

**THE HOUSING AUTHORITY OF THE COUNTY
OF WAYNE**

**STATEMENT OF POLICIES GOVERNING
ADMISSION AND OCCUPANCY**

IN

**BARKER STREET APARTMENTS AND
GRAVITY PLANE APARTMENTS**

THE HOUSING AUTHORITY OF THE COUNTY OF WAYNE

**STATEMENT OF POLICIES GOVERNING
ADMISSION AND OCCUPANCY**

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Revision #1 - March 22, 1999
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SECTION I. CONDITIONS GOVERNING ELIGIBILITY

A. Civil Rights Certification

It is the policy of the Wayne County Housing Authority, (Hereinafter referred to as WCHA or the Authority) to comply fully with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Title VIII and Section 3 of the Civil Rights Act of 1968 (As amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, title II of the Americans with Disabilities Act of 1990, and any legislation protecting the individual rights of participants, applicants or staff which may subsequently be enacted. The WCHA certifies that it will affirmatively further fair housing. This is in continuation of our long-standing anti-discrimination tradition.

WCHA shall not discriminate because of race, color, sex, religion, disability, handicap, familial status or national origin in the leasing, rental, or other disposition of housing or related facilities, (including land), included in any project or projects under its jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

WCHA will accommodate persons with disabilities or language barriers. If the applicant's failure to respond to the Housing Authority's request for information will allow reasonable accommodation to give the applicant an opportunity to respond.

B. Eligibility for Admission

The Authority ("WCHA") will admit as tenants of Barker Streets and Gravity Plane Apartments, applicants who, at the time of admission, meet the following requirements and comply with the Tenant Selection Criteria under Section II of the Policy. Requirements must be met for an applicant to be eligible for assistance under the program.

In accordance with HUD Notice H 00-18, the conditions governing the Eligibility for Admission and Resident Selection will be determined in accordance with the Quality Housing and Work Responsibility Act of 1998 (QHWRA).

Method #1 - Admit only extremely low-income families until the 40% target is met. In chronological order, owners select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. Once this target has been reached, admit applicants in waiting list order.

Once the extremely low waiting list is exhausted, the very low waiting list is next to be considered. No applicants are skipped over using this procedure.

- Eligibility Criteria: Barker Street Apartments

- a. An elderly family: A family whose head or spouse or sole member is at least 62 years of age.
- b. A disabled family: A family whose head, spouse, or sole member is a person with disabilities.
- c. An applicant/family must meet the income eligibility criteria of the extremely low-very low income limits.

- Eligibility Criteria: Gravity Plane Apartments

- a. A family with or without children. Such a family is defined as a group of people related by blood, marriage, adoption, guardianship, or operation of law.

- children temporarily absent from the home due to placement in foster care are considered family members.

- unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limits.

- b. Any "other single person" who is not 62 years old or older, disabled, handicapped, displaced or the remaining member of a tenant family.
- c. A person displaced due to action taken by local, state or federal government.
- d. A remaining member of a tenant of an assisted family who remains in the unit when other family members have left the unit.
- e. An elderly family: A family whose head or spouse or sole member is at least 62 years of age.

f. A disabled family: A family whose head, spouse, or sole member is a person with disabilities.

g. An eligible applicant must be 18 years of age to apply for rental assistance.

h. An applicant/family must meet the income eligibility criteria of an extremely low-very low income limits.

INCOME ELIGIBILITY

1. To be eligible to receive assistance a family shall, at the time the family initially receives assistance, shall be a low-income.

Compliance with income targeting requirements will be met for leasing units to extremely low-income families; not less than 40% of the dwelling units that become available for occupancy will be leased to extremely low-income families.

The WCHA will comply with the Income Targeting Requirements set forth in QHWRA, CFR 982.201(b)(2).

2. All family members six years of age or older must provide proof of their social security number or have their guardian certify they do not have a number.

3. Each applicant and their family members must certify that they are lawfully residing in the United States under Declaration of Section 214 Status.

a. The Authority must require verification of either citizen/national declaration in the form of a U.S. passport, resident alien card, registration card, social security card or other appropriate documentation.

If a family is determined to be ineligible for any of the following reasons, the family shall be so notified in writing:

1. The applicant's income exceeds the low income family limits.

2. The applicant was a past participant in the Section 8 Program and failed to satisfy liability for unpaid rent, damages or vacancy loss.

3. The applicant was a former tenant of the Housing Authority or other public housing authority and owes back rent or other charges to said authority, having not yet made arrangements for repayment which meet with the Housing Authority's approval.

Families notified of ineligibility shall be extended an opportunity to request, in writing, an informal review.

C. VERIFICATION OF INFORMATION

Applications shall be taken and processed in the following manner:

1. The WCHA Office is located at 130 Carbondale Road, Waymart, PA 18472. Applications shall be accepted all weekdays between 9:00 a.m. and 3:00 p.m. and on a walk-in basis during periods of open intake. Special appointments shall also be scheduled during these periods.

2. All applicants shall be required to fill out an application to quickly eliminate ineligible households. An Authorization for Release of Information form will also be signed. Verifications shall be done when it is anticipated the applicant will be provided with housing assistance within 30 days. These will include the following:

- a. Income of all family members
- b. Full-time student status (Over 18)
- c. Assets
- d. Medical expenses for elderly and disabled families
- e. Handicapped assistance expenses
- f. Family type (family or elderly)
- g. Other factors
 - Family composition
 - Family medical needs
- h. Child Care expenses

All verifications shall be in written form. Applicants shall be advised of the necessity of providing full, complete and accurate information. Insofar as possible, all verification shall be by third party.

Applicable documents may be photocopied except when prohibited by law. Notarized statements may be requested only when other methods of verifications fail.

