



# Newport News Redevelopment and Housing Authority

## **Admissions & Continued Occupancy Policy**

The attached Statement of Policies Governing Admission and Continued Occupancy of the Low-Rent Public Housing were approved by the Board of Commissioners of the Newport News Redevelopment and Housing Authority on March 21, 2023.





# **ADMISSIONS & CONTINUED OCCUPANCY POLICY of the NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY**

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## NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY

### Admissions and Continued Occupancy Policy for HUD-Aided Public Housing

**Explanatory Note 1:** This Admissions and Continued Occupancy Policy (ACOP) is the policy of the Board of Commissioners of the Newport News Redevelopment and Housing Authority (NNRHA) governing Public Housing occupancy in property the NNRHA owns. The ACOP sets forth the Board's mandatory requirements for performing occupancy-related work and can be revised only by Board resolution and, if the revision is significant, by changing the Annual Plan.

The ACOP is designed to be used with a series of Procedures referenced throughout the text in bold-face type. The procedures are implementing requirements that describe how this policy is to be carried out. Operational details, forms, checklists, methods and systems are contained in procedures, rather than in this policy. The NNRHA will issue new procedures whenever necessary. All procedures will be dated and numbered.

**Explanatory Note 2:** The citations to applicable HUD regulations (effective 4/06) follow the text they reference. Footnotes are denoted with superscript Arabic numerals and are presented at the end of each page.

#### I. Nondiscrimination

##### A. Complying with Civil Rights Laws

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the Housing Authority in operating its programs. It is the policy of the Housing Authority (NNRHA) to comply with all Civil Rights laws now in effect and subsequently enacted, including but not limited to:
  - a. Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex; **24 CFR §§ 1 and 100**
  - b. Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination; **24 CFR § 100**
  - c. Executive Order 11063,
  - d. Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities; **24 CFR § 8**
  - e. Age Discrimination Act of 1975, which establishes certain rights of the elderly; **24 CFR § 146**
  - f. Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units.)
  - g. Any applicable State laws or local ordinances.
2. The NNRHA shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability, and in Virginia, elderliness (55 & over), source of funds, sexual orientation, gender identity, and veteran status in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land, that is part of a development under the NNRHA's jurisdiction covered by a public housing Annual Contributions Contract with HUD. **24 CFR § 100**



3. Housing assisted or insured by HUD must be made available without regard to actual or perceived sexual orientation, gender identity, or marital status. The prohibition on inquiries regarding sexual orientation or gender identity (1) applies for the purpose of determining eligibility or otherwise making housing available and (2) does not apply to inquiries about a person's sex for the limited purpose of determining either the number of bedrooms to which a household may be entitled.
4. NNRHA shall not deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior. **24 CFR § 960.203(a)**
5. NNRHA shall not permit these policies to be subverted to do personal or political favors. **24 CFR § 206(e)**
6. NNRHA will offer units only in the order prescribed by this policy, since any other method violates the policy, federal law, and the civil rights of the other families on the waiting list. **24 CFR § 206(e)**

**B. Reasonable Accommodations Policy**

1. NNRHA, as a public agency that provides low rent housing to eligible families, has a legal obligation to provide "reasonable accommodations" to applicants and residents if they or any family members have a disability. **24 CFR § 8.4**
2. A reasonable accommodation is some modification or change NNRHA can make to its apartments, buildings, or methods and procedures that will assist an otherwise eligible applicant with a disability to take full advantage of and use NNRHA's programs, including those that are operated by other agencies in NNRHA-owned public space. **24 CFR § 8.20**
3. An accommodation is not reasonable if it: **24 CFR § 8.21(b) and 24 CFR § 8.24(a)(2)**
  - a. Causes an undue financial and administrative burden; or
  - b. Represents a fundamental alteration in the nature of NNRHA's program.
4. Subject to the undue burdens and fundamental alterations tests, NNRHA will correct physical situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the NNRHA's housing program and non-housing programs, in accordance with Section 504 and the Fair Housing Amendments Act of 1988, NNRHA shall comply with all requirements and prohibitions in applicable law. Specific actions are described in the Procedures on Civil Rights and Disability Rights. **24 CFR § 8.4**
5. Facilities and programs used by applicants and residents shall be accessible to persons in wheelchairs, persons with sensory impairments and other persons with disabilities. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. (to the extent that the NNRHA has such facilities) will be usable by residents with a full range of disabilities. If NNRHA offers such facilities, and none is accessible, some<sup>1</sup> will be made so, subject to the undue financial and administrative burden test. **24 CFR § 8.21**
6. Documents and procedures used by applicants and residents will be accessible for those with vision,

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<sup>1</sup> It is not required that all public and common areas be made accessible so long as persons with disabilities have full access to all the types of facilities and activities available to persons without disabilities. Thus, not all laundry facilities need to be accessible so long as there are sufficient accessible laundry facilities for use by persons with disabilities at each development that provides laundry facilities.



hearing or other sensory impairments. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Methods used to ensure that communication is understandable by persons with disabilities are described in the Procedure on Civil Rights and Disability Rights. **24 CFR § 8.6**

7. Examples of reasonable accommodations include, but are not limited to: **24 CFR § 8.4**
  - a. Making alterations to a NNRHA apartment to make it fully accessible so it could be used by a family member with a wheelchair;
  - b. Transferring a resident from an apartment that cannot be made accessible to an apartment that is accessible;
  - c. Widening the door of a community room or public restroom so a person in a wheelchair may use the facility;
  - d. Adding or altering apartment or building features so they may be used by a family member with a disability, including but not limited to;
    - 1) Installing strobe-type flashing light smoke detectors in an apartment for a family with a hearing impaired member;
    - 2) Adding structural grab bars in the bathroom;
    - 3) Changing the doorknobs to lever-type door handles;
    - 4) Changing to a refrigerator with the freezer on the bottom instead of the top;
    - 5) Installing a magnifier over the thermostat;
    - 6) Switching the bathtub to a roll-in shower;
    - 7) Lowering the peephole on the door;
  - e. Permitting a family to have a large dog to assist a family member with a disability in a NNRHA family development where the size of dogs is usually limited; **24 CFR § 8.20**
  - f. Providing a van to take NNRHA resident children to and from their development, where the childcare facility is not accessible, to an accessible childcare facility; **24 CFR § 8.21**
  - g. Making sure that NNRHA processes are understandable to applicants and residents with sensory or cognitive impairments, including but not limited to: **24 CFR § 8.6**
    - 1) Making large type documents, Braille documents, cassettes or a reader available to an applicant or resident with a vision impairment during interviews or meetings with NNRHA staff;
    - 2) Making a sign language interpreter available to an applicant with a hearing impairment during interviews or meetings with NNRHA staff;
    - 3) Permitting an applicant or resident to be accompanied or represented by a family member, friend or advocate at all meetings and interviews with NNRHA if the individual desires such representation;
    - 4) Permitting an outside agency or individual to assist an applicant with a disability to meet the NNRHA's applicant screening criteria.
8. An applicant family that has a member with a disability must still be able to meet essential obligations of tenancy. They must be able **24 CFR § 8.3**
  - a. to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
  - b. to care for and avoid damaging the apartment and common areas;



- c. to use facilities and equipment in a reasonable way;
  - d. to create no health, or safety hazards, and to report maintenance needs;
  - e. not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
  - f. not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
  - g. to comply with necessary and reasonable rules and program requirements of HUD and the NNRHA.
  - h. but there is no requirement that they be able to do these things without assistance.
9. If an applicant or resident family member needs assistance with one of the essential obligations of tenancy, NNRHA will, as a reasonable accommodation, make a referral to an individual or agency that can provide such assistance. **24 CFR § 8.20**
10. If an applicant or resident receives a referral to an agency or individual who can assist the applicant or resident with complying with the essential obligations of tenancy, the applicant or resident is not obligated to accept the service, but if refusing service results in a lease violation, NNRHA may terminate the lease. **24 CFR § 8.2**
11. An applicant or resident family with a member who has a disability and needs or wants a reasonable accommodation may request it at any time. **24 CFR § 8.20**
12. If an applicant or resident would prefer not to discuss the situation with the NNRHA, that is his/her right.

### **C. Providing Information in Languages other than English**

- 1. All forms, written materials and recorded voice-mail messages used to communicate with prospective applicants, applicants and residents shall be available in any language spoken by at least ten percent of the eligible population of Newport News<sup>2</sup>. This includes documents related to registration, intake, marketing, outreach, certification, reexamination and inspections.
- 2. At all NNRHA offices a notice will be available that states in multiple languages (and alphabets), "Please make a new appointment and bring someone with you who can interpret for you."
- 3. Applicants and residents with low English comprehension may furnish an interpreter to assist in communication with NNRHA. When an applicant or resident needs interpretation services and a staff member of the Authority speaks the language needed, the staff member will provide translation services.

## **II. Eligibility for Admission and Processing of Applications**

### **A. Affirmative Marketing 24 CFR §960.103**

- 1. NNRHA will conduct affirmative marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the waiting list. NNRHA will review these factors regularly to determine

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<sup>2</sup> At this writing the only language spoken by at least ten percent of the eligible population is English.



the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply. The method used for Affirmative Marketing is described in **Procedure on Affirmative Marketing**.

#### **B. Qualifying for Admission**

1. It is NNRHA's policy to admit **only** applicants who are qualified<sup>3</sup> according to the following criteria:
  - a. Are a family<sup>4</sup>, as defined in Section XV of this policy;
  - b. Meet HUD requirements on citizenship or immigration status; **24 CFR § 5.5 (subpart E)**
  - c. Have an Annual Income (as defined in Section XII of this document) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in NNRHA offices. **24 CFR § 960.102**
  - d. Provide documentation of Social Security numbers for family members age 6 or older, or certify that they do not have Social Security numbers; and **24 CFR § 5.216**
  - e. Meet the Applicant Selection Criteria in Section II. F. of these policies, including completing a NNRHA-approved pre-occupancy orientation session if required; **24 CFR § 960.202 & 203**

#### **C. Establishing and Maintaining the Waiting List**

1. It is the policy of NNRHA to administer its waiting list as required by HUD's regulations and its **Procedure on Application Intake and Processing**. Waiting lists will be opened and closed in accordance with NNRHA's **Procedure on Opening and Closing Waiting Lists**. Applicant names will be removed from the waiting list only in accordance with NNRHA's **Procedure on Removing Applicants from the Waiting List**. **24 CFR § 960.206**
2. NNRHA will periodically update each waiting list by contacting all applicants in writing<sup>5</sup> in accordance with NNRHA's **Procedure on Updating the Waiting List**.
3. If an applicant's preference status changes while on the waiting list, the applicant's position on the list will be adjusted in accordance with NNRHA's **Procedure on Application Intake and Processing** and NNRHA's **Procedure on Reporting Changes**.

#### **D. Processing Applications for Admission**

1. NNRHA will accept and process applications in accordance with applicable HUD Regulations and NNRHA's **Procedure on Application Intake and Processing**. Except for qualification for preferences, NNRHA will assume that the facts certified to by the applicant in the preliminary application are correct, although all those facts will be verified later in the application process.
2. Every application file for admission to public housing shall include the date and time of application; applicant's race and ethnicity; eligibility determination; when eligible, the apartment size(s) for which eligible; preference, if any; and the date, location, identification, and circumstances of each vacancy offered and accepted or refused. **24 CFR § 85.42**
3. As applicants approach the top of the waiting list, they will be asked to come to the NNRHA for an interview to update their applicant file. Applicants who fail to attend their scheduled update or who

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<sup>3</sup> The term "qualified" refers to applicants who are eligible and able to meet the applicant selection standards. This term is taken from the 504 regs: **24 CFR § 8.3** definition of "Qualified Individual with Disability".

<sup>4</sup> A family can be a single person.

<sup>5</sup> Or by the method designated at initial application by applicants with disabilities.



cannot be contacted to schedule an interview will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.

- a. The following information will be verified according to NNRHA's **Procedure on Verification** located on page 12, to determine qualification for admission to NNRHA's housing: **24 CFR § 960.259**
  - 1) Family composition and type (Elderly/Disabled/Near elderly /Non-elderly)
  - 2) Annual Income
  - 3) Assets and Asset Income
  - 4) Deductions from Income
  - 5) Preferences
  - 6) Social Security Numbers of all Family Members<sup>6</sup>
  - 7) Applicant Screening Information
  - 8) Citizenship or eligible immigration status (see page 6b for further information)
- b. Enterprise Income Verification (using Federal databases) or third party written, faxed or electronic verification are the required form of documentation. Any other form of verification requires a note to the file explaining its use. **24 CFR § 960.259**

#### **E. The Preference System**

1. Preferences establish the order of applicants on the waiting list. An admission preference does not guarantee admission. Every applicant must still meet NNRHA's Selection Criteria before being offered an apartment. Preferences will be granted to applicants who are otherwise qualified and who, at the time of the offer (immediately prior to execution of a lease), are verified to meet the definitions of the preferences described below. **24 CFR § 960.206**

#### **2. Local Preference based on Need**

There is one local preference in effect based on need for housing. An applicant will qualify for this preference if he/she qualifies in one or more of the following categories (which are defined Chapter XV, Definition of Terms):

- a. Involuntarily Displaced; or
- b. Living in Substandard Housing; or
- c. Paying more than 50 Percent of Income for Housing; or
- d. Veteran or spouse of a Veteran.

These preferences are of equal weight and an applicant may qualify under any of the above categories.

Families that do not qualify for one of these preferences will be categorized as "no-local-preference" applicants; See page 6a for information regarding Local Preference based on HCVP Shortfall

#### **3. Ranking Preferences 24 CFR § 960.206**

Ranking preferences are used to sort among applicants who qualify for Local Preference. The NNRHA has established two equally weighted Ranking Preferences (which are defined in Chapter XV, Definition of Terms):

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<sup>6</sup> Or certification that they do not have a social security number, if the individual has no social security number.



### **Local Preference based on Housing Choice Voucher Program (HCVP) Shortfall**

This local preference will be extended to a family when the termination of a HCV HAP contract occurs because funding is not sufficient to support continued assistance for families in the HCV program (24 CFR 982.454). The family will be offered an available Public Housing unit. If the family accepts the available public housing unit the family will receive a unit based on the Public Housing occupancy standards. If the family chooses not to accept the Public Housing unit assignment, their Housing Choice Voucher assistance will end.



## **Citizenship and Eligible Immigrant Status (24 CFR 5.506)**

To receive housing assistance all family members must either be citizens or nationals of the United States or eligible immigrants. Persons who are U.S. citizens or nationals may certify to their status (and parents may certify to the status of their children). Persons who are not U. S. citizens or nationals have two choices.

Immigrants may either claim or document their eligibility for housing assistance. Or they may choose not to contend their status and relinquish housing assistance. Relinquishing housing assistance does not necessarily mean that the undocumented family member cannot reside with the assisted family or should leave the assisted housing.

Those who qualify as eligible immigrants are treated differently based upon their age. Immigrants who are 62 years of age or older can sign a declaration of eligible immigration status and provide proof of age. Immigrants who are younger must sign a declaration of eligible immigrant status, and provide the PHA one of the documents accepted by the Immigration and Naturalization Service (INS), and a signed verification consent form. Acceptable evidence of eligible immigrant status is detailed below. Immigrants may choose not to contend that they have eligible immigrant status and still be house in or remain in the assisted housing. So long as at least one family member is either a citizen or an eligible immigrant, the family will qualify as a "mixed family" under 24 CFR 5.504 and will have their housing assistance pro-rated (which means they will pay a higher rent than they would if all family members were either citizens or eligible immigrants).

The INS determines what documents eligible immigrant status and the PHA may rely upon such verifications as INS accepts. The PHA then uses the identification from the documentation provided by the family to check with the INS's automated Systematic Alien Verification for Entitlements (SAVE) system and confirm eligible immigrant status. If the SAVE system does not verify eligible immigrant status, the INS will perform a manual search of records.

### *Verifying Citizenship or Eligible Noncitizen Status (24 CFR 5.500)*

Section 214 of the Housing and Community Development Act of 1980, amended, restricts HUD from making financial assistance available for noncitizens, unless they meet one of the categories of eligible immigration status specified in Section 214.

The citizen/eligible immigrant status of each family member, regardless of age must be determined. For an adult, the adult must sign the declaration. For a child, the declaration must be signed by an adult (who will be residing in the unit) who is responsible for the child. All new adult and child additions to the household also must have their status determined prior to admission to the household. Evidence of eligible immigration status is required only once for each household member during continuously assisted occupancy.

Prior to being admitted, all citizen and nationals must be required to sign a declaration of Section 214 status under penalty of perjury. They should be required to show proof of their status by such means as birth certificates, passports, and baptismal certificates, military ID or military DD214 form. Prior to being admitted, all eligible noncitizens that are 62 years of age must sign a declaration of Section 214 status under penalty of perjury. They should also show proof of age.

Prior to being admitted, all eligible noncitizens younger than age 62 must sign a declaration of their status and a verification consent form and provide their original Immigration and Naturalization (INS) documentation. The PHA should make a copy of the individual's INS documentation and place the copy in the file. The PHA also should verify their status through the INS SAVE system. IF the INS SAVE system cannot confirm eligibility, the PHA should mail information to the INS so a manual verification can be made of INS records.

#### *Evidence of Citizenship or Eligible Immigration Status*

For citizens and nationals, the evidence consists of a signed declaration of U.S. citizenship. The HA verifies citizenship status thru a birth certificate, U. S. passport, military identification card, or DD-214 form. A photo identification card (such as driver's license, state ID, student ID, etc.) should be used to verify that the individual listed on the birth certificate is, indeed, the applicant. Copies of all documents must be retained in the tenant file.

For non citizens, the evidence consists of the signed declaration of eligible immigration status and one of the following:

\*Alien Registration

\*Arrival-Departure Record, with one of the following annotations:

-Admitted as a Refugee Pursuant to Section 207;

-Section 208

-Asylum

-Section 243(h)

-Deportation stayed by Attorney General; or

-Paroled Pursuant to Section 212 (d)(5) of the INA

\*Unannotated Arrival-Departure Record, with one of the following:

-Final court action granting asylum, if no appeal is taken;

-Letter from INS asylum officer or district director granting asylum

-Court decision granting withholding of deportation; or

-Letter from asylum officer granting withholding of deportation

\*Temporary Residents card, annotated: Section 245 A or "Section 210"

\*Employment Authorization Card, annotated "Provision of Law 274a.12 (11)" or "Provision of Law 274a.12"

\*Receipt issued by the INS indicating that the application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified.

The INS periodically publishes additional acceptable evidence in the *Federal Register*.

