housing Operated by
The Indianapolis Housing Agency**

The following Section IX(F) shall replace and supersede the existing Section IX(F) and shall be incorporated as a part thereof of the Indianapolis Housing Agency's Admissions and Occupancy Policy (ACOP). All other sections shall remain in force and effect until otherwise amended or repealed.

SECTION IX. RESIDENT SELECTION AND ASSIGNMENT PLAN

The Preference System

The IHA preference system is used to establish the order of placement on the waiting list, not to guarantee admission, and every applicant must still meet IHA's Resident Selection Criteria (described later in this policy) before being offered housing. There may be factors other than preferences that affect the selection of applicants from the waiting list.

Preferences will be granted to applicants who are otherwise qualified and who, at the time they are certified for admission, meet definitions of the preferences described below.

Preferences are based on local housing needs and priorities and are also used to encourage and promote self-sufficiency among residents. IHA will apply the following preferences. Subsection (a) shall receive the highest preference. All remaining subsections, however, shall be ranked equally:

National and/or State Disaster-Affected Families

Individuals or families displaced by a natural disaster, so declared by the President of the United States and/or the Governor of Indiana, shall receive preference. Priority will be given to individuals and families

who were residents of public housing before being displaced by the disaster.

Employment and/or Participation in Work Training Programs.

While the Family is on the Waiting List- Employment of a previously unemployed family member, age 18 or older, at time of application or during processing of application that lasts at least 90 days and provides a minimum of 20 hours of work per week for the family member claiming the preference.

At the Time of Offer- Employment of a previously unemployed family member, age 18 or older, employed at the time of IHA's offer of housing. Employment at the time of the offer must have been for a 90-day period immediately prior to the offer of housing and provide a minimum of 20 hours of work per week for the family member claiming the preference.

- Employment periods may be interrupted by to receive the preference, a family must have an employed family member prior to the actual offer of housing as described above.
- A family member that leaves a job after receiving the benefit of the preference will be asked to document the reasons for the termination. Someone who voluntarily terminates their employment (as opposed to layoff, or taking a new job) will be considered to have misrepresented the facts to the IHA and will lose their preference.
- The amount earned shall not be a factor in granting this local preference. The local preference shall also be available to a family if the head, spouse, or sole member is 62 or older, or is receiving Social Security Disability, or SSI benefits, or any other payments based on the individual's inability to work. [24 CFR 960.212 (b)(1)]

- i) Job Training – IHA will give a local preference for a family that can verify, at the time of initial application or while on the waiting list, participation in a job training program or graduation from such a program. The family must notify IHA if it enters such a program while on the

waiting list and provide documentation of participation to IHA such as attendance and program files. IHA will not grant this preference if the family fails to provide documentation. Notice and verification of the preference claim must be received prior to the actual offering of housing to claim this preference applicants must be in good standing with respect to attendance and program rules of the training program.

Elderly, Disabled, or Disability – Families with the head, spouse or sole member who is 62 years or older, or is receiving social security disability, or SSI benefits, or any other payments based on the individuals inability to work.

Substandard Housing - Currently live in substandard housing. To qualify for this preference, applicants must be homeless living in substandard housing at the time of the preference verification required by IHA.

Involuntary Displaced – The applicant has been involuntarily displaced and is not living in standard, permanent replacement housing (See Definitions); or the applicant will be involuntarily displaced within no more than six months from the date of any preference status certification by the family or verification of the family’s status by IHA. Families that receive an involuntary displacement preference because they will be involuntarily displaced within no more than six months of the date of preference status certification will lose the preference if they are not, in fact, displaced within six months.

IHA will not hold units vacant for prospective applicants with preferences, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with preferences.

IHA will not give preferences to an applicant if any member of the applicant family is a person evicted during the past three years because of drug-related criminal activity from housing assisted under the 1937 Housing Act. IHA may give an admissions preference in any of the following cases:

Applicants must advise IHA at the time of initial application of any factors that may qualify them for a preference;
If IHA determines that the evicted person clearly did not participate in or know about the drug related criminal activity; or
If IHA determines that the evicted person no longer participates in any drug related criminal activity.

Administration of the Preferences

IHA requires that applicants certify to their qualification for preferences at the time of initial application.

At the time of initial application local preferences will be verified. Verification of local preferences must be adequate to satisfy all preference conditions as described in paragraph four (4) above.

If at the time of the initial application a preference is claimed, IHA will advise the family of the need to verify the claim. At the initial application interview, the family will be advised to notify IHA of any change that may affect their ability to qualify for a preference.

Applicants that are otherwise eligible and are certified or verified as qualifying for a preference will be placed on the waiting list in the preference applicant pool.

Families who claim a preference that do not qualify for a preference at the time of application will be notified in writing and advised of their right to an informal meeting as described below. If otherwise qualified, the family's application will then be placed on the waiting list in the appropriate non-preference category.

Applicants that certify/verify to a preference at the time of initial application must be able to verify their continued preference status prior to the offer of an apartment. Applicants that cannot verify continued preference status will lose their preference qualification and their standing on the waiting list.

Families that lose their original preference, but still qualify for another preference, will be placed on the waiting list in accordance with their

current preference status. Families that cannot qualify for any of the preferences will be moved into a non-preference category, in a lower position on the waiting list based on date and time of IHA's completion of all necessary verification.

Qualifying for Preferences. Applicants may not qualify for this preference if they were a resident family and refused to comply with applicable program policies or procedures with respect to the occupancy of under-occupied and over-crowded units; or failed to accept a transfer to another housing apartment in accordance with a court decree or in accordance with the policies and procedures of a HUD approved desegregation plan.