3. The application shall be given the next number in the application log and placed on the computer.

4. Applications must be sorted by date and time and unit size.
5. When a unit becomes available, the next applicant shall be processed and the applicant scheduled for an appointment.
6. The applicant is provided, at the appointment, with a list of required documents and actions which must be completed and a deadline for doing so.
7. If the applicant is determined ineligible for a unit, or an application is rejected, the Authority shall notify the applicant in writing of the reasons for the ineligibility and the applicants rights to request, in writing, within 14 days, an informal review. The date of ineligibility will be the later of the date on which the review determination is upheld or the date stated in the letter.
8. A family may refuse the unit offered and be placed at the bottom of the waiting list in the order to be offered the another unit, when available.
9. In order to maintain a balanced application pool, WCHA, at its discretion, may restrict application taking, suspend application taking, and close the waiting list in whole or in part for one or more unit sizes when the average wait is excessive (one year or more). WCHA will also regularly update the waiting list by removing the names of those who are no longer interested or no longer qualify for housing. The WCHA will publish notices on opening closing or suspending the waiting list in two local publications, which will be the Wayne Independent and the News Eagle.

SECTION II. SELECTION OF TENANTS

The WCHA does not have a preference policy for admissions. Every applicant will be placed on the waiting list in order of time and date of the application.

A. Denying Admissions

Mandatory Provisions

The WCHA will apply screening criteria uniformly to all applicants who apply for the waiting list.

The WCHA will deny admission to Federally assisted housing if:

- Any household member has been evicted from Federally assisted housing for drug-related criminal activity, for three years from the date of eviction. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, the WCHA may, but is not required to, admit the household.

- Any household member is currently engaging in illegal drug use.

- The WCHA determines that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Examples of evidence of illegal activities may include a conviction record, former landlord reference, etc.)

- Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal law, the WCHA will prohibit admission to any Federally assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender program. The WCHA must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.

- The WCHA determines that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

DISCRETIONARY PROVISIONS

In addition to the above mandatory screening standards the WHCA has the discretion to prohibit the admission of a household with a household member who is currently engaging in, or has engaged in during a reasonable time before the admission decision in:

- Drug related criminal activity;
- violent criminal activity;
- other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other resident; or
- other criminal activity that would threaten the health or safety of the PHA or WHCA or any employee, contractor, subcontractor or agent of the PHA or WHCA who is involved in the housing operations.

The WHCA has the discretion to reconsider an applicant who was previously denied admission to federally-assisted housing because of a determination concerning a member of the household who has been engaged in criminal activity. The WHCA may admit the household if the household member is not currently engaged in, and has not engaged in, the criminal activity described above during a reasonable period, determined by the WHCA, before the admission decision. The WHCA must have sufficient evidence submitted by the household member which includes (1) a certification that states that he or she is not currently engaged in such criminal activity and has not engaged in such criminal activity during the specified period and (2) supporting information from such sources as a probation officer, a landlord, neighbors, social service agency workers or criminal records that were verified by the WHCA.

DENIAL OF ASSISTANCE FOR ELIGIBILITY OF STUDENTS

No assistance shall be provided under Section 8 of the United States Housing Act of 1937 to any individual who:

- is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

- is under 24 years of age;
- is not a veteran of the United States military;
- is unmarried;
- does not have a dependent child; and
- is not otherwise individually eligible or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937.

For purposes of determining the eligibility of a person to receive assistance, any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq), from private sources or an institution of higher education shall be considered income to that individual, except for a person over the age of 23 with dependent children.

The PHA must deny or terminate assistance if any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.

INFORMATION REGARDING SEX OFFENDERS

- In the screening of applicants, the WHCA must perform the necessary criminal history background checks to determine the applicants' suitability for Federally-assisted housing. The WCHA should contact national and state sex offender registry agencies. WCHA is required to prohibit admission of all sex offenders who are subject to a lifetime registration requirement under a state sex offender program. In accordance with Federal law, any individual who is a sex offender subject to a lifetime registration requirement under state law shall not be admitted to Federally-assisted housing. WCHA has the discretion to "screen out" applicants who the WHCA determines to be unsuitable under the WCHA established standards for admission (for example, sex offenders who are not subject to a registration requirement under state law).

In accordance with the regulation at 24 CFR 5.905.(b), an Owner of Federally-assisted housing that is located in the jurisdiction of a PHA that administers a Section 8 or public housing program under an Annual Contributions Contract with HUD may request that the PHA obtain information necessary to determine whether a household member is subject to a lifetime registration requirement under a state sex offender registration requirement.

Households already living in Federally assisted housing units are not subject to the provisions in the regulations at 24 CFR 5.856. Neither the statutory nor regulatory requirements specifically address sex offenders currently living in Federally-assisted housing.

CONDUCTING BACKGROUND CHECKS

Owners of Federally-assisted housing may request the PHA in the area where the project is located to obtain criminal background information concerning a "household member" for applicant screening, lease enforcement, or eviction. Prior to performing or requesting a PHA to conduct a background check, Owners must obtain signed written consent forms from the applicant or household member. Additionally, before a background check is conducted the Owner must provide the PHA with its selection criteria. The PHA will screen for admission based on the Owner's selection criteria. All criminal background checks conducted must be done for every applicant and/or resident.

Upon request of the Owner, the PHA must request the criminal conviction records in the states where the applicant resides and has resided. The regulation at 24 CFR 5.903(a) authorizes PHAs administering Section 8 obtain criminal conviction records from a law enforcement agency. Owners and PHAs may rely on the applicants declarations regarding their residences and any other information. The PHA's determination with regard to the screening and admission of applicants is based upon the criminal conviction records and the Owner's standards for prohibiting admission. All findings of criminal background or sex offender status used to make determinations must be documented. If the Owner's selection criteria are not clear, the PHA should contact the Owner for clarity. The PHA will make a determination based on the information provided by the Owner. Any decisions based on "reasonable belief" or other "determination" of the owner, the reason for the belief or determination should be documented. This documentation should not be only of specific behavior but that the behavior would (or does) interfere with the health, safety, or peaceful enjoyment of other residents.