Family members who do not claim to be citizens, nationals, or eligible immigrants, or whose status cannot be confirmed must be listed on a statement of non-eligible members and the head of household must sign the list.

Non citizens on student visas, though in the country legally, are not eligible to receive housing assistance through the public housing program, although they may be part of a "mixed" family paying a pro-rated rent if at least one family member is either a citizen or an eligible immigrant.

If no family member is determined to be either a citizen or an eligible immigrant, the family is not eligible to be admitted to public housing and must be rejected. The family's assistance should not be denied, delayed, reduced or terminated because of a delay in the process of determining eligible status under this Section, unless the family causes the delay.

If the PHA determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their unit, the family's lease should be terminated. Such family should not be eligible to be readmitted to public housing for a period of 24 months from the date of termination.

#### Verification of Eligible Immigrants Status Using INS SAVE System

The PHA through the INS automated system, Systematic Alien Verification for Entitlements (SAVE), conducts primary verification of the immigration status of persons. The SAVE system provides the following information: Alien Registration Number, Verification Number, First Name, Last Name, and Immigration Status messages.

SAVE System user can contact 1-800-467-0375 if they have questions regarding the INS SAVE Program.



- a. Resident of Newport News; or
- b. Working Family

Families that qualify for no Ranking preferences will be categorized as No-ranking-preference applicants.

Sorting among applicants with equal Local and Ranking preferences will be by date and time of application.

#### 4. Mixed Population Housing

- a. In buildings designed for occupancy by Elderly and Disabled families, applications from single persons and couples who qualify under the definitions of Elderly Family, Disabled Family and Displaced Person will be ranked higher than those of single persons who are not elderly, disabled or displaced.
- b. This preference shall not apply to units in General Occupancy properties.

#### 5. Factors other than Preferences that affect selection of Applicants

- a. Accessible units: For UFAS accessible units, resident and applicant families that include a member with a disability shall be given preference for admission over a family that does not include a member with such a disability.
- b. Income targeting: In accordance with the requirements of the Quality Housing and Work Responsibility Act of 1998, at least 40 percent of admissions in every year shall be families of Extremely Low Income (as defined in Chapter XII, Definition of Terms). To ensure that this target is achieved, applicants shall be combined in groups of ten. The first four families admitted in each such group shall be extremely low income families (even if this means skipping over higher income applicants). The next six families can be in any income group, including Very Low Income and Lower Income.
- c. Deconcentration: If at any time, one of NNRHA's properties has an average tenant income greater than 15 percent higher than the Authority-wide average income, extremely low and very low income applicants will be targeted for admission until it is within 15 percent of the Authority-wide average income. This requirement neither requires nor permits the transfer of families to achieve deconcentration goals.

#### F. Screening Applicants for Admission

1. All applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, NNRHA requires applicants to demonstrate ability to comply with the essential provisions of the lease: **24 CFR§ 960.202 – 205**
  - a. to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
  - b. to care for and avoid damaging the apartment and common areas;
  - c. to use facilities and equipment in a reasonable way;
  - d. to create no health, or safety hazards, and to report maintenance needs;
  - e. not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
  - f. not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
  - g. to comply with necessary and reasonable rules and program requirements of HUD and the



## Rental Assistance Demonstration (RAD) PBRA

### **Choice-Mobility**

HUD seeks to provide all residents of Covered Projects with viable Choice-Mobility options. PHAs that are converting the assistance of a project to PBRA are required to provide a Choice-Mobility option of Covered Projects in accordance with the following:

1. **Resident Eligibility.** Residents have a right to move with tenant-based rental assistance (e.g., Housing Choice Voucher (HCV)) the later of (a) 24 months from date of execution of the HAP or (b) 24 months after the move-in date.
2. **Project Turnover Cap.** Also recognizing the limited availability of turnover vouchers and the importance of managing turnover in the best interest of the property, in any year, a HA may limit the number of Choice Mobility moves exercised by eligible households to 15 percent of the assisted units in the project. While a voucher agency is not required to establish a project turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received.

### NNRHA Policy

A qualified resident will be eligible to receive HCV tenant based rental assistance 24 months after the move-in date. There will be a Project turnover cap of no more than 15% of the assisted units in the project in any year.

The Occupancy department will maintain a waiting list in the order in which the requests above 15% of the assisted units were received from eligible households.



NNRHA.

2. NNRHA will determine each applicant family's ability to comply with the essential lease requirements in accordance with NNRHA's **Procedure on Applicant Screening**.
  - a. Any costs incurred to complete the application process and screening will be paid by NNRHA.
  - b. Applicants who owe money to NNRHA or any other housing authority will not be placed on the waiting list until their debt is paid in full. **24 CFR §203**
  - c. The NNRHA is **required** to reject the applications of certain applicants for criminal activity or drug abuse by family members<sup>7</sup>: See page 8b for HUD's Guidance on arrest records and housing.
    - 1) The NNRHA will reject any applicant for five years from the date of eviction if any household member has been evicted from any federally assisted housing for drug-related criminal activity. However, the NNRHA may admit the household if the NNRHA determines that **24 CFR § 204(a)**:
      - a) The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the NNRHA, or
      - b) The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
      - c) The applicant household will not include the member involved in drug-related criminal activity
    - 2) The NNRHA is **required** to reject the application of a household if the NNRHA determines that:
      - a) Any household member is currently engaging in illegal use of a drug; or **24 CFR § 960.204 (a) (2)**<sup>8</sup>
      - b) The NNRHA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or **24 CFR § 960.204 (a) (2)**
      - c) Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing; or **24 CFR § 960.204 (a)(3)**
      - d) Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; or **24 CFR § 960.204(a)(4)** A check will be conducted of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No household with an individual registered under a State sex offender registration will be admitted to NNRHA Public Housing. The NNRHA will check with our state registry and if the applicant has resided in another state(s), with that state(s)'s list. The NNRHA will utilize the US Department of Justice Dru Sjodin National Sex Offender website as a resource. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. Refer to Page 8a of 63 for Statutory and Regulatory clarification under PIH Notice 2012-28.
      - e) Any member of the household's abuse or pattern of abuse of alcohol may threaten the

<sup>7</sup> Criminal history on children under age 18 who are charged as adults will be used.

<sup>8</sup> For purposes of this section a household member is "currently engaged in" the criminal activity if the person has engaged in the behavior recently enough to justify a belief that the behavior is current



## State Registered Lifetime Sex Offenders in Federally Assisted Housing

PIH Notice 2012-28 reiterates Public Housing Agencies' (PHAs) statutory and regulatory based responsibilities to prohibit admission to individuals subject to a lifetime registration requirement under a State sex offender registration program.

HUD regulations at 24 CFR § 5.856, § 960.204(a)(4), prohibit admission after June 25, 2001, if any member of a household is subject to a State lifetime sex offender registration requirement. This regulation reflects a statutory prohibition. A household receiving assistance with such a member is receiving assistance in violation of federal law.

If a PHA discovers that a household member was erroneously admitted (the household member was subject to a lifetime registration requirement at admission and was admitted after June 25, 2001), the PHA must immediately pursue eviction or termination of assistance for the household member.

a) The PHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA must terminate assistance for the household.

b) Regulations for hearings for the Public Housing (PH) and Housing Choice Voucher (HCV) programs, at 24 CFR § 966 Subpart B and § 982.555, respectively, continue to apply.

In addition to screening adult members of the applicant's household, HUD recommends that criminal background screening include juvenile members of the applicant's household, to the extent allowed by state and local law.

According to Virginia State Law any juvenile tried and convicted in the circuit court of one of the offenses requiring registration pursuant to § 9.1-902 of the *Code of Virginia* must register. Effective July 1, 2005, juveniles over the age of 13 at the time of the offense, who are tried as a juvenile and are adjudicated delinquent, are also included within the registry if the trial Court determined that the circumstances of the offense require offender registration and ordered the juvenile to register pursuant to § 9.1-902(C) of the *Code of Virginia*.



## **Guidance for Public Housing Agencies (PHAs) on the use of Arrest Records in Housing Decisions**

HUD issued PIH notice 2015-19 on November 2, 2015. The HUD notice is driven by the desire of HUD and other federal agencies to:

- a) Reduce the barriers to affordable housing for previously incarcerated persons
- b) Ensure that arrest records alone are not the basis for denial of assistance

NNRHA supports HUD's goal to achieve these ends while recognizing the need to ensure the safety of all residents.

When determining eligibility for program assistance the Newport News Redevelopment and Housing Authority recognizes that although a record of arrest(s) may not be used to deny a housing opportunity, the PHA and owners may make an adverse housing decision based on the conduct underlying an arrest if the conduct indicated that the individual is not suitable for tenancy and the NNRHA or owner has sufficient evidence other than the fact of arrest that the individual engaged in the conduct. The conduct, not the arrest, is what is relevant for admission and tenancy decisions.



health, safety, or right to peaceful enjoyment of the premises by other residents. **24 CFR § 960.204.(a)(4)**<sup>9</sup>

- d. In addition to the HUD-required rejections for criminal activity, NNRHA will reject applicants if NNRHA determines that
    - 1) Any household member has ever been convicted of arson or child molestation; or **24 CFR § 960.203. (c)(3)**
    - 2) Any household member has a criminal history in the past five years that involves crimes of violence to persons or property; **24 CFR § 960.203.(c)**
    - 3) Crimes of violence to persons or property would include but not be limited to homicide or murder, destruction of property or vandalism, burglary, robbery or theft, drug trafficking, manufacture, use or possession of illegal drugs, threats or harassment, assault or fighting, domestic violence, weapons offenses, criminal sexual assault, and home invasion. **24 CFR § 960.203**
  - e. An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
  - f. Applicants must be able to demonstrate the ability and willingness to comply with the terms of NNRHA's lease, either alone or with assistance that they can demonstrate they will have at the time of admission.<sup>10</sup> Availability of assistance is subject to verification by NNRHA. **24 CFR § 8.2, Definition, Qualified Individual with Handicaps)**
3. Screening applicants who claim mitigating circumstances
    - a. If negative information is received about an applicant, NNRHA shall consider the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable. **24 CFR § 960.203(d).**
    - b. NNRHA will consider whether individuals with negative behavior in their recent past can document that they have been rehabilitated. See II.F.2.c of this ACOP.
  4. Qualified and Unqualified Applicants
    - a. Qualified families will be notified by NNRHA of the approximate date of admission insofar as that date can be determined, however the date stated is an estimate and does not guarantee that applicants will be housed by that date. **24 CFR § 960.208**
    - b. Unqualified applicants will be promptly notified by a Notice of Rejection from NNRHA, stating the basis for such determination and offering an opportunity for informal hearing (see **Procedure for**

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<sup>9</sup> NNRHA must be able to show a relationship between the applicant household member's abuse of alcohol and behavior that threatens the health, safety, or right to peaceful enjoyment of other residents.

<sup>10</sup> Applicants whose landlord, financial, criminal and other references demonstrate that they are already willing and able to comply with lease terms in their existing housing will be considered to have met this criterion, whether or not they are disabled. Applicants whose housing situations make it difficult for NNRHA to determine whether or not they are able and willing to comply with lease terms (e.g. because they are homeless, are living with friends or relatives, or have other non-traditional housing circumstances) will have to demonstrate ability and willingness to comply with lease terms whether or not they are disabled.



**Informal Hearing for Rejected Applicants).** At the Informal Hearing the applicant can offer information about mitigating circumstances or mistakes in fact upon which NNRHA's decision was based. Informal hearings for applicants are different from the resident grievance process. Applicants are not entitled to use of the resident grievance process (24 CFR § 960.208(a).

- c. Applicants known to have a disability who are eligible but fail to meet the Selection Criteria will be offered an opportunity for a second meeting to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.

**G. Occupancy Guidelines: HUD Notice of Policy, Dec. 18, 1998 Federal Register**

1. Apartments shall be occupied by families of the appropriate size. This policy maintains the usefulness of the apartments, while preserving them from excessive wear and tear and underutilization.

**Minimum and Maximum-Number-of-Persons-Per Unit Standard**

<u>Number of Bedrooms</u>	<u>Min Persons</u> <u>(Occupying Unit)</u>	<u>Max Persons</u> <u>(Occupying Unit)</u>
0BR	1	1
1BR	1	2
2BR	3	4
3BR	5	6
4BR	7	8
5BR	9	10

2. The following principles govern the size of apartment for which a family will qualify. Generally two people are expected to share a bedroom. Units will be so assigned that:
  - a. Children age four and under share a bedroom with any other child or a parent, regardless of age or sex;
  - b. Two children between the ages of six and seventeen of the same sex share a bedroom;
  - c. Two children between the ages of six and seventeen of the opposite sex do not share a bedroom, although they may do so at the request of the family.
  - d. Adults (over age eighteen) of the same sex share a bedroom;
  - e. Adults (over age eighteen) of opposite sexes who are spouses or co-heads share a bedroom;
  - f. Adults (over age eighteen) of opposite sexes who are not spouses or co-heads of household do not share a bedroom although they may do so at the request of the family.
  - g. A single head of household parent shall not be required to share a bedroom with his/her child over age four, although they may do so at the request of the family.
  - h. Exceptions to the largest permissible apartment size may be made in case of reasonable accommodations for a person with disabilities.
  - i. An unborn child will not be counted as a person in determining apartment size. A single pregnant woman may be assigned to a one bedroom apartment. In determining apartment size,
  - j. NNRHA will count for unit size determination a child who is temporarily away from the home



because the child has been placed in foster care, kinship care, or is away at school, so long as the family can document that the child will be living with the family if they are admitted.

- k. A live-in aide may be assigned a bedroom. Single elderly or disabled residents with live-in attendants will be assigned one or two bedroom units.
  - l. One bedroom units in designated elderly properties will be leased first to couples or single persons with live-in aides.
  - m. NNRHA reserves the right to relax these Occupancy Standards at hard to lease properties.
- 3. The Local Housing Code of two persons per bedroom is the standard for the smallest apartment a family may be offered<sup>11</sup>.
  - 4. The largest apartment size that a family may be offered would be one bedroom per family member, considering family size and composition.
  - 5. When a family applies for housing and when the waiting list is updated, some families will qualify for more than one apartment size. These applicants will choose the waiting sublist from which they will receive an offer, and will be placed on the appropriate waiting sublist by apartment size.
    - a. If a family chooses a smaller apartment than would normally be assigned (e.g. because they will receive an offer sooner), the family shall agree in writing to occupy that apartment until their family size or circumstances change.
    - b. When a family is actually offered an apartment, if they no longer qualify for the apartment size where they were sublisted, they will be moved to the appropriate sublist, retaining their preferences and application number. This may mean that they may have to wait longer for an offer.
    - c. The NNRHA shall change the family's sublist at any time at the family's request.

**H. Mandatory Requirement to disclose SSN for all household members: HUD Notice 2010-3 Published January 20, 2010.**

Prior to admission, every family member regardless of age must provide the Newport News Redevelopment and Housing Authority with a complete and accurate Social Security Number unless they do not contend eligible immigration status. New family members must provide this verification prior to being added to the lease. If the new family member is under the age of six and has not been assigned a Social Security Number, the family shall have ninety (90) calendar days after starting to receive the assistance to provide a complete and accurate Social Security Number. The Newport News Redevelopment and Housing Authority may grant one ninety (90) day extension for newly-added family members under the age of six if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person. If a child under age six was added to the family in the six month period prior to the household's date of admission, then documentation verifying the child's social security information need only be supplied within 90 days of the date of admission.

If a person is already a program participant and has not disclosed his or her Social Security Number, it must be disclosed at the next re-examination or re-certification.

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<sup>11</sup> Individual apartments with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy may be permitted to establish lower or higher occupancy levels so long as the occupancy levels will not discriminate on the basis of familial status.



Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010 are exempt from the required disclosure of their Social Security Number.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, the Newport News Redevelopment and Housing Authority will accept an original document issued by a federal or state government agency, which contains the name of the individual and the Social Security Number of the individual, along with identifying information of the individual or such other evidence of the Social Security Number as HUD may prescribe in administrative instructions.

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

If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. The Newport News Redevelopment and Housing Authority may grant one ninety (90) day extension from termination if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline.

### **III. Acceptable Methods of Verification**

Age, relationship, U.S. citizenship, and Social Security number will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or, for citizenship, documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by the following verification methods acceptable to HUD, in the order of preference indicated:

#### **1. Up-front Income Verifications (UIV)**

UIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Current UIV resources include the following:

a. **Enterprise Income Verification (EIV)** - The EIV System is a web-based application, which provides the NNHRA with employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs under the jurisdiction of the Office of Public and Indian Housing (PIH). Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058. Use of the EIV system in its entirety is mandatory for all annual and interim re-examinations. The NNRHA will monitor the following EIV reports on a monthly basis - (1) Deceased Tenants Report, (2) Identity Verification Report, and the (3) Immigration Report. In addition, it will monitor on a quarterly basis the following EIV reports - (1) Income Discrepancy Report, Multiple Subsidy Report, and the New Hires Report.

b. **State Wage Information Collection Agencies (SWICAs)**

c. **State systems for the Temporary Assistance for Needy Families (TANF) program**



d. Credit Bureau Information (CBA) credit reports

e. Internal Revenue Service (IRS) Letter 1722

f. Private sector databases (e.g. The Work Number)

The NNRHA will use additional UIV resources as they become available. This will be done before, during and/or after examinations and/or re-examinations of household income as appropriate.

It is important to note that UIV data will only be used to verify a participant's eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters UIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a participant until the NNRHA has independently verified the UIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include the NNRHA requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Furthermore, the information the NNRHA derives from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

The EIV Income Report must remain in the tenant file for the duration of tenancy and no longer than three years from the end of participation (EOP) date. The NNRHA is required to maintain at a minimum, the last three years of the form HUD-50058, and supporting documentation for all annual and interim reexaminations of family income. All records are to be maintained for a period of at least three years from the effective date of the action. Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

## **2. Third-Party Written Verifications**

An original or authentic document generated by a third-party source dated either within the 60-day period preceding the reexamination or the NNRHA request date. Such documentation may be in the possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents. It is HUD's position that such tenant-provided documents are written third-party verification since these documents originated from a third-party source. The NNRHA may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable tenant-provided documentation (generated by a third-party source) include, but are not limited to: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts,



and unemployment monetary benefit notices. Current acceptable tenant-provided documents will be used for income and rent determinations.

The NNRHA will obtain four current and consecutive pay stubs but not less than two for determining annual income from wages. For new income sources or when two pay stubs are not available, the NNRHA will project income based on the information from a traditional written third-party verification form or the best available information.