Notice and Opportunity for a Hearing

IHA will provide a written notice of determination in those cases where an applicant does not meet the criteria for receiving a preferences. This notice shall contain a brief statement of the reasons for the determination and a statement that the applicant has the right to request an informal hearing to review the determination.

If the applicant requests an informal hearing. IHA shall designate an officer or employee to conduct the hearing. This person may be the person who made the initial determination or reviewed the determination of his or her subordinate. A written summary of the meeting shall be made and retained in the applicant's file.

The applicant will be advised that he/she may exercise other rights if the applicant believes that illegal discrimination, based on race, color, religion, national origin, age, disability, or familial status has contributed to IHA's decision to deny the preferences.

**Amendment to the
Admissions and Occupancy Policy Governing
HUD-Aided Low Rent Public Housing Operated by
The Indianapolis Housing Agency**

**Regarding the
Twin Hills and Blackburn Terrace
and
Laurelwood Apartments and Rowney Terrace
Public Housing/Low-Income Housing Tax Credit Projects**

The Blackburn Terrace (307 units) and the Laurelwood Apartments (231 units) AMPS (the “**Projects**”) receive the benefit of both the Annual Contributions Contract (ACC) for public housing assistance and Low-Income Housing Tax Credits.

The U.S. Department of Housing and Urban Development (“**HUD**”) has established certain regulatory requirements applicable to Low Rent Public Housing Residential Communities, which are generally set forth in 24 CFR, Parts 5 and 960.

Section 42 of the Internal Revenue Code of 1986, as amended and the Low Income Housing Tax Credit Regulations of the Internal Revenue Service (collectively “**Section 42**”) provide the regulatory requirements of the Low-Income Housing Tax Credit Program.

The Admissions and Occupancy Policy Governing HUD-Aided Low Rent Public Housing Operated by The Indianapolis Housing Agency (ACOP) shall apply to the Projects, however, families entering the Projects must meet the income requirements of the Low-Income Housing Tax Credit Program and the income targeting commitments in the applicable tax credit applications.

If there is any conflict between the provisions of the ACOP and the requirements of the regulations, the regulations shall apply.

Additionally, the Projects are each governed by a Management Agreement which includes the Management Plan for the Project. If there is any conflict between the provisions of the ACOP and the requirements of the Management Agreement, the Management Agreement shall apply.

**Addendum to the Public
Admissions and Occupancy Policy Governing
HUD-Aided Low Rent Housing Operated by
The Indianapolis Housing Agency**

**Regarding the
Beechwood Gardens and Hawthorne Place
Public Housing/Low-Income Housing Tax Credit Developments**

The Beechwood Garden (159 units) and the Hawthorne Place (162 units) AMPS (the “Developments”) receive the benefit of both the Annual Contributions Contract (ACC) for public housing assistance and Low-Income Housing Tax Credits.

The U.S. Department of Housing and Urban Development (“HUD”) has established certain regulatory requirements applicable to Low Rent Public Housing Residential Communities, which are generally set forth in 24 CFR, Part 5 and 960.

Section 42 of the Internal Revenue Code of 1986, as amended and the Low Income Housing Tax Credit Regulations of the Internal Revenue Service (collectively “Section 42”) provide the regulatory requirements of the Low-Income Housing Tax Credit Program.

The Admissions and Occupancy Policy Governing HUD-Aided Low Rent Public Housing Operated by the Indianapolis Housing Agency (ACOP) shall apply to the Developments, however, families entering the Developments must meet the income requirements of the Low-Income Housing Tax Credit Program and the income targeting commitments in the applicable tax credit applications.

If there is any conflict between the provisions of the ACOP and the requirements of the regulations, the regulations shall apply.

Additionally, the Developments are each governed by a Management Agreement which includes the Management Plan for the Developments. If there is any conflict between the provisions of the ACOP and the requirements of the Management Agreement, the Management Agreement shall apply.

**Addendum to the Public
Admissions and Occupancy Policy Governing
HUD-Aided Low Rent Housing Operated by
The Indianapolis Housing Agency**

**Regarding the
Lugar Tower Apartments
Public Housing/Low-Income Housing Tax Credit Development**

The Lugar Tower (224 units) and the Braxton at Lugar Tower (74 units) AMPS (the “Developments”) receive the benefit of both the Annual Contributions Contract (ACC) for public housing assistance and Low-Income Housing Tax Credits. However only 22 units at the Braxton at Lugar Tower receive the benefit of the ACC.

The U.S. Department of Housing and Urban Development (“HUD”) has established certain regulatory requirements applicable to Low Rent Public Housing Residential Communities, which are generally set forth in 24 CFR, Part 5 and 960.

Section 42 of the Internal Revenue Code of 1986, as amended and the Low Income Housing Tax Credit Regulations of the Internal Revenue Service (collectively “Section 42”) provide the regulatory requirements of the Low-Income Housing Tax Credit Program.

The 224 units in Lugar Tower shall be operated as Mixed-Population Housing. Mixed Population Housing is defined as those existing 224 units within Lugar Tower for which the Indianapolis Housing Agency has obtained HUD approval to give preference in tenant selection to Elderly Families and Disabled Families in accordance with the requirements of 24 CFR 960.407 and 24 CFR 960.102, as may be amended.

The Admissions and Occupancy Policy Governing HUD-Aided Low Rent Public Housing Operated by the Indianapolis Housing Agency (ACOP) shall apply to the Developments, however, families entering the Developments must meet the income requirements of the Low-Income Housing Tax Credit Program and the income targeting commitments in the applicable tax credit applications.

If there is any conflict between the provisions of the ACOP and the requirements of the regulations, the regulations shall apply.

Additionally, the Developments are each governed by a Management Agreement which includes the Management Plan for the Developments. If there is any conflict between the provisions of the ACOP and the requirements of the Management Agreement, the Management Agreement shall apply.