If, after a criminal background check has been conducted, it is discovered that the applicant or tenant provided false information, the Owner may deny admissions to the applicant or may evict the tenant if accordance with its standards for admissions screening or for termination of tenancy. However, the household must be notified by the PHA/Owner of the proposed action to be based on the information and must provide the subject of the record, and the applicant or tenant with a copy of such information, and an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

Owners may use sources other than the PHA for the purpose of conducting background checks of criminal conviction records. The Owner may conduct his/her own background search of criminal records, or may secure a contractor. The Owner may not charge the applicant/tenant a fee for these background searches. In those cases where the Owner conducts his/her own criminal background searches, or uses sources other than a PHA, the Owner will make the determination, in accordance with the Owner's standards for admission, if the applicant/tenant meets the screening criteria.

If there is any information discovered, and the applicant or tenant has not revealed the information, the applicant or tenant may be subject to violation. Information withheld during the application process could be grounds for denying admission. Tenants who provide false information or withhold information may be in violation of the lease agreement.

Owners and PHA's have the discretion to contract out their screening activities, but will be responsible for the action and decisions made by their contractors. HUD does not prescribe the manner in which the PHA determines its source for obtaining this information. The criminal records must be requested from the appropriate law enforcement agency, National Crime Information Center (NCIC), police departments, or other law enforcement agencies that hold criminal conviction records.

Police officers and other security or management personnel that apply to rent subsidized units are subjected to the same screening criteria as other applicants.

PHA's that obtain criminal records are not responsible for updating the criminal history of an applicant or tenant. Criminal records are to be managed in accordance with the requirements in the regulations at 24 CFR 5.903(g) requiring the PHA to insure that "...any criminal record received by the PHA from a law enforcement agency is maintained confidentially; not misused or improperly disseminated; and destroyed, once the purpose for which the record was requested has been accomplished." When destroying records of criminal background checks in accordance with 24 CFR 5.903(g) notation should be made in the tenant file of the date the record were destroyed and that the reason was for purposes of confidentiality.

In addition, PHA's and Owners must handle any information obtained from other records in accordance with applicable state and Federal privacy laws and with the provisions of the consent forms signed by the applicant.

TENANTS LIVING IN AN UNASSISTED UNIT

Owners are not required to have background checks conducted on applicants applying for an unassisted unit or tenants living in an unassisted unit in a project-based property. Owners may conduct background checks on applicants for unassisted unit if they wish. The Final Rule does not require that the PHA conduct criminal background checks on applicants for units that are not Federally-assisted. For purposes of screening and eviction, Federally-assisted housing is defined as a "...dwelling unit in housing that is provided project-based assistance under multifamily housing programs." The "project" means only the part of the development that is HUD-assisted when a development is only partially HUD assisted.

FEES

The PHA may charge the Owner reasonable fees for performing background checks on behalf of the Owner for criminal records and for taking other action on behalf of the Owner. The fee is a project expense. The PHA may require the Owner to reimburse costs incurred by the PHA, including reimbursement of any fees charged to the PHA by a law enforcement agency, the PHA's own related staff and administrative costs. The fee that a PHA may charge for these requirements is separate from the administrative fee paid by HUD. NOTE: Owners cannot charge the applicant/tenant any fees for criminal background checks.

The WCHA will not give any admission to an applicant if the family was previously on the rental assistance program and was evicted due to a lease violation, illegal move, or any other violation of lease or was in tenant non-compliance with program regulations. The applicant will be denied admission to waiting list for a period of eighteen months from the eviction date or lease violation date.

B. Federal, Local or Residency Preferences

The Authority has no policy for Federal, Local or Residency preferences.

C. Tenant Selection Criteria

The following criteria will be used in selecting families for occupancy in Barker Street and Gravity Plane Apartments beyond the basic conditions governing eligibility:

a. Applicant's past performance in meeting financial obligations, especially rent. Outstanding balances from participation of the applicant as a former head of household or spouse, or an unrelated partner of head of household, or a former co-head of household, or a former residual member in the Authority's housing programs must be paid in full prior to admission or satisfactory arrangements made for the same.

b. A record of disturbance of neighbors, destruction of property, or living or household habits at prior residences which may adversely affect the health, safety, or welfare of other tenants, including drug and/or alcohol abuse.

c. A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

d. Applicants must be physically and mentally able to maintain their dwelling unit.

e. Applicants must never have been evicted from any of the WCHA programs.

f. Applicants must meet Federal criteria with respect to drug and alcohol use.

This also includes documented evidence of the preceding conditions which formerly in residency as head of household or adult family member in an Authority unit. (Evidence must be documented on the individual being considered).

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which might indicate a reasonable probability of a favorable future conduct or financial prospects. For example:

a. Evidence of rehabilitation;

b. Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs;

c. Evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.

D. Notice and Opportunity for a Review

The Authority will provide a written notice of determination in those cases where an applicant does not meet the criteria for receiving admission. This notice shall contain: a brief statement for the reasons for the determination, and a statement that the applicant has the right to meet with WCHA's designee to review the determination within 14 days to appeal a denial of admission.

If the applicant requests the meeting, WCHA shall designate an officer or employee to conduct the meeting. This review will be conducted by any person or person designated by the Housing Authority, other than the person who made the initial determination or reviewed the determination of his or her subordinate. A written summary of this meeting shall be sent to the applicant within five business days with the final decision on eligibility and retained in the applicant's file.

The applicant will be given the opportunity to present written or oral objections to the Housing Authority decision and advised that he/she may exercise other rights if he/she believes that discrimination has occurred.