**Note:** Documents older than 60 days (from the NNRHA interview/determination or request date) is acceptable for confirming effective dates of income.

Third-party written verifications may also be used to supplement Up-front Income Verifications. They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the UIV results.

**Note:** Social Security benefit information in EIV is updated every three months. If the tenant agrees with the EIV-reported benefit information, the NNRHA do not need to obtain or request a benefit verification letter from the tenant.

### 3. Written Third-Party Verification Form

Also known as traditional third-party verification, a standardized form to collect information from a third-party source is distributed by the NNRHA. The form is completed by the third-party by hand (in writing or typeset) when sent the form by the NNRHA.

HUD recognizes that third-party verification request forms sent to third-party sources often are not returned. In other instances, the person who completes the verification form may provide incomplete information; or some tenants may collude with the third-party source to provide false information; or the tenant intercepts the form and provides false information.

HUD requires the NNRHA to rely on documents that originate from a third-party source's computerized system and/or database, as this process reduces the likelihood of incorrect or falsified information being provided on the third-party verification request form. The use of acceptable tenant-provided documents, which originate from a third-party source, will improve the integrity of information used to determine a family's income and rent and ultimately reduce improper subsidy payments. This verification process will also streamline the income verification process.

The NNRHA will allow (10) calendar days for the return of third-party written verifications prior to continuing on to the next type of verification.

### 4. Third-Party Oral Verifications

This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation, the telephone number, and the facts obtained.



The NNRHA will allow (10) calendar days for the return of third-party oral verifications prior to continuing on to the next type of verification.

## 5. Review of Documents

When UIV, written and oral third-party verifications are not available within the (10) calendar day period allowed in paragraphs 3 and 4 above, the NNRHA will use the information received by the family, provided that the documents provide complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document(s).

## 6. Self-Certification and Self-Declaration

When UIV, written and oral third-party verifications are not available within the (10) calendar days period allowed in paragraphs 3 and 4 above, and hand-carried verification cannot be obtained, the NNRHA will accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member.

Verification forms and reports received will be contained in the applicant/tenant file. Oral third-party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc.

When any verification method other than Up-front Income Verification is utilized, the NNRHA will document the reason for the choice of the verification methodology in the applicant/resident's file.

The following chart comes from PIH Notice 2010-19.

Level	Verification Technique	Ranking
6	<b>Up-front Income Verification (UIV)</b> using HUD's Enterprise Income Verification (EIV) system (not available for income verifications of applicants)	<b>Highest</b> (Mandatory)
5	<b>Up-front Income Verification (UIV)</b> using non-HUD system	<b>Highest</b> (Optional)
4	<b>Written Third-Party Verification</b>	<b>High</b> (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information <b>and</b> is unable to provide acceptable documentation to support dispute)
3	<b>Written Third-Party</b>	<b>Medium-Low</b> (Mandatory if written third-



	<b>Verification Form</b>	party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation)
<b>2</b>	<b>Oral Third-Party Verification</b>	<b>Low</b> (Mandatory if written third-party verification is not available)
<b>1</b>	<b>Tenant Declaration</b>	<b>Low</b> (Use as a last resort when unable to obtain any type of third-party verification)

#### **IV. Tenant Selection and Assignment Plan**

This Tenant Selection and Assignment Plan is the policy that describes how applicants receive unit offers.

##### **A. Organizing the Applicant Waiting List**

###### **1. Community-wide Waiting List 24 CFR § 1.4(2)(ii)**

Each applicant for properties shall be assigned his/her appropriate place on a single community-wide waiting list in sequence based upon:

- a. type and size of apartment needed and selected by the family (e.g. mixed population or general occupancy building, accessible or non-accessible apartment, number of bedrooms);
- b. applicant preference, if any;

NNRHA will maintain its waiting list in the form of a computer report that records the type and size of apartment needed, each applicant's priority/preference status, the application number, and the race and ethnicity of the family head.

##### **B. Making Unit Offers to Transferees and Applicants**

1. Certain types of transferees will receive offers of housing before applicants from the waiting list.
2. In all offers NNRHA shall not discriminate on grounds of race, color, sex, religion, national origin, disability, familial status or elderliness. Also, see the **Transfer Policy located on page 20**.
3. Specifically, the following order of offers applies:
  - a. Emergency transfers; **24 CFR § 966.4 (h)**
  - b. Administrative transfers in the following category order:
    - 1) Priority 1: Problems of a life-threatening nature
    - 2) Priority 2: Reasonable accommodations for residents with disabilities **24 CFR § 8.4**
    - 3) Priority 3: Three sub priorities below:
      - Modernization transfers or Revitalization transfers
      - Problems of violence that are less than life-threatening
      - Overcrowding, over-housing, and split families **24 CFR § 966.4(c)**
  - c. Incentive Transfers;



- d. New Admissions from the waiting list;
  - e. Resident-initiated transfers
4. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status is PLAN "A", the one-offer plan, will be used to make apartment offers to applicants from waiting lists.
  5. The first qualified applicant in sequence on the waiting list is made one offer of an apartment of appropriate size and type.
    - a. An applicant must accept the vacancy offered or be removed from the waiting list.
  6. NNRHA will first match the apartment available to the highest ranking applicant for an apartment of that size, type and special features (if any). Preferences will then be used to determine the order of selection from the waiting list. If two applicants need the same type and size of apartment and have the same local and ranking preference status, the applicant with the earliest date and time of application will receive the earliest offer. **24 CFR § 960.206(c).**
  7. When application processing is delayed because of missing verifications, a family's application will be suspended until the necessary verifications are received. This means that a person who is lower on the waiting list may receive a unit offer before a person who is higher on the waiting list. As soon as the necessary verification(s) are received, the suspended application will be placed back on the waiting list in its former position.
  8. The applicant must accept any apartment offered.
    - a. the date the offer is communicated (by phone, mail, or the method of communication designated by an applicant with disabilities); or
    - b. the date they are shown the apartment.
  9. If the applicant does not accept the unit offered their name is removed from the waiting list.
  10. All offers made over the phone will be confirmed by letter<sup>12</sup>. If unable to contact an applicant by phone or first class mail, NNRHA will send a certified letter, return receipt requested.
  11. If more than one apartment of the appropriate size and type is available, the first apartment to be offered will be the apartment that is or will be ready for move-in first. If two units are ready for move-in on the same day, the first apartment to be offered will be the apartment that became vacant first.

### C. Accessible Units

1. Before offering a UFAS accessible apartment to a non-disabled applicant, NNRHA will offer such units:
  - a. First, to a current public housing resident having a disability that requires the special features of the vacant apartment. **24 CFR § 8.27(1) (a)**

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<sup>12</sup> Or by the communication method requested by an applicant with disabilities



- b. Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant apartment. **24 CFR § 8.27(1) (b)**
2. When offering an accessible/adaptable apartment to a non-disabled applicant, NNRHA will require the applicant to agree to move to an available non-accessible apartment within 30 days when a current resident or an applicant with a disability needs the apartment. This requirement is also reflected in the lease signed with the applicant. **24 CFR § 8.27 (2)**
3. If an applicant family includes a member with a visual or hearing impairment, the NNRHA will retrofit the unit to be offered to the family to make it fully accessible considering the family member's disability.

#### **D. Administering the Applicant and Transfer Waiting Lists**

Applications for admission and transfer will be processed centrally by the Occupancy Department. Initial intake, waiting list management, screening, and assigning of housing (including transfers) will be made from the Occupancy Department office<sup>13</sup>. Offers may be made in person, in writing or by phone from the central office or the development

#### **E. Transfers**

NNRHA has four possible types of transfers: Emergency, Administrative - Priorities 1 through 3, Incentive, and Resident-Initiated. The definition of each is found in the Transfer section.

1. Emergency, Administrative and Incentive transfers take precedence over admissions.
2. Tenants on the transfer list may refuse transfer offers for the "good cause" reasons cited in Section C above without losing their position on the transfer list.
3. Tenants who refuse a transfer offer without good cause may be removed from the transfer list and tenants whose transfers are mandatory are subject to lease termination. **24 CFR § 955.4(c)**
4. Tenants may use the NNRHA Grievance Procedure if they are refused the right to transfer or if NNRHA is requiring them to transfer and they do not want to do so. **24 CFR § 966.50**

### **V. Leasing Policies**

#### **A. General Leasing Policy**

1. Apartments will be leased without regard to race, religion, sex, age, national origin, disability and family status. **24 CFR §§ 1.4 and 100**
2. All public housing units must be occupied by families whose sole residence is the public housing apartment. **24 CFR § 966.4(f)**
3. All units must be occupied pursuant to a signed NNRHA lease that complies with HUD's regulations **24 CFR § 966.4).**
4. NNRHA will not offer nor move a family into an apartment that does not meet basic standards of habitability, including HUD occupancy standards. **24 CFR § 966.4(e)**
5. The lease shall be signed by the head, spouse, and all other adult members of the family and by the Executive Director or other authorized representative of NNRHA, prior to actual admission **24 CFR § 966.4 (p)**
6. The manager shall provide an explanation of the lease provisions either prior to move-in or at the time

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<sup>13</sup> The exception to this policy is that Mixed Finance properties are administered by the property managers at those sites.



of move-in.

7. Changes in family composition, income or family status between the eligibility interview and leasing will be processed by the Occupancy Department. Changes after leasing will be processed by the Manager.
8. The resident shall pay a security deposit at the time of leasing. The security deposit for new residents shall be the greater of \$100 or one month's rent, but never greater than \$250. For all current residents, the amount of security deposit already paid shall not be increased while a resident.
9. Pet deposits are in addition to the security deposit, in accordance with **NNRHA's Pet Procedure. 24 CFR § 966.4(b)(5)**
10. If a resident transfers from one NNRHA apartment to another, a new lease will be executed for the dwelling into which the family moves. **24 CFR § 966.4 (a)(ii)**
11. 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: **24 CFR § 966.4(c)**
  - 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.All copies of such riders or insertions are to be dated and signed by the Resident and by the Executive Director or other authorized representative of NNRHA. **24 CFR § 966.4 (o)**
12. At the time of leasing the new resident will receive a copy of the NNRHA Lease and the following attachments:
  - a. Pet Policy
  - b. Applicable City Ordinances (if applicable).
13. If, at any time, the head of household dies or leaves the unit for any reason (Institutionalization, incarceration, forming a new household elsewhere), NNRHA will permit the remaining members of the family to remain in the unit so long as:
  - a. The remaining family member(s) report the death or departure of the head within ten days of the occurrence;
  - b. There is still at least one member who was listed on the lease for the apartment;
  - c. There is at least one person who is either an adult or an emancipated minor capable of executing a lease;
14. Residents are not permitted to allow roomers or boarders to occupy their apartment. Violation of this provision is grounds for lease termination;
15. Residents are not permitted to allow a former resident of NNRHA who has been evicted to occupy their unit. Violation of this provision is grounds for lease termination.
16. Residents must advise NNRHA if they will be absent from the apartment for more than 7 days. Residents shall notify the manager, secure the apartment and provide a means for NNRHA to contact the resident in an emergency. Failure to advise NNRHA of an extended absence is grounds for termination of the lease. See page 19a for further information.
17. All adults must be able to sign the lease. If the State of Virginia forbids individuals with ineligible



## FAMILY ABSENCE FROM THE UNIT

The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose.

The family must promptly notify the PHA when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. In such a case promptly means within 7 calendar days of the start of the extended absence.

If a family is absent from the public housing unit for more than 30 consecutive days, and the family does not adequately verify that they are living in the unit; the PHA will terminate the lease for other good cause.



immigration status from executing contracts (i.e. leases or other legal binding documents), then they are ineligible for this program.

### **B. Showing Units Prior to Leasing**

1. Applicants shall have an opportunity to see the unit being offered before they accept the offer and lease the apartment.
2. NNRHA will not show nor move a family into a unit that does not meet basic habitability standards, including applicable HUD occupancy standards.

### **C. Additions to and Deletions from the Resident Family and Household**

1. Only persons listed on the most recent certification form and lease, or added in accordance with law or **NNRHA's Procedure on Additions to Resident Families/Households**, shall be permitted to occupy a dwelling unit (**24 CFR § 966.4(a)(v)**).
2. Generally NNRHA will approve the addition of a family or household member when that individual passes screening and does not overcrowd the family in the unit they currently occupy.
3. Residents who permit unauthorized individuals to occupy their units are subject to lease termination and eviction.

### **D. Visitors**

1. Visitors are permitted in a dwelling unit in accordance with **NNRHA's Procedure on Visitors** so long as they have no previous history of behavior problems on NNRHA premises that would be a lease violation.
2. In family properties a guest may visit for a total of 14 days in any twelve month period.

## **VI. Transfer Policy**

### **A. General Transfer Policy**

1. Transfers are made without regard to race, color, national origin, sex, religion, familial status, disability, and elderliness. Residents can be transferred to accommodate a disability. Transfers will be made in accordance with **NNRHA's Transfer Policy. 24 CFR § 100.5**
2. Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director or designee.
3. Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers. **24 CFR § 1.4(2)(ii) .See page 20a for Information related to Transfers under 504 Reasonable Accommodations.**
4. There is no notice requirement for emergency transfers, since, by definition, these involve danger to residents. There is no notice requirement for administrative transfers in which the resident is in danger from criminal elements or domestic violence, but all other categories of transfers require at least 30 days written notice<sup>14</sup>. **24 CFR § 966.4(h)**
5. When possible, NNRHA will allow a resident in good standing to choose the property to which to transfer for rehabilitation or redevelopment units.

<sup>14</sup> Transfers under the Relocation Rights Contract require 120 to 180 days notice.



## INFORMATION RELATED TO TRANSFERS UNDER 504 REASONABLE ACCOMODATIONS

NNRHA shall strive to work with residents with valid Section 504 transfer requests until a successful resolution is found.

1. Good Cause and reasons for refusal to accept an offered transfer

(a) Reasons related to a domestic violence issue;

(b) Reasons related to proximity to medical services, educational services, or  
Employment;

(c) Reasons related to medical needs or restrictions;

(d) Other reasons to be approved by the Executive Director

2. Tenants with a disability will not be removed from or lose their place on the transfer waiting list for rejecting a transfer offer for good cause.

3. Good Record/Good Standing Requirements shall not apply to tenants requesting Section 504 accommodations.



## B. Types of Transfers

1. The order in which families are transferred shall be hierarchic by category set forth below.
  - a. Emergency Transfers are mandatory when NNRHA determines that unit or building conditions pose an immediate threat to resident life, health or safety. **24 CFR § 966.4(h)**
    - 1) NNRHA is not required to give prior notice of an Emergency Transfer;
    - 2) Emergency conditions that occur due to resident abuse or neglect will be grounds for emergency transfers, however resident will be charged for the damages caused to the apartment<sup>15</sup>. **24 CFR § 966.4(h)**
    - 3) Refusal to make an emergency transfer is grounds for lease termination and eviction.
  - b. Administrative Transfers: These transfers shall take priority over new admissions.
    - 1) Priority 1 Mandatory administrative transfers to resolve problems of a life-threatening nature that are not related to building or unit conditions. Such conditions could involve crime, domestic violence, hate crimes, medical or disability issues, or other situations that put a resident's life in danger from something other than the condition of the unit or building.
    - 2) Priority 2 Voluntary administrative transfers to move residents with disabilities to accessible units or units with features that accommodate their disabilities better than those in their current apartments. **24 CFR § 8.27(1)**
    - 3) Priority 3 This category of administrative transfers includes those due to modernization or revitalization, victim assistance, and overcrowding / over-housing. It is set up in 3 sub priorities – A through C as described below
      - i. Sub priority A: Transfers to permit unit modernization or to permit the revitalization of communities;
      - ii. Sub priority B: Transfers to alleviate threats from criminal elements and domestic violence that are less than life threatening;
      - iii. Sub priority C: Transfers for split families and over-crowded or over-housed families; **24 CFR § 966.4(c)**
  - c. Incentive Transfers: Voluntary transfers to Mixed Income and scattered site properties available to residents who are lease compliant and in full compliance with Community Service requirements.
  - d. Resident Initiated Transfers: Voluntary transfers made to lease compliant residents who have been in their current apartments for at least a year. These transfers are made according to a ratio with new admissions, and are made in the order in which qualifying residents request them. The ratio may change from time to time.

Requests for these transfers will be made to the manager with necessary documentation to substantiate the need for such transfers. Transfers may also be initiated by NNRHA (e.g. moving a person with mobility problems to an apartment with accessible features).
2. Whenever feasible, transfers will be made within a resident's area or other location of the resident's choice.

## C. Priorities for Transfers

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<sup>15</sup> Resident may challenge any charges for damages by using the NNRHA Grievance Procedure



1. Transfers will be sorted into their appropriate categories by the Occupancy staff. Offers of apartments will be made in the following order:
  - a. Emergency transfers;
  - b. Administrative transfers in the following category order:
    - 1) Priority 1: Problems of a life-threatening nature
    - 2) Priority 2: Reasonable accommodations for residents with disabilities
    - 3) Priority 3: Three sub priorities below:
      - Modernization or Revitalization transfers
      - Problems of violence that are less than life-threatening
      - Overcrowding, over-housing, and split families
  - c. Incentive transfers;
  - d. New Admissions from the waiting list;
  - e. Resident-initiated transfers

#### **D. Processing Transfers**

1. Residents request transfers from managers and managers prepare the paperwork justifying transfers, which is submitted to Occupancy. Occupancy maintains transfer waiting lists and processes transfers for all Public Housing properties. For details, see **NNRHA Transfer Policy**.
2. NNRHA shall take into consideration issues of personal safety when transferring families from buildings that are being closed. To be considered by NNRHA, such issues must be documented by a threat assessment conducted by NNRHA's Victim Assistance Department and supported by a current police report<sup>16</sup> or an arson report.
3. Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received from the manager.
4. When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Priority 3 Administrative transfer until the child is two (2) years of age. Exceptions: spouse or partner returns to the apartment, marriage takes place, or family decides to remain in the apartment and the apartment is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.
5. Split-family transfers will be processed as Priority 3 administrative transfers. Split family transfers due to implementation of the Relocation Rights Contract have a higher priority than split family transfers that simply arise due to overcrowding.