SECTION III. ELIGIBILITY FOR CONTINUED OCCUPANCY

Only the following occupants will be considered for continued occupancy:

- a. Those who qualify as a family or the remaining member of a tenant family.
- b. Owner may terminate tenancy for:
 1. The tenant's material noncompliance with the terms of the lease;
 2. The tenant's material failure to carry out obligations under any State Landlord and Tenant Act; or
 3. Other good cause, which includes but is not limited to the tenant's refusal to accept the Landlord's proposed change to the lease.

IV. RENT AND TENANT PAYMENT COMPUTATIONS

A. Income Computations

Method 1 - Admit only extremely low-income families until the 40% target is met. In chronological order, owners select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property which may mean skipping over higher income applicants. Once this target has been reached, admit applicants in waiting list order.

The family's gross income will be computed for eligibility after the income verifications are received as provided in this plan.

To calculate the applicant's family assets, when the assets exceed \$5,000.00, the imputed amount is derived by multiplying the value of the family's assets by 2%. The actual amount derived from assets is also calculated. The larger of the two dollar amounts is used in the final computation of the family's annual income for eligibility.

B. Utility Allowances

The Authority has established utility allowances for those utilities and services which are to be tenant supplied.

The Authority will also review, at least annually, the utilities and other services to determine whether there have been rate changes. A private consulting firm has been contacted for this purpose.

Where the rent to the Owner does not include some or all of the utilities and the Family pays the utility company directly, sometimes the HAP payment will exceed the rent payable to the Owner for the unit. In such a case the Family will receive from the PHA the excess of the HAP payment over the rent payable to the owner as a utility reimbursement.

Barker Street Apartments tenants are responsible for cable television and telephone expenses and Gravity Plane Apartments tenants are responsible for these plus electric (heat, hot water, and cooking).

C. Total Tenant Payment/Rents

The same gross annual income used in determining eligibility is used as the base figure in determining the family's Total Tenant Payment.

The Total Tenant Payment is the amount the family pays toward rent, including utilities, as a participant in the program.

The Total Tenant Payment shall not be more than thirty (30%) percent of the family's monthly adjusted income, but at least ten (10%) percent of the monthly adjusted income.

Minimum Rent: The Housing Authority requires all participants assisted under the rental program to pay a monthly "total tenant payment" (rent plus tenant paid utilities) of not less than \$25.00.

Exceptions to Minimum Rent:

A financial hardship includes the following situations:

1. the family has lost eligibility for is awaiting an eligibility determination for a Federal, State or local assistance program;
2. the family would be evicted as a result of the imposition of the minimum rent requirement;
3. the income of the family has decreased because of changed circumstance, including loss of employment;
4. a death in the family has occurred; and
5. other circumstances determined by the PHA or HUD.

Exemptions may not be provided if the hardship is determined temporary.

The PHA or owner may not evict the family for nonpayment of rent of the basis of hardship if the hardship is determined by the PHA or HUD to be temporary during the 90-day period beginning upon the date of the family's request for the exemption.

The family must demonstrate that the financial hardship is of a long-term basis.

V. OCCUPANCY STANDARDS

A. It is WCHA's policy that units should be occupied by families of the appropriate size. This optimizes the usefulness of the units, while preserving them from excess wear and tear.

The following standards will govern the number of bedrooms required to accommodate a family of a given size and composition. Reasonable exceptions to these standards may be made in case of emergency at the discretion of the Executive Director or designee.

# of Bedrooms	# of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6

1. It will not be necessary for persons of different generations or opposite sex, other than husband or wife, to occupy the same bedroom. (An exception may be made for infants and young children up to the age of two who are of the opposite sex.)

2. For verified reasons health (old age, physical disability, etc.), a separate bedroom may be provided for an individual family member;

3. Two children of the same sex are expected to share a bedroom. An exception is made if there is more than ten (10) years difference in age.

4. If the family is currently residing in a different size unit that is permitted under the current occupancy standards, staff will check to determine whether a unit is available for the appropriate size of the family.

5. If the Authority determines that because of a change in family size an assisted unit is smaller than appropriate for the eligible family to which it is leased, or that the unit is larger than appropriate, housing assistance payments with respect to the unit will not be reduced or terminated until the eligible family has been relocated to an appropriate alternative unit. If possible, the Authority will, as promptly as possible, offer the family an appropriate unit.

VI. LEASING OF DWELLING UNIT.

A Lease Agreement shall be executed by the head of household and spouse or unrelated partner of the head of household , or co-heads of household (if applicable) of the family accepted as tenants and by the Executive Director or designee prior to the family's admission.

If a tenant family transfers from one dwelling unit to another, a new lease shall be executed for the dwelling to be occupied.

Changes in rent shall be made by proper notice to the tenant, dated and signed. Such notices shall become part of the existing lease.

VII. LEASE

A. Lease Provisions

The Authority shall provide the tenant with a standard lease and lease addendum that meets all requirements as set by the United States Department of Housing and Urban Development (HUD). The provisions of this lease/lease addendum shall supersede any other lease provisions in effect. Any additional provisions desired by either the owner and/or tenant must first be approved by the Housing Authority before being included in said lease. A substitute lease meeting basic HUD requirements may be approved by the Authority.

B. Security Deposits

An owner may collect a security deposit which equals (1) one month's Total Tenant Payment amount at the time of admission to the program.

If a security deposit is insufficient to reimburse the amount owed under the lease, the owner may claim reimbursement from the tenant.

B. Visitors, roomers and Lodgers.

Only those persons listed on the most recent application for admission, report of change in family composition and/or income, or application for continued occupancy shall be permitted to occupy a dwelling unit, except for births to family members, or others authorized by the Housing Manager.

1. Tenants shall have the right to exclusive use and occupancy of the leased premises. Upon prior notification and approval of Management, guests or visitors of Tenants may be accommodated for a period of up to fourteen (14) days. If any such visit will extend beyond fourteen (14) days, the Tenant must notify Management, in writing, stating the reasons for the extended visit, which requires approval of Management.

2. The situation must, in all circumstances, comply with the provisions of the tenant lease as well as any house rules imposed by the Authority.

VIII. RE-EXAMINATION AND ADJUSTMENTS

A. Annual Re-Examination

A re-examination of family income, composition, medical or child care expenses of each assisted family shall be performed annually to determine if the family is eligible for continued assistance under the program and to determine appropriate adjustments to be made in the Total Tenant Payment. This process will begin one hundred twenty (120) days prior to the anniversary date of the Assisted Lease and Contract.

A re-evaluation of the dwelling unit will also be made.

Once the re-examination/re-evaluation process has been completed, the family shall be notified of any changes in family contribution and Housing Assistance Payment by issuance of a Housing Assistance Payments Program Annual Lease Addendum.

Owners are not required to have criminal background checks conducted on current tenants at lease recertification. However, Owners have the option to conduct criminal background checks at recertification for all tenants. If, after a criminal background check has been conducted, it is discovered that the tenant is in violation of the provisions of the lease, the Owner may evict the tenant in accordance with the lease and the Owner's standards for termination of tenancy. However, the household must (1) be notified by the Owner of the proposed action to be based on the information and (2) must provide the subject of the record, and the tenant, with a copy of such information and an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

B. Interim Re-Examination

When a family reports a change in income, family composition or expenses that result in a reduction in the Total Tenant Payment, the Authority, after proper verification, shall make the reduction effective the first day of the month following the report of the change. Notification and documentation of verification(s) must be received by the 25th of the month in order for the reduction to be effective the first of the following month.

Families shall be required to report any change in family composition regardless of whether the Total Tenant Payment would be effected to assure that the family remains housed in an appropriate size dwelling unit.

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

RENT DECREASE: If the tenants rent decreases because of an interim adjustment, the Authority will make the decrease effective the first day of the month commencing after the date of the action which caused the decrease. **If a decrease in income will last less than one month, and has been confirmed, no rental change shall be made.**

RENT INCREASE: If the tenants rent increases because of an interim adjustment, the Authority will give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day period.

If the household's income cumulatively increases by \$200 or more a month; an interim change will be processed.

NOTE: If the Authority determines that the tenant has misrepresented the facts upon which the rent is based, any increase in rent may be made retroactive to a date which the Authority will determine.

Families shall be required to report changes in family circumstances such as obtaining employment, going on or off welfare and going on or off unemployment and changes in family composition. Any changes which will result in an increase in family payment will be made effective following thirty (30) days notice provided the family informed the Authority of their change within ten (10) calendar days of the effective date that the change occurred.

C. Failure to Report Accurate Information

An applicant shall be informed of the obligations to immediately report income, family composition or expense changes. Each applicant shall be required at the time an application is completed to sign a form indicating they are both aware of and understand this requirement.

Any person who then fails to report such changes, shall be liable for repayment of Housing Assistance wrongly provided. A schedule of no more than 24 months in length shall be provided for the repayment which shall be administered by the Authority. A willful violation of the requirement shall also be cause to remove the tenant from the unit and all Section 8 Programs.

If a payment agreement has been signed and the family is entitled to a utility reimbursement check, the Authority has the right to apply this check to any balance owed.

D. Family Break-Up Policy

The following policy will be utilized to determine which members of an assisted family continue to receive assistance in the unit if the family breaks up:

1. A "break-up" is defined as a legal separation of the head-of-household and spouse, either through divorce or a court obtained legal separation.

2. Upon learning of the break-up of a family, the Authority will request, in writing, that the parties involved determine which family member will continue to receive assistance.

3. If the family members cannot reach an agreement, the Authority will determine who will continue to receive assistance, with the following factors taken into consideration:

a. which family members are remaining in the original assisted unit;

b. which family member has legal custody (temporary or permanent) of any minor children;

c. whether there are any ill, elderly or disabled family members;

d. whether family members were forced to leave the unit as a result of actual or threatened physical violence against family members by a spouse or other member of the household.

4. When a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the Authority will be bound by the court's determination of which family members continue to receive assistance in the program.

5. If in the case of death of the head and/or spouse, the right of survivorship would be retained by the legal guardian of the children of the assisted family.

E. Reasonable Accommodation Policy

If a tenant needs a change due to:

- a. a change in our policies or procedures
- b. a repair or change in their apartment
- c. a repair or change to some other part of the property
- d. a change in the way we communicate with you

because of a disability, the tenant may submit a request for this change, which is called a "Reasonable Accommodation".

If the request is reasonable, and it is not prohibitively expensive, and if it does not result in the scope or focus of what the Housing Authority does, the Authority will try to make the changes the tenant has requested.

The Authority will make every effort to render a decision within thirty (30) business days. The Authority will inform the tenant if more information or verifications are required from the tenant or if the Authority would like discuss other ways of meeting the tenants needs.

If the Authority denies the tenants request, the Authority will explain our reason for denial. The tenant may submit additional information.

If the tenant has a Reasonable Accommodation request, the tenant must submit the request, in writing, to the Authority. If the tenant requires assistance in submitting a request, an alternative form to meet the tenants communication needs will be used.