#### **E. Residents in Good Standing**

1. In general, and in all cases of all resident-requested transfers, residents will be considered for transfers only if the head of household and other family members and guests under the resident's control:
  - a. Are current on rent without unpaid balance at any time in the past year or current on a repayment agreement;

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<sup>16</sup> 30 days or less from the date of the request or NNRHA-initiated transfer



- b. Are current on utility payments to NNRHA or to utility supplier or are current with any repayment agreement with the NNRHA or utility supplier;
  - c. Are in compliance with the terms of the lease and any additional terms required to be added to that lease by Federal law. Violations of the lease must be documented by notices of lease violations or other evidence of serious or repeated violations of the material terms of the lease;
  - d. Meet reasonable housekeeping standards and have no housekeeping lease violations as documented by housekeeping inspection reports or work orders reflecting a pattern of damage caused by poor housekeeping; and
  - e. Have not destroyed, defaced, damaged or removed any part of an apartment or the development as documented by housekeeping inspection reports or work orders reflecting a pattern of damage or abuse.
2. Exceptions to the good record requirements may be made for emergency transfers or when it is to NNRHA's advantage<sup>17</sup> to make the transfer. The exception to the good record requirement will be made by the central transfer administrator taking into account the recommendation by the Manager.
3. Absent a determination of exception, the following policy applies to transfers:
  - a. 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.
  - b. A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.

#### **F. Cost of Transfers**

1. NNRHA will pay the cost of all transfers except resident-initiated transfers and those due to changes in family size (overcrowding and overhousing);
2. Transfers in connection with modernization or revitalization will include moving expenses.

#### **G. Split Family Transfers**

1. Certain families will qualify for split family transfers in accordance with **NNRHA's Transfer Policy**.
2. Families may qualify for split family transfers through regular annual reexaminations of income and family composition. At our option NNRHA would consider split family transfers under the following circumstances.
3. The following must be true:
  - a. The original family must be both lease compliant and overcrowded; and
  - b. The splitting family must be able to pass applicant screening. Both heads must be legally capable of executing a lease.
4. The presence of an additional adult family member, with or without children, does not automatically qualify a family for a split family transfer.
5. The reason for the family split must be the addition of children through birth, adoption, or court-awarded custody.

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<sup>17</sup> e.g. a single person is living alone in a three bedroom unit and does not want to move



### **Transfers within Public Housing**

For every five (5) units leased in Public Housing there will be 1 transfer completed from the transfer waiting list. The order in which families are transferred shall be in accordance with the transfer policy and will be based on the type of transfer.



## NON-DISCRIMINATION AND ACCESSIBILITY FOR PERSONS WITH DISABILITIES

When an accessible unit becomes vacant, the NNRHA shall:

a. First, offer the unit to a current occupant with disabilities in the same development that requires the accessibility features of the vacant accessible unit and occupying a unit not having those accessibility features. The PHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability.

b. Second, if there is no current resident in the same development who requires the accessibility features of the vacant, accessible unit, the PHA will offer the unit to a current resident with disabilities residing in another development that requires the accessibility features of the vacant, accessible unit and occupying a unit not having those accessibility features.

c. Third, if there is no current resident who requires the accessibility features of the vacant, accessible unit, then the PHA will offer the vacant, accessible unit to an eligible, qualified applicant with disabilities on the PHA's waiting list who can benefit from the accessible features of the available, accessible unit.

d. Fourth, if there is not an eligible qualified resident or applicant with disabilities on the waiting list who wishes to reside in the available, accessible unit, then the PHA should offer the available accessible unit to an applicant on the waiting list who does not need the accessible features of the unit. However, the PHA may require the applicant to execute a lease that requires the resident to relocate, at the PHA's expense, to a non-accessible unit within thirty (30) days of notice by the PHA that there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.

Note that Notice PIH 2010-26 states that the PHA must pay moving expenses for a resident transferring to an accessible unit, and also for moving a resident to a non-accessible unit when necessary.

The reasonable cost of transfers includes not just the cost of packing, moving, and unloading, but also the cost of disconnecting and reconnecting any existing resident-paid services such as telephone and cable television.



## VII. Annual Reexaminations of Income and Family Circumstances

### 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 XV of this policy.<sup>18</sup>
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease. **24 CFR § 966.4(f)**
3. Whose family members, age 6 and older, each have Social Security numbers or have certifications on file indicating they have no Social Security number. **24 CFR § 5.216**
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent **24 CFR § 5.5**
5. Who are in compliance with the NNRHA's 8 hour per month Community service requirements, if applicable.<sup>19</sup>

### B. Remaining Family Members and Prior Debt

1. If the head of household dies or leaves the unit, continued occupancy by remaining family members is permitted only if:
  - a. The family reports the departure (or death) of the head of household within 10 days of the occurrence; and
  - b. The family includes a member who can pass screening and is either of legal age to execute a lease or is a Court recognized emancipated minor; and
  - c. The new head signs a new lease within 30 days of the departure of the former head.
2. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse.
3. NNRHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.
4. NNRHA will not hold remaining family members under age 18 for rent arrearages incurred by the former head of household.

### C. Reexaminations

1. Regular reexaminations: NNRHA shall, at least once a year, re-examine the family composition and incomes of all resident families, except that families paying Flat Rent shall have their incomes reexamined only every three years **24 CFR § 960.257** See page 24a for Streamlined Annual Reexamination for fixed Incomes
2. Special Reexaminations: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special reexamination will be scheduled every 90 days until a reasonably accurate estimate of income can be made. **24 CFR § 5.609(d)**

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<sup>18</sup> For purpose of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age to execute a lease. Remaining family members can also include court recognized emancipated minors under age 18

<sup>19</sup> applicable to certain adults who are neither elderly, disabled, working nor participating in qualifying educational or job training programs



## **Streamlined Annual Reexamination for Fixed Incomes**

The Streamling Final Rule from HUD provides for streamlined income determination for any fixed source of income, even if a person or a family with a fixed source of income has a non-fixed source of income (a source of income that is not from a plan with predictable periodic payments like social security or a pension; for example a part time job).

The definition of a “family member with a fixed source of income” includes periodic payments at reasonable predictable levels from the following: Social Security; Supplemental Security Income; Supplemental Disability Insurance; Federal, state, local, or private pension plans; annuities or other retirement benefit programs, insurance policies, disability or death.

### NNRHA Policy:

The Newport News Redevelopment and Housing Authority will adopt streamlined income determinations for any family member with a fixed source of income. The term fixed income includes income from the following sources:

1. Social security payments, to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI).
2. Federal, state, local and private pension plans, and
3. Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.

A third party verification will be required of all income amounts for all family members and a full reexamination will be completed every three years.



3. A special reexamination shall 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. **24 CFR § 960.257**
4. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every 90 days until they have a stable income. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income. **24 CFR § 5.609**
5. If NNRHA is terminating the lease of a resident when the resident is scheduled for reexamination, the reexamination will be completed but a new lease will not be executed.
  - a. If NNRHA prevails in the lease termination action, a new lease will not be executed, and the resident will be evicted;
  - b. If the resident prevails in the lease termination action, a new lease will be executed.
6. If NNRHA discovers criminal activity by an adult family member when they perform the criminal history check for reexamination, they will begin lease termination action in accordance with number 5 above.
  - a. During the reexamination, each household shall be asked whether any member is subject to the lifetime registration requirement under a state registration program. The NNRHA will verify this information using the Dru Sjodin National Sex Offender Database and document this information in the same method used at admission. For any admissions after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the reexamination screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registration requirement, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or reexamination forms, the NNRHA will pursue eviction of the household.
7. Action Following Reexamination: 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(a)(3)**
  - a. 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 in this policy and moved to an appropriate apartment when one becomes available. **24 CFR § 966.4(c)(3)**
  - b. The Notice of rent adjustment will include the current rent, the new rent, the date when the new rent takes effect, the reason for the rent adjustment, and the fact that the resident has the right to request a Grievance hearing if he/she disagrees with the new rent.
8. Effective Date of Adjustments
  - a. Residents will be notified in writing of any rent adjustment including the effective date of the adjustment.
  - b. Rent decreases go into effect the first of the month following the report of a change. Income decreases reported or verified after the tenant accounting cut-off date will be effective the first of the second month with a credit retroactive to the first month.
  - c. Rent increases (except those due to misrepresentation) require 30 days notice and become effective the first of the second month.
  - d. Rent increases due to misrepresentation are retroactive to the first of the month following the event that was misrepresented or not reported.



#### **D. Income Discrepancies**

An EIV Income Report shall be pulled from the system before annual or interim reexamination are conducted for any family and compared with family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference (defined as \$2400 or more annually) in the reported income information, the NNRHA will do the following; also see Page 26a for EIV

Data after program admission.

- a. Discuss the income discrepancy with the tenant; and
- b. Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
- c. In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the NNRHA will request from the third-party source, any information necessary to resolve the income discrepancy; and
- d. If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively\*; and
- e. Take any other appropriate action.

\*The NNRHA will determine the retroactive rent as far back as the existence of complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determinations.

The tenant will be provided an opportunity to contest the NNRHA determination of tenant rent underpayment. Tenants will be promptly notified in writing of any adverse findings made on the basis of the information verified through the aforementioned income discrepancy resolution process. The tenant may contest the findings in accordance with established grievance procedures. The NNRHA will not terminate, deny, suspend, or reduce the family's assistance until the expiration of any notice or grievance period.

When there is an unsubstantial or no disparity between tenant-reported and EIV-reported income information, the NNRHA will obtain from the tenant, any necessary documentation to complete the income determination process. As noted previously, the NNRHA may reject any tenant-provided documentation, if the Authority deems the documentation unacceptable. Documentation provided by the tenant will only be rejected for only the following reasons:

- a. The document is not an original; or
- b. The original document has been altered, mutilated, or is not legible; or
- c. The document appears to be a forged document (i.e. does not appear to be authentic).

The NNRHA will explain to the tenant, the reason(s) the submitted documents are not acceptable and request the tenant to provide additional documentation. If at any time, the tenant is unable to provide acceptable documentation that the NNRHA deems necessary to complete the income determination process, the Authority will submit a traditional third-party verification form to the third-party source for completion and submission to the NNRHA.



## EIV Data after Program Admission

HUD's current guidance on use of HUD's Enterprise Income Verification (EIV) system is in Notice PIH 2010-19. The notice does include a requirement for a review of EIV income data within 120 days of program admission for both public housing residents

For each new admission (form HUD-50058 action type 1), the NNRHA is required to do the following:

1. Review the EIV income report to confirm/validate family-reported income within 120 days of the PIC submission date; and
2. Print and maintain a copy of the EIV income report in the tenant file; and
3. Resolve any income discrepancy with the family within 60 days of the EIV income report date.

This is not an optional policy. While EIV data is not available for applicant families, it becomes available within about 90 days of program admission. The requirement to review the data within 120 days enables the NNRHA to identify any differences between family-reported income and income displayed in EIV. Any resulting discrepancies must be resolved within 60 days.

The NNRHA shall resolve such discrepancies. The staff must determine whether a subsidy overpayment has occurred, and if so, must collect the overpayment pursuant to NNRHA policies. The NNRHA may also take other corrective actions if the client has violated program rules.



If the third-party source does not respond to the NNRHA's request for information, the Authority is required to document the tenant file of its attempt to obtain third-party verification and that no response to the third-party verification request was received.

The NNRHA will then pursue lower level verifications in accordance with the verification hierarchy.

### **VIII. Interim Rent Adjustments: Modified Fixed Rent System**

#### **A. Adjusting Rent between Regular Reexaminations**

1. Residents are required to report all changes in family composition or status to the housing manager within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report income decreases promptly. **Residents are also required to report interim increases in income if they have been granted interim rent reductions or have previously reported zero income.**
2. NNRHA wishes to encourage families to improve their economic circumstances, so most changes in family income between reexaminations will not result in a rent change. NNRHA will process interim changes in rent in accordance with the chart below:

<u><b>INCOME CHANGE</b></u>	<u><b>NNRHA ACTION</b></u>
(a) Decrease in income for any reason, <u>except</u> for decrease that lasts less than 30 days or is subject to Imputed Welfare Income rules <sup>20</sup> .	• NNRHA will process an interim reduction in rent if the income decrease will last more than 30 days. <b>24 CFR § 5.609</b>
(b) Increase in income following NNRHA granting of interim rent decrease.	• NNRHA will process an interim increase for income increases that follow interim rent reductions.
(c) Increase in earned income from the employment of a current household member.	• NNRHA will either conduct an Interim Redetermination if the person's income has increased by at least \$200 per month, or, if the individual is eligible for an earned income disallowance, grant the disallowance; otherwise the rent increase will be deferred until the next regular reexamination. <b>24 CFR § 960.255</b>
(d) Increase in unearned income (e.g.COLA adjustment for social security).	• NNRHA will conduct an Interim Redetermination <b>only</b> if the person's income has increased by at least \$200 per month, otherwise the rent increase will be deferred to the next regular reexamination.
(e) Increase in income because a person with income (from any source) joins the household.	• NNRHA will conduct an Interim Redetermination of the family's income and raise the rent.
(f) Increase in monetary or non-monetary income after Resident claimed zero income	• NNRHA will process an interim rent increase.

<sup>20</sup> Decreases in welfare income resulting from welfare fraud or from cuts for failure to comply with economic self sufficiency requirements are not eligible for rent reductions (**24 CFR § 5.615**).



3. NNRHA will process an interim increase in rent only if
  - a. the resident has misrepresented or failed to report facts upon which rent is based, so the rent the Resident is paying is less than it should have been<sup>21</sup>; or
  - b. the resident's income increases after the resident was granted and interim decrease in rent; or
  - c. the resident reported zero income and has a verified increase in income (which may be a non-monetary contribution).
  - d. the resident has an increase in earned or unearned income of \$200 per month or more, or
  - e. a person with income joins the household;
4. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by according to **NNRHA Procedure on Verification 24 CFR § 960.259(c)**
5. NNRHA will process interim decreases in rent as follows:
  - a. When a decrease in income is reported, and NNRHA verifies 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.
6. Residents granted a reduction in rent are required to report for special reexaminations at intervals determined by the Housing Manager. Reporting is required until income increases or it is time for the next regularly scheduled reexamination, whichever occurs first.
7. If residents experience a decrease in income from public assistance because their grant is cut for one of the two following reasons, their rent will not be reduced:
  - a. Welfare department has reduced the grant because of welfare fraud; or
  - b. Welfare department has reduced the grant because the family failed to comply with economic self sufficiency requirements.
8. If a resident challenges the welfare department's reduction of their grant, an interim reduction in rent will be processed until the matter is settled by the welfare department.
9. If the welfare department upholds the grant reduction, the resident shall owe a retroactive rent on the interim rent reduction granted in "c" above.
10. If the welfare department overturns the grant reduction, no retroactive balance is owed. See **NNRHA Procedure on Imputed Welfare Income**

#### **B. Interim Changes in Family Composition**

1. All changes in family composition must be reported within ten days of occurrence. These changes would include:
  - a. Someone listed on the lease leaving the unit;
  - b. Birth, adoption or court-awarded custody of a child;
2. Additions of the following persons must be requested in writing and require written permission from NRHA or the property manager before the persons may move into the apartment:

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<sup>21</sup> NNRHA will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred.



- a. Adult family member (including a new spouse);
  - b. Foster child or children;
  - c. Foster adult;
  - d. Live-in Aide;
  - e. Child in kinship care.
3. All adults who are proposed for addition to a family or household must be screened by the occupancy department, and, with the exception of Live-in Aides, must not overcrowd the unit. See **NNRHA Procedure on Additions to and Deletions from the Household**.

#### **C. Effective Date of Rent Adjustments**

Residents will be notified in writing of any rent adjustment including the effective date of the adjustment.

1. Rent decreases go into effect the first of the month following the report of a change. Income decreases reported or verified after the tenant accounting cut-off date will be effective the first of the second month with a credit retroactive to the first month.
2. Rent increases (except those due to misrepresentation) require 30 days notice and become effective the first of the second month.

#### **D. Earned Income Disallowances**

1. If a resident goes to work or has new or additional earned income and qualifies under one of the following three criteria, that individual will receive an Earned Income Disallowance (EID) as described below. See page 29a for updates on EID
  - a. Goes to work after having been unemployed for at least twelve months, or goes to work after having earned less than would be earned working ten hours per week for a fifty week year earning minimum wage; or
  - b. Receives new or increased earned income during participation in an education, job training, or other economic self sufficiency activity; or
  - c. Receives new or increased earned income within six months of having received a cash benefit or in-kind services funded through the program of Temporary Assistance to Needy Families. If an in-kind benefit (child care, clothing or transportation subsidies for example) was received it must be worth at least \$500 in the past six months.
2. During the first 12 months after the date when the resident qualified for the EID, the resident's rent will not be increased because of the new earned income. Rent during this period will be based on the resident's income before qualifying for the EID plus any increases in unearned income that may occur after qualifying for the EID.
3. During the second 12 months after the date the resident qualified for the EID, the resident's rent will be increased by an amount equal to fifty percent of what the increase would be if not for the EID.
4. The disallowance periods described in number 3 and 4 above only occur while the resident is employed. If the resident stops working for any reason the disallowance stops and resumes again when the resident goes back to work.
5. Even if the full 24 months of disallowance (12 months of full disallowance plus 12 months of 50% disallowance) have not been used, the EID will terminate 48 months from the date when the resident first qualified for the EID.



## EARNED INCOME DISREGARD

The final rule now applies the earned income disregard for a straight 24-month period. A PHA needs to only track the start date, the 13 month date, and the 24-month end date. Once a family member is determined to be eligible for the EID, the 24 calendar month starts. At the 13 month date, the disregard will change from 100 percent to not less than 50 percent of earned income. For families participating prior to the effective date, the previous requirements will continue to apply which is no more than 24 months spread over a 48 month period. The Earned Income Disallowance encourages resident self sufficiency by rewarding residents who go to work or have increased earnings. The earned income disallowance is applicable to an adult resident who either begins earning income or earns additional income. The disallowance functions as an income exclusion as the new income is not counted toward rent for a specified period.

Effective July 1, 2016, once a family member is determined to be eligible for the Earned Income Disallowance, the time period is limited to 24 straight months. There are no changes to EID eligibility criteria, the benefit amount of the EID or the ability of the applicable family member to stop and restart employment during the eligibility period. For months 1-12, 100% of the increase is excluded from the rent calculation. At the 13 month date, 50% of the increase in earned income is excluded through month 24.

Utility Reimbursements



6. An EID is awarded to a person, not an entire family. More than one adult family member can receive an EID at the same time if they qualify as described under number 1 above.
7. No one receives more than one EID in a lifetime.
8. Residents may qualify for a retroactive EID if all the following are true:
  - a. The residents had new or increased earned income and qualified for an EID after 10/1/99; and
  - b. The resident reported the increased income; and
  - c. NNRHA increased the resident's rent; and
  - d. The resident paid the increased rent.
9. Before the amount potentially owed to a resident for a retroactive rent credit is determined, any amounts owed to NNRHA by the resident shall be deducted.
10. If a resident qualifies for a retroactive EID as described in "8" above, he/she shall be entitled to the choice of a payment of the retroactive amount due as calculated above, or a prospective rent credit.