IX. DENIALS AND TERMINATIONS

A. Grounds

The following are grounds for terminations:

1. Automatic Housing Assistance Payment terminations.
 - a. The assisted family vacates the unit in violation of the assisted Lease.
 - b. The family has moved from the unit according to lease terms or mutual consent between tenant and owner.
 - c. The owner has required the family to move under the lease terms.
 - d. The owner has evicted the family.
 - e. A family has failed to satisfy a liability for claims the Housing Authority may have required to be satisfied by a specific date.
 - f. Any family member commits fraud, bribery or any other corrupt or criminal acts in connection with any federal housing program.
 - g. Any member of the family has ever been evicted from public housing.
 - h. If any member of the family commits drug-related criminal activity, or violent criminal activity.
 - i. Denial or termination can be for engaging in threatened abusive behavior toward Housing Authority personnel.
 - j. If a participating family is evicted due to a lease violation, illegal move, or is in non-compliance with program regulations, participation in the rental program will be denied for a period of eighteen months.
 - k. The PHA must deny or terminate assistance if any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.

3. Housing Authority discretion to consider circumstances:

a. In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the Housing Authority has the discretion to consider all of the circumstances involved, including the seriousness of the action, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

b. As a condition of continued assistance for other family members, the family must certify that the family member(s) who participated in or who were culpable for the action or failure will not reside in the unit.

B. Termination and Moves

The landlord shall not terminate the tenancy except for:

1. Serious or repeated violation of the terms and conditions of the lease.

2. Violation of Federal, State or Local Law which imposed obligations on a tenant in connection with the occupancy or use of the dwelling unit and surrounding premises.

If an assisted family wishes to vacate said family must give the Housing Authority at least thirty (30) days notice in writing of the family's intention to vacate the unit. It is recommended that the Authority be notified forty-five (45) days in advance.

TERMINATING TENANCY

The WHCA has the discretion to terminate the tenancy and the lease for the following grounds:

- Drug related criminal activity engaged in on or near the premises, by any tenant, household member, or guest, and any such activity engaged in on the premises by any other person under the tenant's control.

1) Premises - means the building or complex or development in which the public or assisted housing dwelling unit is located including common areas and grounds.

2) Guest - means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

3) Other person under the tenant's control - means a person who, 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 tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. (Examples of other persons under the tenant's control include party attendees, regular visitors, and people who provide a commercial service to a household member on a regular and frequent basis, such as an in-home nursing care provider.) Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control--for example, the pizza delivery man.

- A determination made by the WHCA that a household member is illegally using a drug.

- A determination made by the WCHA that a pattern of illegal use of a drug by a household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

- Criminal activity by a tenant, any member of the tenant's household, a guest or another person under the tenant's control:

- that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents (including property management staff residing on the premises); or

- that threatens the health, safety, or right to peaceful enjoyment of their residence of persons residing in the immediate vicinity of the premises.

- If the tenant is fleeing to avoid prosecution, custody or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees or that, in the case of the State of New Jersey, is a high misdemeanor.

- If the tenant is violating a condition of probation or parole imposed under Federal or state law.

- A determination made by the WCHA that a household member's abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises of other residents.

- The WCHA may terminate tenancy and evict the tenant through judicial action for criminal activity by a covered person if the WCHA determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested, or convicted for such activity and without satisfying a criminal standard of proof of the activity. The WCHA may take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leasehold, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

C. Illegal Activities/Drug and Criminal-One Strike Your Out Policy

a. At any time, the Housing Authority may deny assistance to an applicant, or terminate assistance to a participant family if any member of the family commits:

- (1) Drug-related criminal activity; or
- (2) Violent criminal activity.

b. If the Housing Authority seeks to deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred within one year before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny or terminate assistance. The Housing Authority may not deny or terminate assistance for such use or possession by a family member, if the family member can demonstrate that he or she:

(1) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and

(2) Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The Housing Authority may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

c. Evidence of criminal activity. In determining whether to deny or terminate assistance based on drug-related criminal activity or violent criminal activity, the Housing Authority may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

d. Violent Criminal Activity includes any felonious criminal activity that has as one of its element the use, attempted use, or threatened use of physical force against the person or property of another.

e. The Housing Authority may deny if preponderance of evidence indicates the family has engaged in drug-related criminal activity or violent criminal activity, regardless of whether the family member has been arrested or convicted.

f. The Housing Authority may permit family members not involved in the proscribed activities to continue receiving assistance on the condition that family members determined to have engaged in the proscribed activities will not reside in the unit.

g. The Authority will not allow an applicant to apply or participate in any housing assistance program until the sentence and any and all probation has been completed.

D. Absence from Unit

Because of the large demand for very limited housing assistance, it is important that assistance only be provided to families who are occupying the dwelling unit for which assistance is being paid. For this reason, the following policy shall be followed regarding a participant's absence from the subsidized dwelling unit.

1. An "absence" is defined as no member of the family residing in the unit.
2. It shall be the obligation of the family to notify the Housing Authority, in writing, of any absence which is planned to be greater than forty-eight hours (48) hours. This does not relieve the family from providing owner notification for lesser periods, if required by the owner.
3. Any family who is absent from the dwelling unit for a period of greater than sixty (60) consecutive calendar days, without having received prior approval from the Authority, shall be terminated from the program. Such absence will be verified by letters to the unit, phone calls, visits, or questioning the landlord and/or neighbors.
4. Absences greater than sixty (60) days shall only be approved for the following reasons:
 - a. family emergencies which require the presence of the family, as verified by medical or law enforcement authorities;
 - b. incarceration, as verified by law enforcement authorities;
 - c. other (to be approved by the Authority).
5. An absence greater than one hundred eighty (180) days may be approved by the Authority for extenuating circumstances for medical reasons with documentation.
6. All requests for approval shall be in writing, with a copy to the owner of the unit. The notification shall include the following:
 - a. The dates the family is intending to be absent;
 - b. The purpose of the absence;
 - c. Any verification, as required above.
7. The family shall promptly notify the Housing Authority and owner, in writing, upon return to the unit.