## **IX. Lease Termination Procedures**

### **A. General Policy: Lease Termination**

1. Either NNRHA or the Resident may terminate tenancy at any time in accordance with all applicable Federal, State and local laws and the lease terms **24 CFR § 966.4(I)**

### **B. Resident-initiated Lease Terminations**

1. Resident may terminate tenancy by providing 15 days written notice to NNRHA or property manager in accordance with **NNRHA Procedure on Resident-Initiated Lease Terminations**.

### **C. NNRHA-initiated Lease Terminations**

1. NNRHA or its manager terminates the lease only for serious or repeated violations of the material provisions of the lease. **24 CFR § 966.4(I)**
2. Manager shall give written notice of proposed lease termination in the form required by the lease and applicable regulations in English, or, in the case of a resident with disability, in the format requested by the resident **24 CFR § 966.4(I)**
3. In accordance with the lease and grievance procedure, NNRHA shall notify Resident in the lease termination notice of Resident's grievance rights if the lease termination is subject to the Grievance Procedure.

### **D. Eviction Actions**

1. NNRHA may evict a resident from the apartment only by bringing a Court action.
2. The Sheriff's office or another legally authorized department is the only entity authorized to execute and eviction.
3. If NNRHA files an eviction action against a resident, the resident will be liable for Court costs, excluding attorney's fees, unless the resident prevails in the action;
4. NNRHA is not required to prove that the resident knew or should have known that a family member, household member, guest, or other person under the resident's control was engaged in the action that violated the lease.
  - a. The resident may raise as a defense that the resident did not know nor should have known about



the action that violated the lease.

- b. The resident must prove this defense by the preponderance of the evidence.
- 5. In deciding whether or not to evict for criminal activity NNRHA may consider all the circumstances of the case, including the seriousness of the offense, the extent of participation by family members and the effect that the eviction would have on family members not involved in the proscribed activity.
- 6. In appropriate cases, NNRHA may permit continued occupancy by remaining family members and may impose a condition that the family members who engaged in the proscribed activity will neither reside in nor visit the dwelling unit.
- 7. NNRHA may require a resident who has engaged in the illegal use of drugs to present evidence of successful completion of a treatment program as a condition to be allowed to visit and/or reside in the dwelling unit.
- 8. NNRHA may require that the remaining family members live in strict compliance with the lease and that the family be placed on probation for an appropriate period of time.

#### **E. Record keeping Requirements**

- 1. A written record of every termination and/or eviction shall be maintained by NNRHA, and shall contain the following information:
  - a. Name of resident, race and ethnicity, number and identification of apartment occupied;
  - b. Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently;
  - c. For lease terminations for criminal activity, a note in the file with the date, case number and source of information relating to the Notice of Arrest or Notice of the Incident
  - d. For "for cause" lease terminations, copies of any occurrence reports, lease violation notices, or other appropriate documentation of the underlying facts surrounding the incident that is the subject of the eviction;
  - e. Specific reason(s) for the Notice(s), with section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail;
  - f. Date and method of notifying resident; and
  - g. Summaries of any conferences held with resident including dates, names of conference participants and conclusions;
  - h. Copy of the served Termination Notice;
  - i. Copy of any agreed settlement orders;
  - j. Copy of any post-judgment agreements.



#### **F. EIV'S Deceased Tenants Report**

The NNRHA shall generate the EIV's Deceased Tenants Report monthly shortly before either the end of the month or creating rent statements to see if the system flags deceased residents. The NNRHA will review the report and follow up with any listed families immediately and take any necessary corrective action as set forth in PIH Notice 2012-4 or successor publications. When the Deceased Tenants Report identifies an individual as being deceased, the NNRHA is required to take the following actions:

##### **A. Administrative and Corrective Actions Required by the NNRHA.**

1. Immediately send a letter to the head of household (HOH) or emergency contact person (if the HOH is deceased and there is no other adult household member) to confirm the death of the listed household member.
2. Conduct a home visit to determine if anyone is residing in the unit.
3. If there are unauthorized persons (including a live-in aide) in the unit of a deceased single member household we will pursue judicial intervention to have them lawfully removed from the unit. The NNRHA will follow state Tenant and Landlord laws to regain possession of the unit.
4. When the HOH dies and the only remaining household member is the live-in aide, the live in aide is not entitled or eligible for any rental assistance or continued occupancy in a subsidized unit. By definition, the live-in aide would not be living in the subsidized unit except to provide the necessary supportive services on behalf of the elderly or disabled HOH. The NNRHA may not designate the live-in aide as the new HOH or change the relation code (line item 3h on the form HUD-50058) of the live-in aide to make him or her an eligible household member eligible for assistance.

##### **B. Remaining Household Members Who are Minors**

When a HOH dies during tenancy and the remaining household members are minors, the NNRHA may allow a temporary adult guardian to reside in the unit until a court –appointed guardian is established. In accordance with its screening policies, the NNRHA may add the new guardian as the new HOH.

##### **C. HUD 50058 Recording on Deceased Tenants**

- a.) NNRHA is required to list the EOP date as of the date on which the family or designee of the deceased tenant's estate returned the keys and signed a vacate notice; or the date the public housing lease was terminated; or the date NNRHA legally regained possession of the unit, whichever occurs first.
- b.) In instances in which there are unauthorized occupants in the public housing unit after the death of the HOH, NNRHA must initiate litigation to regain possession of the public housing unit. To remove the deceased HOH from the Deceased Tenants report in which there is pending litigation to regain possession of the public housing unit, the NNRHA is required to compete and successfully submit an updated form HUD-50058 to PIC.

##### **D. Removal of Personal Belongings from Public Housing Unit**

Upon notification of the death, either by HUD's EIV system or a third party, the family or designee of the deceased tenant's estate will be allotted time to remove personal belongings from the unit. Families will be afforded a reasonable time frame to remove personal belongings from the public housing unit and enable



the NNRHA to prepare the unit, as quickly as possible, for occupancy by the next eligible family in need of affordable housing.

The NNRHA will comply with local and state established tenant-landlord laws with respect to lease termination, possession of premises upon death and removal of personal belongings from the public housing unit.

## **X. Utilities**

### **A. Resident-Paid Utilities 24 CFR § 965 & 966.4(b)(2)**

The following requirements apply to residents living in developments with resident-paid utilities:

1. In units with Resident-paid utilities, paying the utility bill in a timely manner is an obligation under the lease and failure to pay in a timely manner is a serious violation of the lease, subject to lease termination. **24 CFR § 960.253(c)(3) and 966.4(b)**
2. If a resident or applicant is unable to get utilities connected because of bad credit or a previous balance owed to the utility company at a prior address, the resident or applicant will not be permitted to move into a unit with resident-paid utilities. **24 CFR § 960.203**
3. When a resident makes application for utility service in his/her own name, he or she **shall** sign a third-party notification agreement so that NNRHA will be notified if the resident fails to pay the utility bill.
4. Each resident will receive a monthly Utility Allowance that reflects a reasonable amount of utilities for the specific size and type of apartment occupied. **24 CFR § 5.609**
5. Residents who pay their utility bills directly and are paying an income-based rent have the amount of rent owed to NNRHA reduced by the amount of the Utility Allowance. In other words, the resident's Total Tenant Payment, less the Utility Allowance equals the Tenant Rent owed to NNRHA.
6. When a resident's Total Tenant Payment is less than the utility allowance, NNRHA will pay a utility reimbursement, equal to the difference between one month's total tenant payment and the utility allowance, to the utility company on the resident's behalf. **24 CFR § 5.632; See page 33a for update.**
7. Residents on whose behalf Utility Reimbursements are paid to the utility company are required to pay the utility supplier for any use in excess of that covered by the Utility Allowance;
8. If the resident's actual utility bill is less than the Utility Allowance, the resident receives the saving.
9. When the utility supplier offers a "Budget" payment plan, Manager shall suggest that Resident use this plan to protect the resident from seasonal fluctuations in utility bills.

### **B. Excess Utility Charges**

1. Check-metered developments or buildings: In buildings that are check-metered, residents shall have consumption-based utility allowances that reflect the size and type of units and actual equipment provided by NNRHA. Check meters are read by NNRHA and each tenant charged for consumption in excess of the utility allowance at the rate paid by NNRHA.
2. In buildings where utilities are not individually metered and there are no check meters, NNRHA may make excess utility charges for the use of certain resident-supplied appliances in excess of those supplied by NNRHA. Examples include:
  - a. Second refrigerator;
  - b. Air conditioner;
  - c. Freezer



## Utility Reimbursements

The NNRHA will make utility reimbursement payments quarterly, rather than monthly, if the total quarterly reimbursement payment due to a family is equal to or less than \$45.00 per quarter. Families can request a hardship exemption in accordance with our policy.

The Utility Reimbursement Hardship Policy:

- a. The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;
- b. The family would not be evicted as a result of the imposition of the utility reimbursement schedule;
- c. The income of the family has decreased because of changed circumstances, including loss of employment.



**C. Reasonable Accommodations 24 CFR § 8.4 and 966.7**

1. Residents with disabilities may be entitled to higher than normal utility allowances or may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability.

**D. Minimum Heating Standards in Public Housing Units**

1. If the temperatures are PHA controlled, the minimum temperature in each unit must be at least 68 degrees Fahrenheit
2. If temperatures are resident-controlled, the heating equipment in each unit must have the capacity of heating to at least 68 degrees Fahrenheit.

**XI. Flat Rents and Ceiling Rents**

**A. Flat Rents**

Effective June 1, 2014, PHAs may set their flat rents no lower than 80% of the Department of Housing and Urban Development established fair market rent (FMR) in their area by bedroom size. In cases where following this formula causes flat rents to exceed 135% of the existing flat rent, the amount must be phased in to ensure that families do not experience a rent increase of more than 35% annually. The effected families' rents will change at their next income re-examination. Families still have the option of selecting the Income Based Rent, which in some cases may be lower. In addition, in some cases, the new Flat rent may be phased in by \$50 quarterly until the new rent amount is achieved.

**B Annual Update of Flat Rents**

1. NNRHA shall review the Fair Market Rent annually and adjust the Flat rents as needed.
2. Flat rents may either be increased or decreased based on the FMR schedule as described above.
3. When a resident chooses Flat rent, his/her rent shall be adjusted only at the next regular reexamination/ recertification rather than at the point the Flat rent may change.
4. Flat Rents will be adjusted by the tenant paid utility allowances.

**C. Choice of Rent**

1. Once each year, beginning with admission, each family is offered a choice between paying the income-based rent and the Flat rent applicable to the unit they will be occupying.
2. Because of the way the Federal law is written, choice of Flat rent may only be offered at admission and annual reexamination.



#### **D. Recertification of Families on Flat Rents**

Families paying flat rents are required to recertify income only every three years, rather than annually, although they are still required to participate in an Annual Reexamination in order to ensure that apartment size is still appropriate and Community Service requirements (if applicable) are met. **24 CFR § 960.257 (a)(2)**

#### **E. Hardship Reduction in Flat Rents**

1. If a resident who opted for Flat Rent experiences a decrease in income, Management will perform an Interim Reexamination of Income.
2. If the reduction in income will last more than 30 days, Management will reduce rent to the income-based rent based on verified income information. **24 CFR § 960.253 (f)**

#### **F. Public housing rents for mixed families**

The Newport News Redevelopment and Housing Authority will use the established flat rent applicable to the unit size when calculating public housing rents for mixed income families except in situations where the mixed family's total tenant payment exceeds the flat rent, the family must pay the total tenant payment. A mixed family is a family where members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

## **XII. Determining Income and Rent**

#### **A. Annual Income 24 CFR § 5,609**

NNRHA shall use HUD's definition of Annual Income. Should this definition be revised, HUD's definition, rather than that presented below shall be used.

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 reexamination 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:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. 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;

3. 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;

3. If the Family has Net Family Assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD; See page 36a for Assets under \$5000.
4. 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 [See B. 14. below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits.];
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (But see paragraph B. 3. below concerning treatment of lump-sum additions as Family assets.);
6. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member;
7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and See page 36b for Child Support Income.
8. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See paragraph B. 7. below concerning pay for exposure to hostile fire.)

**B. Excluded Income 24 CFR § 5.609**

Annual Income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. 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);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses (but see paragraphs 4 and 5 above if the payments are or will be periodic in nature);  
(See paragraph 14. below for treatment of delayed or deferred periodic payments of social security or supplemental security income benefits.)
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide, provided the person meets the definition of a live-in aide (See Section of these policies);



### **Family Declaration of Assets under \$5,000**

The Streamling Final Rule from HUD provides for streamlined verification of assets. Assets of \$5,000 or less have little to no effect on family rental payments. This streamlining rule brings PHA programs in line with Internal Revenue Service guidance for the federal Low Income Tax Credit program.

#### **NNRHA Policy:**

The Newport News Redevelopment and Housing Authority will obtain third-party verification of all family assets upon admitting a family to the HCV or public housing program and again at least every three years thereafter. In interim years, a family may certify to their assets in writing when assets are less than \$5,000.



### **Child Support Income**

If the family reports that they are no longer receiving court awarded child support, The HA will verify the information and perform an interim change to delete the child support. The family will be required to submit an updated child support statement every three months for opened child support cases. The family will be notified of this requirement when the interim change is processed.



6. The full amount of financial assistance paid directly to the student/educational institution; See page 37a
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs:
  - a. 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);
  - b. 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);
  - c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
  - d. 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 NNRHA, 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; and
  - e. Incremental earnings and/or benefits resulting to any family member from participation in qualifying state or local employment training program (including training programs not affiliated with the local government), 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 NNRHA;
9. Temporary, non-recurring, or sporadic income (including gifts);
10. 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;
11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services, will not be increased during the exclusion period. For purposes of this paragraph, the following definitions apply:
  - a. State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the NNRHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage



## **Exclusion of Mandatory Education Fees from Income**

The Streamling Final Rule from HUD includes mandatory education fees within the definition of tuition. Thus, financial assistance to help pay mandatory education fees such as student service fees, student association fees, student activity fees, lab fees, etc. will not be considered income.

### NNRHA Policy:

The Newport News Redevelopment and Housing Authority will view the definition of income is amended to exclude from calculations of individual income any financial assistance received for mandatory fees and charges toward tuition.



subsidies and transportation assistance – provided that the total amount over a six-month period is at least \$500.

- b. During the 12 month period beginning when the member first qualifies for a disallowance, the NNRHA must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increase shall be excluded.
  - c. Regardless of how long it takes a resident to work for 12 months (to complete the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months.
  - d. The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission (unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed).
14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
16. 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;
17. 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 by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.)

The following is a list of benefits excluded by other Federal Statute. There are a total of 26 federally mandated exclusions.

- a. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977; **7 USC 2017 (h)**
- b. 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 Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
- c. Payments received under the Alaska Native Claims Settlement Act; **43 USC.1626 (a)**
  - d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes; **25 USC. 459e**



- e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program; **42 USC 8624 (f)**
- f. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians; **P. L. 94-540, 90 State 2503-04**
- g. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims **25 USC 1407-08**, or from funds held in trust for an Indian Tribe by the Secretary of Interior; and **25 USC 117b, 1407**
- h. 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 Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
- i. Payments received from programs funded under Title V of the Older Americans Act of 1965: **42 USC 3056 (f)**
  - Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- j. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;
- k. Payments received under Maine Indian Claims Settlement Act of 1980; **P.L. 96-420,94 Stat. 1785**
- l. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990; **42 USC 9858q**
- m. Earned income tax credit refund payments received on or after January 1, 1991 **26 USC 32 (j)**
- n. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- o. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;
- p. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act; and
- q. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998.

Please see page 39a for the new federally mandated income exclusions published by HUD referenced at **24 CFR 5.6909(c)**

**C. Anticipating Annual Income 24 CFR § 5.609(d)**

If it is not feasible to anticipate income for a 12-month period, the Authority may use the annualized income



r. Any amount received under the School Lunch Act and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);

s. Payments, funds or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));

t. Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437) by Section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110-289, 42 U.S.C. 4501);

u. Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) and administered by the Office of Native American Programs; and

v. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291).

w. Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) comparable disaster assistance provided by States, local governments, and disaster assistance organizations shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs (42 U.S.C. 5155(d)).

The Newport News Redevelopment and Housing Authority will not provide exclusions from income in addition to those already provided for by HUD.



anticipated for a shorter period, subject to an Interim Adjustment at the end of the shorter period. (This method would be used for school bus drivers or classroom aides who are only paid for 9 months, or for tenants receiving unemployment compensation.)

#### **D. Adjusted Income (24 CFR § 5.611)**

Adjusted Income (the income upon which income-based rent is based) means Annual Income less the following deductions:

##### **For All Families**

1. **Child Care Expenses** — A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed, BUT ONLY when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be unreimbursed 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 NNRHA when the expense is incurred to permit education or to seek employment.
2. **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, foster adult or foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.
3. **Work-related Disability Expenses** — a deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.

- a. For non-elderly families and elderly or disabled families without medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.
- b. For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below.

##### **For elderly and disabled families only:**

4. **Medical Expense Deduction** — A deduction of unreimbursed Medical Expenses, including insurance premiums, anticipated for the period for which Annual Income is computed.

Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, health 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 NNRHA for the purpose of determining a deduction from income, the expenses claimed must be verifiable.

- a. For elderly or disabled families without work-related disability expenses: The amount of the deduction shall equal total medical expenses less three percent of annual income.
  - b. For elderly or disabled families with both work-related disability expenses and medical expenses: the amount of the deduction is calculated as described in paragraph 3 (b) above.
5. **Elderly/Disabled Household Exemption** — An exemption of \$400 per household. See Definitions in the next section.
6. **Optional Deductions/Exemptions:** NNRHA may amend this policy and grant further deductions. Any such deduction would be noted here. HUD does not increase operating subsidy to offset additional deductions.

**E. Computing Income-based Rent and Choice of Rent 24 CFR § 5.628**

**1. Total Tenant Payment (TTP)**

- a. The first step in computing income-based rent is to determine each family's Total Tenant Payment.
- b. Then, if the family is occupying an apartment that has tenant-paid utilities, the Utility Allowance is subtracted from the Total Tenant Payment.
- c. The result of this computation, if a positive number, is the Tenant Rent.
- d. If the Total Tenant Payment less the Utility Allowance is a negative number, the result is the utility reimbursement, which is paid directly to the utility company by the NNRHA.

**2. Total Tenant Payment (income-based rent) is the higher of:**

- 30% of adjusted monthly income;
- or
- 10% of monthly income;
- but never less than the
- Minimum Rent of \$50;
- and not more than the
- Flat Rent, if chosen by the family

**3. Tenant rent**

- a. Tenant rent is computed by subtracting the utility allowance for tenant supplied utilities (if applicable) from the Total Tenant Payment.
- b. In developments where the NNRHA pays all utility bills directly to the utility supplier, Tenant Rent equals Total Tenant Payment. **24 CFR § 5.634**

**4. Minimum Rent**

The Minimum Rent shall be \$50 per month.

**5. Minimum rent hardship exemption**



A hardship exemption shall be granted to residents who can document that they are unable to pay the \$50 because of a long-term hardship (over 90 days). Examples of situations under which residents would qualify for the hardship exemption to the minimum rent are limited to the following: **24 CFR § 5.630**

- a. The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;
  - b. The family would be evicted as result of the imposition of the minimum rent requirements;
  - c. The income of the family has decreased because of changed circumstances, including loss of employment;
  - d. A death in the family has occurred;
6. Being exempted from paying minimum rent does not mean the family automatically pays nothing. Instead, the family is required to pay the greater of 30% of Adjusted Monthly Income or 10 percent of monthly income.

#### **7. Choice of Rent**

At initial certification and at each subsequent annual reexamination the resident shall be offered a choice of paying either the income-based rent or the Flat Rent applicable to the apartment they will be occupying.

#### **F. Repayment Agreements**

When a resident owes the NNRHA retroactive rent or back charges and is unable to pay the balance by the due date, the resident may request that the NNRHA allow them to enter into a Repayment Agreement. The NNRHA has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed XXXXX months. The number of months is at the discretion of the property manager. If feasible, the total amount paid will not exceed 40% of monthly adjusted income. All Repayment Agreements must be in writing and signed by both parties. They must include the following elements:

- a. Reference to the paragraphs in the Public Housing lease or whereby the tenant is in non compliance and may be subject to termination of tenancy or assistance, or both.
- b. The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the PHA.
- c. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- d. Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

Refusal to enter into a Repayment Agreement for monies owed will subject the family to lease termination procedures.



## **HOTMA- Housing Opportunity through Modernization Act**

The Newport News Redevelopment and Housing Authority shall track all public housing residents who have an income over 120% of the Area Median Income (AMI). After exceeding this 120% threshold for 2 consecutive years, the resident's rent shall change. Exactly how this will occur depends on a HUD regulation that has not yet been published. Details will be determined after the regulation has been published. This is being inserted in the ACOP at this time to give our residents notice of this changing policy being implemented by HUD.

### **1. Over-income Rule.**

After a family's income has exceeded 120 percent of the area median income (AMI) (or a different limitation established by HUD's Secretary) for two consecutive years (2-year grace period), a PHA must either 1) terminate the family's tenancy within 6 months of the second income determination or 2) raise the rent by charging the family a monthly rent equal to the greater of (a) the applicable Fair Market Rent (FMR); or (b) the amount of monthly subsidy for the unit including amounts from the operating and capital fund, as determined by regulations.

**2. The Over-Income Limit.** The new language in section 16(a)(5) of the 1937 Act sets the over-income limit at 120% of the AMI. However, HUD has the ability to adjust the over-income limit (upward or downward) if the Secretary determines that it is necessary due to prevailing levels of construction costs or unusually high or low family incomes, vacancy rates, or rental costs. HUD will annually publish the over-income limits for each locality, specifying over-income limits for each family size.

**3. Family Notification.** A PHA must notify a family of the potential changes to monthly rent after one year of the family's income exceeding the over-income limit. HUD intends to provide guidance on how to notify families, track over-income families, and report into HUD systems. The notice states that, if a PHA becomes aware, through an annual reexamination or an interim reexamination for an increase in income, that a family has reached the over-income limit that will be the point in time for which the two-year clock will start.

If, one year after the initial determination by the PHA that a family's income exceeds the over-income limit, the family's income continues to exceed the over-income limit, the PHA must provide written notification to the family that their income has exceeded the over-income limit for one year, and that if the family's income continues to exceed the over-income limit for the next 12 consecutive months, the family will be subject to either a higher rent or termination based on the PHA's policies.

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## HOTMA SECTION 103 EFFECTIVE 6/14/2023

The Department of Housing and Urban Development requires all PHA's to establish new limits regarding whether a public housing household can continue living in public housing if its income exceeds a maximum limit set by the Department of Housing and Urban Development by locality. Specifically, the Housing Opportunity Through Modernization Act of 2016 (HOTMA), Section 103 applies to all PHA's with 250 or more public housing units.

According to the statute, after a household's income has exceeded the over-income limit for 24 consecutive months (the "grace period"), a public housing agency (PHA) must either terminate the household's public housing tenancy within six months or charge the household an alternative non-public housing rent ("alternative rent"). The alternative rent must equal the greater of the Fair Market Rent (FMR) or the amount of monthly subsidy provided for the unit as determined by the amount of Operating and Capital Funds apportioned to a unit.

The over-income limit ("OI limit") is determined by applying a factor of 2.4 to the income limit for a "very low-income" (VLI) household. VLI varies by jurisdiction and by household size, so each PHA must calculate the OI limit for households of each size occupying their units. The OI limit must then be compared to a household's *annual* income during an annual or interim income examination. If the household's annual is greater than the OI limit, then it exceeds the OI limit for the program.



Newport News Redevelopment and Housing Authority (NNRHA) must update OI limits in its Admissions and Continued Occupancy Policies (ACOP) no later than 60 days after HUD publishes new income limits each year.

Once a family is determined to be over-income, NNRHA must notify the head of household. HOTMA requires PHAs to report each year the total number of OI households living in public housing and the total number of households on a PHA's public housing waiting list. The number of households living in public housing with income exceeding the over-income limitation will include the number of households in the 24 consecutive month grace period, the number in the period before termination, and the number of non-public housing over-income (NPHOI) families paying the alternative rent NPHOI household cannot participate on a resident council or receive a HUD utility allowance.

The attached chart represents the Over Income Limits as of May 18, 2023:

Family Size	1	2	3	4	5	6	7	8
VLI	34,650	39,600	44,550	49,500	53,500	57,450	61,400	63,350
OLI	83,160	95,040	106,920	118,800	128,400	137,880	147,360	156,840

ACOP



### **XIII. NNRHA COMMUNITY SERVICE POLICY**

#### **A. Background**

1. NNRHA is working to enable its residents to become fully economically independent. In support of this goal, NNRHA is requiring that all non-exempt members of resident families meet monthly targets for neighborhood service or economic self sufficiency, as monitored monthly through the Service Connector.
2. Section 12(c) [42 U.S.C. Section 1437j] of the United States Housing Act of 1937, as amended on October 12, 1998 by Section 512 (Pub. L. 105-276) of the Quality Housing and Work Responsibility Act of 1998, contained a CSSR that every adult resident of public housing contribute eight hours of community service per month, or participate in an economic self-sufficiency program for eight hours per month. Regulations for the CSSR requirement can be found at 24 CFR Subpart F, 960.600 through 960.609.

#### **B. Definitions**

1. **Community Service** – is "The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities." Eligible community service activities include, but are not limited to, serving at:
  - a. Local public or nonprofit institutions, such as schools, Head Start Programs, before-or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);
  - b. Nonprofit organizations serving PHA residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;
  - c. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;
  - d. Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;
  - e. PHA housing to improve grounds or provide gardens (so long as such work does not alter the PHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with PHA-run self sufficiency activities including supporting computer learning centers;
  - f. Care for the children of other residents so parents may volunteer.
2. **Work activity must not take the place of work performed by paid employees.**
3. **Self Sufficiency Activities** – Eligible self sufficiency include, but are not limited to:
  - a. Job readiness or job training while not employed;
  - b. Training programs through local One-Stop Career Centers, Workforce Investment Boards (local



entities administered through the U.S. Department of Labor), or other training providers

- c. Higher education (Junior college or college);
  - d. Apprenticeships (formal or informal)
  - e. Substance abuse or mental health counseling;
  - f. Reading, financial and/or computer literacy classes.
  - g. English proficiency or literacy (reading) classes;
  - h. Budgeting and credit counseling.
  - i. Classes at the Family Investment Center
4. Exempt Adult - an adult member of the family who meets any of the following. See page 44a for additional information on exemptions.
- a. Is 62 years of age or older
  - b. Blind or has a disability that can be verified to prevent him/her from being gainfully employed
  - c. Is verified to be the fulltime caretaker of a disabled person
  - d. Is working at least 20 hours per week
  - e. Qualifies as a full-time student at a secondary school or an institution of higher learning

### **C. Requirements of the Program**

- 1. Each non-exempt adult in a family paying at least the minimum rent must contribute and document some combination of 8 hours per month of Community service or self sufficiency activity.
- 2. The 8 hours per month may be either volunteer work or self sufficiency program activity or a combination of the two.
- 3. The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification.
- 4. Activities must be performed within the neighborhood and not outside the jurisdictional area of the NNRHA. The exception to this rule would be adults who are enrolled in full-time higher education or vocational training. Their hours of education would count toward the requirement.
- 5. Family obligations
  - a. At lease execution or re-examination after the effective date of this policy, all adult members (18 or older) of a public housing resident family must
    - 1 provide documentation that they are exempt from Community Service requirement if they qualify for an exemption, and
    - 2 sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the Community Service requirement will result in termination of their lease.
  - b. Once each month non-exempt family members must present a completed documentation form (provided NNRHA) of activities performed over the previous month to the Service Connector.



HUD has published Notice PIH 2015-12 on "Administering the Community Service and Self-Sufficiency Requirement (CSSR)." The notice, which replaces Notice PIH 2009-48 this notice expands exemption.

**Exempt Residents:**

The NNRHA determines if an individual is exempt from the CSSR and the documentation needed to support the exemption. Exemptions for adult residents, as codified at 24 CFR 960.601, include persons who are:

A. 62 years or older;

B. 1) Blind or disabled, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. Section 416(i)(1); Section 1382c), and who certify that, because of this disability, she or he is unable to comply with the service provisions of this subpart, or  
2) Is a primary caretaker of an individual as listed above

C. Engaged in work activities (see Notice PIH 2003-17 (HA)). In order for an individual to be exempt from the CSSR requirement because he/she is "engaged in work activities," the person must be participating in an activity that meets one of the following definitions of "work activity" contained in Section 407(d) of the Social Security Act (42 U.S.C. Section 607(d)):

1. Unsubsidized employment;
2. Subsidized private-sector employment;
3. Subsidized public-sector employment;
4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
5. On-the-job-training;
6. Job-search;
7. Community service programs;
8. Vocational educational training (not to exceed 12 months with respect to any individual);
9. Job-skills training directly related to employment;
10. Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate;

D. Able to meet requirements under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.) or under any other welfare program of the State in which PHA is located including a State-administered Welfare-to-Work program; or,

E. A member of a family receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.), or under any other welfare program of the State<sup>1</sup> in which the PHA is located, including a State-administered Welfare-to-Work program, and has not been found by the State or other administering entity to be in noncompliance with such a program



The notice expands the exemption from the CSSR for “a member of a family receiving assistance, benefits, or services under a state program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.), or under any other welfare program of the state in which the PHA is located, including a state-administered welfare-to-work program, and has not been found by the state or other administering entity to be in noncompliance with such a program.

HUD has determined that the Supplemental Nutrition Assistance Program (SNAP) qualifies as a welfare program of the state. Therefore, if a tenant is a member of family receiving assistance under SNAP, and has been found by the administering state to be in compliance with the program requirements, that tenant is exempt from the CSSR.

To help PHAs determine whether a person should be exempt under this requirement, NNRHA will consider the following:

- 1) The person must be part of the family that is receiving assistance (i.e. part of the family as defined by the state welfare administrator) under this provision;
- 2) The person must be determined by the state agency to be in compliance with the program requirements.

If a person meets these two requirements, then they are exempt under this provision. If not, the person is not exempt from the CSSR under this provision.

College students, whether part-time or full-time, are not automatically exempted from the community service and self-sufficiency requirement (CSSR). However, as described in Notice PIH2015-12 (and in the HUD regulations at 24 Code of Federal Regulations 960 Subpart E), students may be complying with the CSSR by performing self-sufficiency activities.

Under the CSSR, non-exempt adult residents must perform 8 hours per month of community service activities **or** self-sufficiency activities (or a combination of both). A list of eligible self-sufficiency activities contained in Notice PIH 2015-12 includes “higher education (community college or college).” College students are meeting the CSSR requirement as long as their educational activities total at least 96 hours per year. A student would not need to be enrolled full-time to be in compliance with the CSSR.

Students who are meeting the CSSR requirement through self-sufficiency activities should be coded as “in compliance” in field 3q of Form HUD-50058 (code 1). They should not be coded as exempt from the requirement.



- c. At each annual re-examination, non-exempt family members must present a completed documentation form (provided by NNRHA) of activities performed over the previous twelve months. Both forms will include places for signatures of supervisors, instructors, or counselors and the Service Connector certifying to the number of hours contributed each month by month. Additional supporting documentation may be requested of the resident to verify CSSR participation or exempt status. Copies of the certification forms and supporting documentation must be retained in the NNRHA files.
6. Change in exempt status:
- a. If, during the twelve (12) month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to NNRHA and provide documentation of such.
  - b. If, during the twelve (12) month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to NNRHA and the property manager.
  - c. The Service Connector will provide the person with the Recording/Certification documentation form and a list of agencies in the neighborhood that provide volunteer and/or training opportunities.

#### **D. NNRHA obligations**

1. To the greatest extent possible and practicable, NNRHA and its property managers will
  - a. provide names and contacts at agencies that can provide opportunities for residents, including those with disabilities, to fulfill their Community Service/Self Sufficiency obligations;
  - b. include a disabled person who is otherwise able to be gainfully employed, since such an individual is not exempt from the Community Service requirement; and provide referrals for volunteer work or self sufficiency programs.
2. The property manager will provide the family with exemption verification forms and Recording/Certification documentation forms and a copy of this policy at initial application and at lease execution.
3. NNRHA will make the final determination as to whether or not a family member is exempt from the Community Service/Self Sufficiency requirement. Residents may use NNRHA's Grievance Procedure if they disagree with NNRHA's determination. Non compliant Residents: PHAs may not evict a family due to CSSR non-compliance. However, if NNRHA finds a tenant is non-compliant with CSSR, then the NNRHA must provide written notification to the tenant of the noncompliance which must include: A). A brief description of the finding of non-compliance with CSSR. B). A statement that the NNRHA will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with the NNRHA or the family provides written assurance that is satisfactory to the NNRHA explaining that the tenant or other noncompliant resident no longer resides in the unit. Such written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement.

Enforcement Documentation: Should a family member refuse to sign a written work-out agreement, or fail to comply with the terms of the work-out agreement, PHAs are required to initiate termination of tenancy proceedings at the end of the current 12-month lease due to the fact that the family is failing to comply with lease requirements. When initiating termination of tenancy proceedings, the NNRHA will provide the following procedural safeguards: A. Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease; B. Right of the tenant to be represented by counsel; C. Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and, D. A decision on the merits.



## **VIOLENCE AGAINST WOMEN ACT POLICY**

The Newport News Redevelopment and Housing Authority provides or offers the following activities, services, or programs, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking.

- The Community Resources Division provides services to victims of domestic violence through referrals in partnership with Transitions Family Violence Services. Transitions Family Violence Services is the sole provider of comprehensive family violence services. The agency assists adult and child victims through shelter, counseling and advocacy. Community Resources staff work with residents to increase awareness of domestic violence and provide opportunities for them to get assistance through referrals. Families are also given the number to Transitions 24 Hour Hotline-757-723-7774.
- NNRHA works in partnership with the Commonwealth Attorney's Office Victim Services Unit.
- NNRHA works in partnership with the Department of Social Services, Newport News Drug Court and the Peninsula Center for Independent Living sharing information about the different programs and services we offer to assist victims of domestic violence.

The Newport News Redevelopment and Housing Authority provides or offers the following activities, services, or programs that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing.

- Transitions Family Violence Services distributes literature at the Annual College and Career Fair which is sponsored by the Authority.



- The Authority bans individuals from Authority properties that commit assaults.
- The Authority's policy allows the transfer of victims when necessary to other complexes.

The Newport News Redevelopment and Housing Authority provides or offers the following activities, services, or programs to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

- NNRHA has an Involuntary Displacement Preference policy in place to assist families who are "actual or threatened with physical violence directed against the applicant or the applicant's family by a spouse or other household member who lives in the unit with the family".

The Newport News Redevelopment and Housing Authority has the following procedures in place to notify residents of their rights under the Violence Against Women Act:

- This information is given to residents at their leasing.
- The Authority posts this information on the bulletin board at each rental office and the Family Investment Center.
- This information is included in the resident Newsletter quarterly.

The Newport News Redevelopment and Housing Authority has the following procedures in place to notify applicants and residents of their rights under the Violence Against Women Act:

- This information is given to residents at their leasing, when denying admission to applicants and when providing notice of eviction or termination of assistance.
- The Authority posts this information on the bulletin board at each rental office and the Family Investment Center.
- This information is included in the resident Newsletter quarterly.
- In partnership with Transitions Family Violence Services, the Authority holds an annual Domestic Violence workshop/meeting in October in recognition of Domestic Violence Month. Tenant Council Members are invited to attend as well as the Commonwealth Attorney's Office Victim Services Unit.

#### **VAWA-Violence Against Women and Justice Department Reauthorization Act of 2005**

The Violence Against Women and Justice Department Reauthorization Act of 2005 ("VAWA") protects qualified tenants, participants, and applicants, and family members of tenants, participants, and applicants, who are victims of domestic violence, dating violence, or stalking from being denied housing assistance, evicted, or terminated from housing assistance based on acts of such violence against them.

A. Under the federal Violence against Women Act of 2005 (VAWA), the NNRHA must abide by any state or local laws that provide greater protection to victims of domestic violence, dating violence, or stalking than VAWA does.

B. For the purposes of interpreting the Violence against Women Act, NNRHA recognizes the following definition:

Bifurcate: with respect to a public housing lease, it means to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.