E. Notice and Opportunity for Hearing/Grievance Procedures

1. The Authority shall give a participant in the Program an opportunity for an informal hearing to consider whether decisions relating to the Family are in accordance with law, HUD regulations and Housing Authority rules, in the following cases:

- a. A determination of the amount of the Total Tenant Payment of Tenant Rent.
- b. A decision to deny or terminate assistance on behalf of the participant because of their action or failure to act.
- c. A determination that a participant Family is residing in a unit with a larger number of bedrooms than appropriate under the Housing Authority's standards, and the Housing Authority determines to deny the Family's request for an exception from the standards.
- d. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Housing Authority policy and HUD Rules.

2. The Authority is not required to provide an opportunity for an informal hearing for the following reasons:

- a. To review discretionary administrative determinations by the Authority, or to consider general policy issues or class grievances.
- b. To review the Housing Authority's determination of an increase in Family size or change in Family composition.

3. Where a hearing is requested, the Authority shall proceed with a hearing in a reasonable expeditious manner upon request of the participant.

- a. The hearing shall be conducted by the Executive Director, Chairperson or their designee, not by the person who made the disputed decision.
- b. The participant may be represented by a lawyer or other representative at his/her expense.

c. The Executive Director, Chairperson, or designee shall regulate the conduct of the hearing in accordance with the Housing Authority's hearing procedures. The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Decisions will be based on preponderance of evidence presented at the hearing.

d. The Housing Authority and the participant shall be given the opportunity to present evidence and question any witness.

e. The family will be given the opportunity to examine before the hearing any documents that are directly related to the hearing. The family will be allowed to copy any such documents at their expense.

f. The Housing Authority must be given the opportunity to examine at the Housing Authority Office Before the hearing any family documents that are directly relevant to the hearing. The Housing Authority must be allowed to copy any such documents at the Authority's expense. If the family does not make the documents available for examination on request of the Housing Authority, the family may not rely on the document at the hearing.

X. UNIT TRANSFER POLICY

a. If the tenant's current dwelling unit is smaller or larger than appropriate as a result of a change in a tenant's family size or composition, the WCHA will require the tenant to transfer to another unit when one becomes available.

b. The WCHA will not reduce or terminate the assistance payment associated with the original unit until the family has been offered a transfer to a unit of appropriate size and has been given sufficient time (no less than 30 days) to move to the new unit.

c. The WCHA will transfer tenants to different units as a reasonable accommodation to a household member's disability or medical reasons (certified by a doctor). Transfers which are needed as a reasonable accommodation will be made on a priority basis.

XI. EQUAL OPPORTUNITY HOUSING PLAN

A. Outreach to Lower-Income Families

Action to be taken:

The following items are applicable to all Housing Programs:

1. Media to be used (name and type):

Press Releases to all local newspapers and radio:

- a. Wayne Independent - newspaper
- b. News Eagle - newspaper
- c. Carbondale News - newspaper
- d. WDNH - radio
- e. WYOU - radio

2. Other suitable means to be used to publicize program:

Brochures will be distributed at local level:

- a. Chamber of Commerce
- b. Bureau of Aging
- c. Public Welfare
- d. Mental Health/Mental Retardation
- e. Human Resource Council

3. Group or groups less likely to apply, if any:

N/A

4. Special outreach to group identified in 3:

N/A

5. Special outreach to persons expected to reside, if identified in HAP:

Brochures will be distributed to local agencies:

- a. Mental Health/Mental Retardation Tri-County
- b. Human Resource Council
- c. Bureau of Aging
- d. Social Security Administration
- e. Public Welfare

The Wayne County Housing Authority has installed a telecommunication device (TDD) for the hearing impaired.

B. Promoting Greater Housing Opportunities for Families Outside Areas of Low-Income and Minority Concentration.

1. Information on Local, State and Federal Fair Housing Laws and use of Form HUD-903 to be provided as follows:

a. Information on Housing Laws is explained to owner and applicant at time of briefing and Contract signing. HUD-903 is given to each applicant.

C. Ensuring Equal Opportunity to Applicants for Participation in the PHA's Programs.

Actions to be taken:

1. System for taking, processing and filing applications, establishing waiting list:

Refer to Administrative Plan.

D. Utilization of a Local Fair Housing Organization Serving the Handicapped.

The PHA will subcontract with a Fair Housing Organization or Organization serving the Handicapped in its Program(s).

YES _____ NO x

Name of Organization _____

Services to be provided by this Organization:

- a.
- b.
- c.
- d.
- e.
- f.

E. Promoting Employment Opportunity in the PHA'S Employment Practices - All Programs.

1. Existing or proposed staffing pattern by position, race/ethnicity, gender and salary. (Asterisk staff members employed by PHA in other programs prior to making application for the Section 8 - New Construction).

Executive Director - White, Male
Project Manager - White, Female
Maintenance - (2) White, Male
Clerk Typist - White, Female
Accountant - White, Male

The Wayne County Housing Authority is governed by the Pennsylvania State Civil Service hiring policy.

2. Actions to be taken to promote equal opportunity in employment practices.

The Wayne County Housing Authority is governed by the Pennsylvania State Civil Service hiring policy.

The Wayne County Housing Authority will adhere to all rules and regulations pertaining to Equal Opportunity Housing. The Authority will invite the participation of minority and other contractors.

XII. DEFINITIONS

ADJUSTED INCOME: Annual Income less (a) \$480.00 for each dependent; (b) \$400.00 for any Elderly Family; (c) medical expenses in excess of three (3%) percent of Annual Income for any Elderly Family; (d) Handicap Assistance Expense in excess of three (3%) percent of Annual Income for any Elderly Family; and (e) child care expenses. These numbers shall be considered automatically adjusted whenever HUD publishes new standards.

ANNUAL CONTRIBUTIONS CONTRACT (ACC): A written agreement between HUD and an Authority to provide annual contributions to the Authority for housing assistance payments and administrative fees.