C. VAWA provides statutory protections for victims of domestic violence, dating violence, sexual assault, and stalking.

D. Documenting the Occurrence of domestic violence, dating violence or stalking

Upon request, the victim will provide evidence, which could be in the form of the victim's written statement on a HUD-approved certification form, HUD Form 5382. The evidence could also consist of a police or court record, or the written statement of an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or in addressing the effects of abuse, in which the professional attests under the penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse. In brief, a written document that verifies that the violence occurred could be requested by the NNRHA. At its discretion, the NNRHA may provide benefits to an individual based solely on the individual's verbal statement or other corroborating evidence.

The submission of false information may be the basis for the termination of assistance or for eviction.

E. Managing conflicting information

In cases where the NNRHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the NNRHA may determine which is the true victim by requiring third-party documentation in accordance with any HUD guidance as to how such determinations will be made. The NNRHA shall honor any court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household. We also make this decision in accordance with information received from the Commonwealth Attorney's Office and/or information received from the local police department.

F. HUD FORM 50066 Certification of Domestic Violence, Dating Violence, or Stalking is no longer in use. HUD published a new version of form HUD-50066 to reflect changes brought about by VAWA 2013, this form is now considered obsolete and HUD 5382 is used.

G. An actual and imminent threat consists of a physical danger that is real, would occur within an immediate timeframe, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

H. VAWA Protections.

Notice of VAWA protections.

(1) The NNRHA must provide notice to public its Public Housing Residents of their rights under VAWA.

(2) Applicants-- Admission to the program shall not be denied on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking, if the applicant otherwise qualifies for assistance or admission.

(3) Tenants—(a) Domestic violence, dating violence, or stalking. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated



lease violation by the victim or threatened victim of the domestic violence, dating violence, or stalking, or as good cause to terminate the tenancy of, occupancy rights of, or assistance to the victim.

(b) Criminal activity related to domestic violence, dating violence, or stalking. Criminal activity directly related to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy of, occupancy rights of, or assistance to the victim, if the tenant or immediate family member of the tenant is the victim.

(4) Limitations of VAWA protections (a) Nothing in this section limits the authority of the PHA, owner, or management agent to evict a tenant or terminate assistance for a lease violation unrelated to domestic violence, dating violence, or stalking, provided that the NNRHA does not subject such a tenant to a more demanding standard than other tenants in making the determination whether to evict, or to terminate assistance or occupancy rights;

(b) Nothing in this section may be construed to limit the authority of a PHA, owner, or management agent to evict or terminate assistance to any tenant or lawful occupant if the PHA, owner, or management agent can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the public housing if that tenant or lawful occupant is not terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an "actual imminent threat" if they meet the standards. Any eviction or termination of assistance, should be utilized by the NNRHA only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents.

5. As of February 2013 a new bill was created and signed into law. A bill was passed reauthorizing the Violence against Women Act (VAWA 2013). VAWA 2013 makes some changes in the VAWA 2005 provisions applicable to federal housing. Please see 49a for updates to VAWA.

#### I. Remedies Available for Victims

Remedies available to victims of domestic violence, dating violence, or stalking in HUD-assisted housing are:

(a) Lease bifurcation. Notwithstanding any Federal, State, or local law to the contrary, the NNRHA may bifurcate a lease, or remove a household member from a lease without regard to whether the household member is a signatory to then lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, or local law for termination of assistance or leases under the relevant public housing.

(b) Court orders. Nothing may be construed to limit the authority of the NNRHA when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and to address the distribution of property among household members in a case where a family breaks up.



## VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

(VAWA 2013)

The new law makes some changes in the VAWA 2005 provisions applicable to federal housing to include the following:

It extends VAWA protections to victims of sexual assault as well as victims of domestic violence, dating violence, and stalking with sexual assault defined as “any non consensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.”

It replaces the term *immediate family member* with the term *affiliated individual* and defines the latter term to mean, “with respect to individual – (A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis; or (B) any individual, tenant, or lawful occupant living in the household of that individual. (For the definition of *immediate family member* in the current HUD regulations, see 24 CFR 5.2003. For the context in which the term is used, see 24 CFR 5.2005(c)(2).)

VAWA 2013 continues to provide the option of lease bifurcation as an option of removing the perpetrator of the violence. It requires the tenant remaining after bifurcation be given, if necessary, an opportunity to establish program eligibility and if that fails a reasonable time to find new housing or establish eligibility in another housing program.

If removed tenant or lawful occupant was the sole tenant eligible to receive assistance under a covered housing program, the PHA shall provide any remaining tenant the opportunity to establish eligibility for the covered housing program. If the remaining tenant cannot establish eligibility, the PHA is required to provide the tenant a reasonable time to find new housing or to establish eligibility under another covered housing program. If the remaining tenant cannot establish eligibility, the PHA is required to provide the tenant a reasonable time to find new housing or to establish eligibility under another covered housing program.

VAWA 2013 changes the description of violence from “criminal acts of physical violence against family members or others to “criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual.”

The HUD approved VAWA certification form (HUD-50066) requires a victim of abuse to name the perpetrator, VAWA 2013 limits the requirement to situations in which the name is known to the victim and safe to provide. With the VAWA final rule effective 11/16/2016 HUD-50066 is now obsolete and has been replaced with HUD -5382.

It adds a provision explicitly authorizing a PHA, owner, or manager to request third-party documentation when presented with victim certification forms containing conflicting information. (The HUD regulation at 24 CFR 5.2007(e) already provides this authorization.)

VAWA 2013 expands the list of acceptable forms of documentation of abuse to include a document signed by a mental health professional or the record of an administrative agency.

VAWA 2013 expands the victim notification requirements to require that PHAs provide the notice when a person is denied assistance, when a person is admitted, and when a tenant is notified of eviction or termination of housing benefits, and to require that the notice be provided together with form HUD-50066.



## **Violence Against Women Act (VAWA) Self-Petitioner Verification Procedure**

This section explains the procedure that NNRHA will follow when an applicant or resident/tenant requests admission or continued residency as a result of being a VAWA self-petitioner. VAWA self-petitioners are those who claim to be victims of “battery or extreme cruelty.” VAWA covers the following types of battery or extreme cruelty: domestic violence, dating violence, sexual assault, and stalking.

Self-petitioners can indicate that they are in satisfactory immigration status when applying for assistance or continued assistance. Satisfactory immigration status means an immigration status which does not make the individual ineligible for financial assistance. In order to qualify, the non citizen victim must have been battered or subjected to extreme cruelty by their spouse or parent, who is a U. S. citizen or Legal Permanent Resident (LPR). Once we receive a self-petition (INS Form I-360 or I-130) or INS Form 797, we are prohibited from requesting any additional information from the VAWA self-petitioner, other than what is required to complete the verification. When we receive a self-petition or INS FORM 797-Notice of Action, we will contact the Department of Housing and Urban Development, Richmond, VA field office for further guidance.



**Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, Final Rule, published in the Federal Register on November 16, 2016. (VAWA Final Rule) with respect to the Public Housing**

Notwithstanding the title of the statute, protections are not limited to women but cover victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. Consistent with the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a), victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. VAWA does not take precedence over any provision of federal, state, or local law that provides greater protection to victims of domestic violence, dating violence, or stalking.

The final rule specifies “sexual assault” as a crime covered by VAWA in HUD-covered programs.

The final rule clarifies that, consistent with HUD’s nondiscrimination and equal opportunity requirements, victims of domestic violence, dating violence, sexual assault, and stalking cannot be discriminated against on the basis of any protected class, and HUD programs must also be operated consistent with HUD’s Equal Access Rule, which requires that HUD-assisted and HUD-insured housing must be available to all otherwise eligible individuals and families without regard to actual or perceived sexual orientation, gender identity or marital status. (See 24 CFR 5.2001(a).)

The final rule establishes new definitions (e.g., affiliated individual and sexual assault, and others) and revises previously defined terminology (e.g., bifurcate and stalking).

The final rule establishes new requirements for notification of occupancy rights under VAWA, and transmits a model Notice of Occupancy Rights Under the Violence Against Women Act (form HUD-5380). (See 24 CFR 5.2005(a).) Please see page 49g for the notice.

The final rule provides that applicants and tenants may not be denied assistance or have assistance terminated under a covered housing program on the basis of or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

The final rule establishes the requirement to establish an emergency transfer plan, The NNRHA Emergency Transfer plan is based on the Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking HUD Form 5381. Please see page 49h for the NNRHA Emergency Transfer plan. In addition, the Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking form (form HUD-5383) should be completed. Please see page 49i for this form.

The final rule revises requirements for documenting the occurrence of domestic violence, dating violence, sexual assault, or stalking, and provides a new Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (form HUD-5382) please see page 50.



The final rule included where the covered housing provider exercises the option to bifurcate a lease and the evicted or terminated tenant was the recipient of assistance at the time of bifurcation, establishes a new requirement for reasonable time periods during which a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking may remain in the unit while establishing eligibility under the current housing program or under another covered housing program, or seeking alternate housing. (See 24 CFR 5.2009(b).)

The final rule revises public housing regulations from the 2005 reauthorization of VAWA (VAWA 2005) to broadly state that VAWA protections apply, so that all tenants and applicants, and not only those determined to be victims of domestic violence, dating violence, sexual assault, or stalking, receive statutorily required notification of their VAWA rights.

### **DEFINITIONS AS USED IN VAWA**

The following are definitions of terms most frequently referred to in and included in the VAWA Final Rule

**Actual and imminent threat**- refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

**Affiliated individual, with respect to an individual, means:** a. A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or b. Any individual, tenant, or lawful occupant living in the household of that individual.

**Bifurcate** means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

**Covered housing provider** refers to the individual or entity under a covered housing program, and as defined by each program in its regulations, that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities.



**Dating violence** means violence committed by a person: a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

1) The length of the relationship; 2) The type of relationship; and 3) The frequency of interaction between the persons involved in the relationship.

**Domestic violence** includes felony or misdemeanor crimes of violence committed by: a. a current or former spouse or intimate partner of the victim, b. by a person with whom the victim shares a child in common, c. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, d. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or e. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

**Sexual assault** means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's individual safety or the safety of others; or (2) Suffer substantial emotional distress

A PHA or owner may find instances of domestic violence, dating violence, sexual assault, or stalking against youth (those under the age of 18 years old) living in an assisted household for which the family may need to exercise VAWA protections to protect the youth victim. PHAs and owners should exercise the same documentation and confidentiality procedures in assisting a family in this situation.

Note: Un-emancipated minors would not be eligible to sign leases under HUD programs. Housing providers may consider contacting child welfare or child protective services, or law enforcement, when a minor claims to be a victim of domestic violence, dating violence, sexual assault, or stalking

Guests, unassisted members, and live-in aides of the family are ineligible for VAWA protections that are available only to tenants and participants. As a reasonable accommodation, a tenant/participant can request VAWA protections based on the grounds that the live-in aid is a victim of domestic violence, dating violence, sexual assault or stalking. In addition, other reasonable accommodations may be needed on a case-by-case basis. In cases where a guest or unassisted member is a victim of domestic violence, dating violence, sexual assault or stalking, a tenant/participant cannot be evicted or have assistance terminated on the basis of the domestic violence, dating violence, sexual assault or stalking of the guest or unassisted member.



NOTICE OF OCCUPANCY RIGHTS UNDER  
THE VIOLENCE AGAINST WOMEN ACT

U.S. Department of Housing and Urban  
Development  
OMB Approval No. 2577-0286  
Expires 06/30/2017

VAWA Reauthorization of 2013 Update Provisions Effective 12/16/2016

**Newport News Redevelopment and Housing Authority**

**Notice of Occupancy Rights under the Violence Against Women Act**

**To all Tenants and Applicants**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Newport News Redevelopment and Housing Authority (NNRHA) Public Housing program** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA."

**Protections for Applicants**

If you otherwise qualify for assistance under public housing, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Tenants**

If you are receiving assistance under **public housing**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **public housing** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.



### **Removing the Abuser or Perpetrator from the Household**

NNRHA may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If NNRHA chooses to remove the abuser or perpetrator, NNRHA may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, NNRHA must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, NNRHA must follow Federal, State, and local eviction procedures. In order to divide a lease, NNRHA may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

### **Moving to Another Unit**

Upon your request, NNRHA may permit you to move to another public housing unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, NNRHA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the NNRHA may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA.

The criteria are:

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

**(2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

NNRHA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

NNRHA's emergency transfer plan provides further information on emergency transfers, and NNRHA must make a copy of its emergency transfer plan available to you if you ask to see it.



## **Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

NNRHA may, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from NNRHA must be in writing, and NNRHA must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. The NNRHA may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to NNRHA as documentation. It is your choice which of the following to submit if NNRHA asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by NNRHA with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that NNRHA has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, NNRHA does not have to provide you with the protections contained in this notice.

If NNRHA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), NNRHA has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, NNRHA does not have to provide you with the protections contained in this notice.

### **Confidentiality**

The NNRHA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

The NNRHA must not allow any individual administering assistance or other services on behalf of NNRHA (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The NNRHA must not enter your information into any shared database or disclose your information to any other entity or individual. NNRHA, however, may disclose the information provided if:

**ACOP**



- You give written permission to NNRHA to release the information on a time limited basis.
- NNRHA needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires NNRHA or your landlord to release the information.

VAWA does not limit NNRHA's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

### **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, NNRHA cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if NNRHA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If NNRHA can demonstrate the above, NNRHA should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

### **Non-Compliance with the Requirements of This Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the **HUD Richmond Field Office 600 East Broad Street 3<sup>rd</sup> Floor Richmond, Va 23219**.

### **For Additional Information**

You may view a copy of HUD's final VAWA rule at [HUD.GOV Federal Register dated November 16, 2016].

Additionally, the NNRHA must make a copy of HUD's VAWA regulations available to you if you ask to see them. For questions regarding VAWA, please contact [the NNRHA property manger where your residence is located or the Occupancy Officer].



For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **Transitions Family Violence Center at 757-723-7774 or Newport News Victim Services Unit at 757-926-7443.**

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact **Transitions Family Violence Center at 757-723-7774 or Newport News Victim Services Unit at 757-926-7443.**

Victims of stalking seeking help may contact **Transitions Family Violence Center at 757-723-7774 or Newport News Victim Services Unit at 757-926-7443.**

Attachment: Certification form HUD-5382



## Newport News Redevelopment and Housing Authority

### Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

#### **Emergency Transfers**

Safety of our tenants is an utmost concern of the Newport News Redevelopment and Housing Authority (NNRHA). Such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA) NNRHA allows tenants who are victims of such violence to request an emergency transfer from the tenant's current unit to another public housing unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of NNRHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether NNRHA has another public housing unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that the NNRHA **public housing program** is in compliance with VAWA.

#### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

#### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify NNRHA's management office and submit a written request for a transfer to **[another public housing community with an available unit]**.



The NNRHA will provide reasonable accommodations to this policy for individuals with disabilities.

The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under NNRHA's program; or
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

The NNRHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives NNRHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act for all tenants for more information about NNRHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

NNRHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. NNRHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. NNRHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

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

### **Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.



Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan.

For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Local organizations which offer assistance to victims of domestic violence, dating violence, sexual assault, or stalking:

1. Transitions Family Violence Center-  
P.O. Box 561 Hampton, VA 23669  
Hotline: (757) 723-7774  
TTY/TDD: 723-6862  
Main Office: (757) 722-2261  
[www.transitionsfvs.org](http://www.transitionsfvs.org)

2. Newport News Victim Services Unit  
2501 Washington Avenue 6<sup>th</sup> Floor  
Newport News, VA 23607  
(757) 926-7443

Certification form HUD 5383

**EMERGENCY TRANSFER  
REQUEST FOR CERTAIN  
VICTIMS OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT OR STALKING**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

**The requirements you must meet are:**

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.**

If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

**(2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Form HUD-5383  
(12/2016)

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER**

1. Name of victim requesting an emergency transfer: \_\_\_\_\_

2. Your name (if different from victim's) \_\_\_\_\_

3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_

5. Address of location from which the victim seeks to transfer: \_\_\_\_\_

6. Address or phone number for contacting the victim: \_\_\_\_\_

7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. \_\_\_\_\_

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: \_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**CERTIFICATION OF  
DOMESTIC VIOLENCE,  
DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING,  
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

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

1. Date the written request is received by victim: \_\_\_\_\_

2. Name of victim: \_\_\_\_\_

3. Your name (if different from victim's): \_\_\_\_\_

4. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

5. Residence of victim: \_\_\_\_\_

6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

7. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

8. Date(s) and times(s) of incident(s) (if known): \_\_\_\_\_

10. Location of incident(s): \_\_\_\_\_

In your own words, briefly describe the incident(s):

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This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.



#### XIV. PHAS Score and Designations

The NNRHA will post a notice of the PHAS (Public Housing Assessment Score) and designation in appropriate and conspicuous and accessible locations in its offices within two weeks of receipt of our final PHAS score and designation.

#### XV. Definitions of Terms Used in This Statement of Policies

1. Accessible dwelling units—when used with respect to the design, construction or alteration of an individual dwelling unit, 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 disabilities. 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 an individual dwelling unit in an existing facility is being modified for use by a specific individual, the apartment will not be deemed accessible, even though it meets the standards that address the impairment of that individual, unless it also meets the UFAS standards.

2. Accessible Facility - means all or any portion of a facility other than an individual dwelling unit used by individuals with physical disabilities. **24 CFR § 8.21**
3. Accessible Route - For persons with 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 unit to accommodate the needs of disabled and non-disabled persons; or ability to meet the needs of persons with different types & degrees of disability. **24CFR § 8.3 & § 40.3.5**
5. Affiliated Individual- for purposes of interpreting the Violence Against Women Act with respect to an individual—(A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis; or (B) any individual, tenant or lawful occupant living in the household of that individual.
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. **24 CFR § 8.3 & § 8.23 (b)**
7. Applicant – an individual or a family that has applied for admission to housing.
8. Area of Operation - Jurisdiction of NNRHA as described in state law and NNRHA’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 or the value of business assets.” See the definition of Net Family Assets, for assets used to compute annual income. **24 CFR § 5.603**



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 a NNRHA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by NNRHA must demonstrate separate residence) and do not live in the public housing apartment. Care attendants have no rights of tenancy.
12. Citizen – Citizen (by birth or naturalization) or national of the United States. **24CFR § 5.504**
13. Co-head of household – One of two persons held responsible and accountable for the family.
14. Community Service Requirements – The performance of voluntary work or duties that benefit the public and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self responsibility in the community. Community service is not employment and may not include political activities. See **NNRHA Community Service Policy**.
15. Covered Families for Welfare Benefits – Families who receive welfare assistance or other public assistance benefits (welfare benefits) from a state or other public agency (welfare agency) under a program for which federal, state or local law requires that a member of the family participate in an economic self sufficiency program as a condition for such assistance.
16. Covered Person – For the purposes of lease enforcement, covered person means a tenant, any member of the tenant's household, a guest or another person under the tenant's control. **24 CFR § 5.A**
17. Dating Violence – for purposes of interpreting the Violence Against Women Act, violence committed by a person:
  - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.
18. 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, or a full-time student. **24 CFR § 5.603**
19. Designated Family - means the category of family for whom NNRHA elects (subject to HUD approval) to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act. **PL 96-120**
20. Designated housing (or designated project) - a project(s), or portion of a project(s) designated for elderly only or for disabled families only in accordance with **PL 96-106**.
21. Development – The whole of one or more residential structures and appurtenant structures, equipment, roads, walks, and parking lots that are covered by a single contract for federal financial assistance, or are treated as a whole for processing purposes, whether or not located on a common site. **24 CFR § 5.603**
22. Disability Assistance Expenses – Reasonable expenses that are anticipated during the period for which annual income is computed for attendant care or auxiliary apparatus for a disabled family member that are incurred to permit an adult family member (including the person with disability) to be employed,



provided that the expenses are not paid to a family member, reimbursed by an outside source, and exceed 3 percent of Annual Income.

23. Disabled Family – means a family whose head (including cohead), 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 § 5.403**
24. Displaced Person – A person who is displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or formally recognized pursuant to federal disaster relief laws **24 CFR § 5.403(b)** For purposes of redevelopment activities, a family may also be displaced as defined in the Uniform Relocation Act. Such families have been displaced if they have been required to permanently move from real property for the rehabilitation or demolition of such property. These families may be entitled to specified benefits under the Uniform Relocation Act. **49 CFR § 24.2**
25. Divestiture Income - Imputed income from assets, including business 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 § 5.603** in this section.)
26. Domestic Violence: for purposes of interpreting the Violence Against Women Act, includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitating or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
27. Drug-Related Criminal Activity – The illegal manufacture, sale, distribution, use or possession of a controlled substance with intent to manufacture, sell, distribute, or use the drug. **24 CFR § 5.A**
28. Economic Self-Sufficiency Program – Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment, counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including substance abuse or mental health treatment) or other work activities. **24 CFR § 5.603**
29. Elderly Family – means a family whose head (including cohead), 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 § 5.403**
30. Elderly Person - A person who is at least 62 years of age. **42 USC 1437a(b)(3)**
31. Eligible Immigration Status – For a non-citizen, verification of immigration status eligible for assisted housing consisting of a signed certification and the original copy of an acceptable INS document. **24 CFR § 50508**



32. Emancipated Minor – A person under age 18 who does not live or intend to live with his/her parents, and who has been declared “emancipated” by a court of competent jurisdiction. An emancipated minor is eligible to be a head of household and sign a NNRHA lease.
33. Extremely Low Income Family – is a very low income family whose income does not exceed 30% of the area median income.
34. Family – includes but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status. 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 NNRHA housing; **OR** two or more persons who are not so related, but are regularly living together, can verify shared income or resources who will live together in NNRHA housing.
- The term family also includes: Elderly family (Definition #28), Near elderly family (Definition #52) disabled family (Definition #22), displaced person (Definition #23), single person (Definition #63), the remaining member of a tenant family, or a kinship care arrangement (Definition #42). Other persons, including members temporarily absent (e.g. a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family. **24 CFR §§ 5 and 960**
- Live-in Aides (Definition #43) may also be considered part of the applicant family's household. However, live-in aides are not family members and have no rights as “remaining family members”.
- Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency. These individuals are household members but are not family members and have no rights as “remaining family members”.
- For purposes of continued occupancy: the term family also includes the remaining member of a resident family with the capacity to execute a lease.
35. Foster Adult – An adult (usually a person with disabilities) who is placed in someone's home by a governmental agency so the family can help with his/her care. Foster adults may be members of NNRHA households, but they have no rights as remaining family members. The income received by the family for the care of a Foster Adult is excluded from Annual Income.
36. 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 5.603**
37. Gender Identity- means actual or perceived gender-related characteristics.
38. Guest – For the purposes of resident selection and lease enforcement, a guest is a person temporarily staying in the unit with the consent of the resident or other member of the household who has express or implied authority to so consent on behalf of the resident. **24CFR § 5.A**
39. 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.
40. HUD 50058 Form- The HUD form that housing authorities are required to complete and electronically submit to HUD for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations. Housing Authorities must retain at a minimum the last three years of the form 50058,



and supporting documentation, during the term of each assisted lease, and for a period of at least three years from the end of participation date. Electronic retention of form HUD 50058 and HUD 50058-FSS and supporting documentation fulfills the record retention requirement.

41. Immediate Family Member – a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.
42. Imputed Welfare Income – The amount of Annual Income by which a resident's welfare grant has been reduced because of welfare fraud or failure to comply with economic self sufficiency requirements that is, nonetheless, included in Annual Income for determining rent. **24 CFR § 5.615(b)**
43. Individual with Disabilities, Section 504 definition **24 CFR § 8.3**

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

- a. A physical or mental impairment that:
  - substantially limits one or more major life activities;
  - has a record of such an impairment; or
  - is regarded as having such an impairment.
- b. For purposes of housing programs, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.
- c. Definitional elements:

"physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

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.

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

"Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.



"Is regarded as having an impairment" means has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation; or

Has a physical or mental impairment that substantially limits one or more major life activities only as result of the attitudes of others toward such impairment; or

Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.

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

- d. The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism. Note: These characteristics do not disqualify an otherwise disabled applicant/resident from being covered.

The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to public housing a person must meet the program definition of person with disabilities found in this section.

44. Kinship care - an arrangement in which a relative or non-relative becomes the primary caregiver for a child or children but is not the biological parent of the child or children. The primary caregiver need not have legal custody of such child or children to be a kinship caregiver under this definition. (Definition provided by the Kinship Care Project, National Association for Public Interest Law) The primary caregiver must be able to document Kinship care, which is usually accomplished through school or medical records.
45. Live-in Aide - A person who resides with an elderly person(s), near elderly person(s) or person(s) with disabilities and who: (a) is determined by NNRHA 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 5.403**
46. Local Preferences:

There are five categories of Local Preferences. They are equal in weight and are not aggregated.

- a. Involuntarily displaced: An applicant qualifies as "involuntarily displaced" if the family is will be displaced through no fault of their own because of:
- 1) A disaster, declared or not (fire, flood, earthquake, etc.) that causes the unit to be uninhabitable;
  - 2) Federal, State or Local action related to code enforcement, redevelopment or public improvement;
  - 3) Action by the housing owner that the family cannot control, even though the family is fully lease compliant, and is other than a rent increase, such as converting the applicant's unit to non-housing use, closing the unit to rehabilitate it, the owner's decision to use the unit for a family member, sale of the unit when the contract of sale requires the unit to be vacant when sold, any other legal act that will require the unit to be vacated;



- 4) Actual or threatened violence by a spouse or other family member against another member of the applicant family. The actual or threatened violence must have occurred within the past 90 days, the abuser must be a part of the current household and may not be a part of the public housing household without NNRHA's written permission, and this preference is not available to someone who lives in a neighborhood with high potential for crime or violence if the threat is not coming from a household member.
  - 5) To avoid reprisals because the family provided information on criminal activities to law enforcement authorities. This must be verifiable through a threat assessment.
  - 6) Hate crimes, which is actual or threatened physical violence or intimidation based on a person's race, color, religion, national origin, disability or familial status that occurred in the last 90 days or is of a continuing nature;
  - 7) Non-suitability of the housing unit because a member of the applicant family has a disability, the unit is not accessible, and the owner has no legal obligation to make it accessible;
  - 8) HUD disposition of a multifamily project.
- b. Substandard Housing: An applicant lives in substandard housing if the applicant is homeless or the applicant's current housing meets one of the following criteria and the applicant did not cause the condition:
- 1) Is dilapidated, as cited by Code Enforcement officials and does not provide safe, adequate shelter, has one or more critical defects, or a combination of defects requiring considerable repair, endangers the health safety, and well-being of the family; or
  - 2) Does not have operable indoor plumbing;
  - 3) Does not have a usable flush toilet in the unit for the exclusive use of the family;
  - 4) Does not have a usable bathtub or shower in the unit for the exclusive use of the family;
  - 5) Does not have adequate, safe electrical service;
  - 6) Should but does not have a kitchen. (Single room occupancy housing is not substandard solely because it does not contain sanitary and/or food preparation facilities in the unit)
  - 7) Has been declared unfit for habitation by a government agency;
  - 8) Is overcrowded according to the local housing code;
  - 9) Applicants living in public housing or publicly assisted housing shall not be denied this preference if their housing meets the criteria for this preference.
  - 10) A "homeless family" is one who lacks a fixed, regular and adequate nighttime residence; and Has a primary temporary nighttime residence that is a supervised public or private shelter providing temporary accommodations, or an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not ordinarily used as a sleeping accommodation for human beings.

Families who are residing with friends or relatives on a temporary basis will be included in the "homeless family definition". Persons who are part of an applicant family unit will not be considered a separate household. See Appendix XVIII for expanded definition of Homeless



- c. Rent Burden Preference: An applicant family will qualify for a local preference if they can document that they are paying more than 50 percent of their monthly income for rent and utilities for at least 90 days and until the preference is verified at certification.

Monthly income is 1/12<sup>th</sup> of Annual Income as defined in Chapter XII, Determining Income and Rent.

"Rent" is defined as the actual amount due under the applicant's lease or occupancy agreement plus the monthly amount of tenant paid utilities which can be either the NNRHA's estimate based on the Section 8 utility schedule or the average monthly payments actually made by the applicant family. The family chooses the method used to determine utility payments.

To qualify for this preference, the applicant must pay rent directly to the landlord, owner or agent. If the applicant pays rent to a cohabitant, the NNRHA will verify the rent payments through the cohabitant.

Members of a cooperative will be considered renters for this preference. Rent would include all charges under the occupancy agreement.

- d. Veteran An applicant family will qualify for a local preference if the applicant or spouse served in the active military service of the United States at any time and who was discharged or released from service under conditions other than dishonorable.

- e. Mainstream Vouchers Preference- See Appendix XVIII for definition and detail

47. Lower-Income Household - A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD with adjusted for smaller family size. **42 USC 1437a(b)**
48. Medical Expense Allowance - For purposes of calculating adjusted income for elderly or disabled families only, medical expenses mean the medical expense not compensated for or covered by insurance in excess of 3% of Annual Income. **24 CFR § 5.603**
49. Minor - A minor is a person less than 18 years of age. An unborn child will not be considered as a minor. (See definition of dependent.) Some minors are permitted to execute contracts, provided a court declares them "emancipated".
50. Mixed Family - a family with both citizen or eligible immigrant members and members that are neither citizens nor eligible immigrants. Such a family will be charged a pro-rated rent. **24 CFR § 5.504**
51. Mixed Population Project - means a public housing project for elderly and disabled families. The NNRHA is not required to designate this type of project.
52. Multifamily housing project - For purposes of Section 504, means a project containing five or more dwelling units. **24 CFR § 8.3**
53. National - A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. **24 CFR § 5.504**
54. Near-elderly family - means a family whose head (including cohead), spouse, or sole member is a near-elderly person who may be a person with a disability. 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 § 5.403**
55. 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 **42 USC 1437a(b)(3)**



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

- a. Real property (land, houses, mobile homes)
- b. Savings (CDs, IRA or KEOGH accounts, checking and savings accounts, precious metals)
- c. Cash value of whole life insurance policies
- d. Stocks and bonds (mutual funds, corporate bonds, savings bonds)
- e. Other forms of capital investments (business equipment)

Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs are: brokerage or legal fees, settlement costs for real property, or penalties for withdrawing saving funds before maturity.

Net Family assets also include the amount in excess of any consideration received for assets disposed of by an applicant or resident for less than fair market value during the two years preceding the date of the initial certification or reexamination. This does not apply to assets transferred as the result of a foreclosure or bankruptcy sale.

In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be less than fair market value if the applicant or resident receives important considerations not measurable in dollar terms

57. Other Person Under the Resident's Control - for the purposes of resident selection and lease enforcement means that the person, although not staying as a guest in the unit is, or was at the time of the activity in question, on the premises because of an invitation from the resident or other member of the household who has express or implied authority to so consent on behalf of the resident. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not "under the resident's control". **24CFR § 5.A**

58. Person with disabilities<sup>22</sup> **42 USC 1437a(b)(3)** means a person<sup>23</sup> who —

- a. Has a disability as defined in Section 223 of the Social Security Act **42 USC 423** ; or,
- b. Has a physical or mental impairment that:  
Is expected to be of long continued and indefinite duration;  
Substantially impedes his/her ability to live independently; and,  
Is of such nature that such disability could be improved by more suitable housing conditions; or,
- c. Has a developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act 42 USC 6001 (5).

This is the definition that is used for eligibility and granting deductions for rent.

59. Portion of Development - includes, one or more buildings in a multi-building project; one or more floors of a development or developments; a certain number of dwelling units in a development or developments. **24CFR § 945.105**

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<sup>22</sup> NOTE: this is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission. **24 CFR 8.4 (c) (2)**

<sup>23</sup> A person with disabilities may be a child



60. Ranking preference – The NNRHA has two ranking preferences that are of equal weight and are used to sort among Local Preference holders:
- Resident of Newport News: An applicant will be considered a resident of Newport News if he/she lives, works or has been hired to work in Newport News<sup>24</sup>;
  - Working: A family qualifies for the Working family ranking preference if any adult member of the applicant family is working at least 30 hours per week for 90 days prior to certification and at the time of certification. In addition, a family qualifies for this preference if all the adult members of the applicant family are elderly or persons with disabilities.
61. Refusal of Housing – An applicant's choice not to accept a NNRHA offer of housing without good cause.
62. Rejection for Housing – NNRHA's determination not to accept an applicant either because of ineligibility or failing applicant screening.
63. Qualified Individual with Disabilities, Section 504 - means an individual with disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the NNRHA can demonstrate would result in a fundamental alteration in its nature.
- Essential eligibility requirements include: ...stated eligibility requirements such as income as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of complying with all obligations of occupancy with or without supportive services provided by persons other than the NNRHA.
  - For example, a chronically mentally ill person whose particular condition poses a significant risk of substantial interference with the safety or enjoyment of others or with his or her own health or safety in the absence of necessary supportive services may be "qualified" for occupancy in a project where such supportive services are provided by the NNRHA as a part of the assisted program. The person may not be 'qualified' for a project lacking such services. **24 CFR § 8.3**
64. Service Provider - a person or organization qualified and experienced in the provision of supportive services, that is in compliance with applicable licensing requirements imposed by state or local law for the type of service to be provided. The service provider may be either a for-profit or a non-profit entity.
65. Sexual Assault- any non consensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.
66. Sexual Orientation- means homosexuality, heterosexuality, or bisexuality.
67. Single Person - A person living alone or intending to live alone.
68. Spouse - Spouse means the husband or wife of the head of the household.
69. Stalking – for purposes of interpreting the Violence Against Women Act, to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass or intimidate; or to place under surveillance with the intent to kill, injure, harass or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

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<sup>24</sup> There is no minimum length of time required to establish residency.



70. Tenant Rent - The amount payable monthly by the Family as rent to NNRHA. If all utilities (except telephone) and other essential housing services are supplied by the NNRHA, Tenant Rent equals Total Tenant Payment. If some or all utilities (except telephone) and other essential housing services are not supplied by the NNRHA the cost thereof is not included in the amount paid as rent, and Tenant Rent equals Total Tenant Payment less the Utility Allowance **24 CFR § 5.6**.
71. Total Tenant Payment (TTP) - The TTP is calculated using the following formula:  
The greater of 30% of the monthly Adjusted Income (as defined in these policies) or 10% of the monthly Annual Income (as defined in these policies), but never less than the Minimum Rent. If the Resident pays utilities directly to the utility supplier, the amount of the Utility Allowance is deducted from the TTP. **24 CFR §5.6** See definition for Tenant Rent
72. Uniform Federal Accessibility Standards - Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically disabled 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)**.
73. 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**
74. Upward Mobility Preference: An admissions preference granted when:
- a. A family can verify employment of an adult member:
    - (i) Employment at the time of the offer — to receive this preference an applicant family must have at least one adult family member, employed at the time of NNRHA's offer of housing. Employment at the time of the offer must be for the 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.
    - (ii) Employment periods may be interrupted, but to claim the preference, a family must have an employed family member prior to the actual offer of housing as described above.
    - (iii) A family member that leaves a job will be asked to document the reasons for the termination. Someone who quits work after receiving benefit of the preference (as opposed to layoff, or taking a new job) will be considered to have misrepresented the facts to NNRHA and will have their lease terminated.
    - (iv) The amount earned shall not be a factor in granting this local preference. This 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 disability benefits, or any other payments based on the individual's inability to work. **24 CFR 960.212 (b) (1)**
  - b. A family can verify participation in an education or job training program or graduation from such a program in the 90 days before admission. This includes programs of job training, skills training or higher education accepted or mandated by the Temporary Assistance to Needy Families program;  
The family must notify NNRHA if it enters such a program while on the waiting list and provide documentation of participation to NNRHA. NNRHA will not grant this preference if the family fails to provide notice. Notice and verification of the preference claim must be received prior to the offer of housing. To claim this preference applicants must be in good standing with respect to attendance and program rules.



75. Utility Reimbursement - Funds reimbursed to the utility company on the resident's behalf if the utility allowance exceeds the Total Tenant Payment. Families paying Flat rent do not receive Utility Allowances and, consequently, will never qualify for utility reimbursements.
76. VAWA- means the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, approved August 28, 2006), as amended by the U.S. Housing Act of 1937 (42 U.S.C. 1437d and 42 U.S. 1437f)
77. Very Low-Income Family – A very low-income family has an Annual Income less than 50 percent of the median Annual Income for the area, adjusted for family size, as determined by HUD.
78. Violence- criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual.
79. Welfare Assistance– Welfare or other payments to families or individuals based on need, that are made under programs, separately or jointly, by federal, state or local governments.
80. Work Activities – As used in the HUD definitions at **24 CFR § 5.603** the term work activities means:
- a. Unsubsidized employment;
  - b. Subsidized private sector employment;
  - c. Subsidized public sector employment;
  - d. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
  - e. On-the-job training;
  - f. Job search and job readiness programs;
  - g. Community service programs;
  - h. Vocational educational training (< 12 months)
  - i. Job skills training directly related to employment;
  - j. Education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency;
  - k. Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence;
  - l. The provision of child care services to an individual who is participating in a community service program.