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. Annual income is anticipated income for the twelve (12) month period following the effective date of initial determination or reexamination of income, exclusive of income that is temporary, non-recurring, or sporadic or is specifically excluded from income by other federal statute.

Annual income will also include an financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children or the full amount of student financial assistance paid directly to the student or to the educational institution. Financial assistance does not include loan proceeds for the purpose of determining income.

ASSISTED LEASE: A written agreement between an owner and an eligible Family for the leasing of an Existing Housing Unit in accordance with the Contract which agreement is in compliance with the provisions of the program.

CHILD CARE EXPENSES: Amounts anticipated to be paid for the care of children under 13 years of age to enable an adult to work or attend school.

CONTRACT RENT: The total amount of rent specified in the Housing Assistance Payments Contract as payable by the Housing Authority and the tenant to the owner of an assisted unit.

DECENT, SAFE AND SANITARY HOUSING: Housing meeting the Housing Quality Standards.

DEPENDENT: A member of the Family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled person or Handicapped person, or is a full-time student.

DISABLED PERSON: A person under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or in Section 102 of the Development Disabilities Services Facilities Construction Amendment of 1970 (42 U.S.C. 2691 (1)).

ELDERLY FAMILY: A family whose head or spouse (or sole member) is a person who is at least 62 years of age, Disabled or Handicapped.

ELIGIBLE FAMILY: A family as defined in 24 CFR Part 812 that, at the time it initially received assistance under the Housing Voucher Program, (1) qualified as a Very Low-Income Family or as a Lower Income Family displaced by Rental Rehabilitation program activity, or (2) has been continuously assisted under the 1937 Act.

EXTREMELY LOW-INCOME FAMILY: A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

FAMILY: A group of persons regularly living together, related by blood, marriage, adoption, guardianship or operation of law; or an Elderly Family, Single Person, or a Displaced Person, each as defined herein of this Policy. Other persons, including foster children, Live-In Aides and members temporarily absent, may be considered a part of the family group if they are living or will live regularly with the family.

FAIR MARKET RENT: The rent, including utilities, and all maintenance management and other services which, as determined at least annually by HUD, would be required to be paid in order to obtain decent, safe and sanitary existing rental housing of a non-luxury nature.

FULL-TIME STUDENT: A person who is carrying attending school or vocational training on a full-time basis.

GROSS RENT: The total monthly cost of housing, which is the sum of the Contract Rent and any Utility Allowance for the assisted unit.

HANDICAPPED PERSON: A person having a physical or mental disability that (a) is expected to be of long-continued and indefinite duration (b) substantially impedes his or her ability to live independently, and (c) is of such nature that such ability could be improved by more suitable housing conditions.

HOUSING ASSISTANCE PAYMENT: The amount of housing assistance payment on behalf of an eligible family determined in accordance with schedules and criteria established by HUD.

HOUSING ASSISTANCE PAYMENT CONTRACT: A written contract between an Authority and an Owner for the purpose of providing housing assistance payments to the Owner on behalf of an Eligible Family.

IMPUTED ASSETS: Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME: HUD passbook rate x total cash value of assets.
Calculation used when assets exceed \$5,000.00.

MEDICAL EXPENSES: Those medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance may be deducted for elderly, disabled or handicapped households.

MINIMUM RENT: Ten (10%) percent of the Family's monthly income is its minimum rent - the minimum amount of shelter costs not covered by the Housing Voucher Assistance.

MONTHLY INCOME: One-twelfth (1/12) of adjusted income.

NET FAMILY ASSETS: Value of equity in realty property, savings, stock, bonds and other forms of capital investment.

OCCUPANCY STANDARDS: Standard established by the Authority for determining the appropriate number of bedrooms for Families of different sizes and compositions.

OWNER: Any private person or entity who has the legal right to lease an assisted unit.

RESPONSIBLE ENTITY: For Section 8 tenant-based assistance, the responsible entity means the PHA administering the program under the ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

SECURITY DEPOSIT: Sum of money, the amount of which is stipulated in a lease agreement, deposited by tenant with owner to cover the cost of tenant-caused damages, possible delinquent rent upon vacating the unit, etc.

SINGLE PERSON: A person living alone or intending to live alone who is at least 18 years of age.

TENANT RENT: The amount payable monthly by the family as rent to the unit owner.

TOTAL TENANT PAYMENT: The portion of the Gross Rent payable by an eligible family participating in the Section 8 Program.

UTILITY ALLOWANCE: An estimate of the cost of utilities and other essential housing services for an assisted unit which are not included in Contract Rent, but are the responsibility of the family.

UTILITY REIMBURSEMENT: The amount, if any, but which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

VACANCY PAYMENT: The payment made to a Section 8 HAP-assisted dwelling unit owner for a vacant assisted unit if certain contractual conditions are fulfilled. The amount of the payment varies with the length of the vacancy period, and will not exceed 80% of the contract rent for the unit.

VERY-LOW-INCOME FAMILY: A family whose Annual Income does not exceed fifty (50%) percent of the median income from the area, as determined by HUD.

WELFARE ASSISTANCE: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or Local governments.

CODE OF CONDUCT

Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Authority, each employee shall respect and adhere to the principles of ethical conduct set forth in the following sections:

(a) In compliance with the conflict of interest requirements of the Housing Choice Voucher Program, the Authority shall follow the requirements set forth in 24 CFR 982.161.

(b) Any officer, employee of the PHA, contractor, subcontractor or agent of the PHA are prohibited from the solicitation of acceptance of gifts or gratuities in excess of a nominal value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

(c) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or handicap.

Any officer, employee of the PHA, contractor, subcontractor or agent of the PHA that is in violation of the Code of Conduct shall be subject to disciplinary remedies.

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