

EAST TAWAS HOUSING COMMISSION  
ADMISSION AND CONTINUED OCCUPANCY POLICY  
(ACOP)

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## ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the East TawasEast Tawas Housing Commission's (ETHC) policies for the operation of the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

### **GENERAL STATEMENT:**

**The ETHC may convert to an electronic format for various modes of communication with applicants with respect to the application process and contact attempts during application/waiting list process, as well as various contacts with current residents regarding any and/or all necessary communication.**

It is therefore necessary for the tenant family to provide an e-mail address to receive such communication. It is the responsibility of the tenant family to keep the ETHC updated with a current e-mail address. The ETHC will not be liable for the Tenant not receiving communication due to invalid, outdated and/or expired e-mail addresses.

**It should be understood that, throughout this policy, any reference made to a method of applying for program assistance, or applicants and/or current residents being contacted by any means (e.g., via mail, etc...) should also be interpreted to include the method of contact via electronic format.**

**Implementation of Housing Opportunities Through Modernization Act of 2016 (HOTMA) Sections 102 and 104 regulations will take effect once HUD and the Housing Commission's software is updated.**

### **WAITING LIST, TENANT SELECTION AND ASSIGNMENT**

#### **1.0 FAIR HOUSING**

Refer to Equal Housing-Fair Housing-Civil Rights Compliance Policy.

(Including ETHC policy on HUDs Equal Access Rule)

#### **2.0 REASONABLE ACCOMMODATION**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the ETHC housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. The Reasonable Accommodation Policy clarifies how people can request accommodations and the guidelines the ETHC will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not

always apparent, the ETHC will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

Legitimate reasonable accommodation requests shall be granted if possible and not an undue financial and administrative burden to the ETHC. If the request is contrary to a HUD regulatory requirement and not an undue burden, the ETHC shall request a waiver of requirement from HUD.

Anyone requesting an application will also receive a Request for Reasonable Accommodation Form.

Notifications of reexamination, inspection, appointment, or termination of assistance will include information about requesting a reasonable accommodation. Any notification requesting action by the participant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests will be in writing.

### 3.0 SERVICES FOR LIMITED ENGLISH PROFICIENCY (LEP) APPLICANTS AND RESIDENTS

The ETHC shall do its best, within reason, to assist people with Limited English Proficiency (LEP). This shall be accomplished by assessing the need of LEP persons using the four factors described in the January 22, 2007 Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice published in the Federal Register. The ETHC shall balance these factors in deciding what to do:

- A. The number of proportions of LEP persons served or encountered in the eligible service area;
- B. The Frequency with which LEP individuals come in contact with the program.
- C. The nature and importance of the program, activity, or service provided by the program; and
- D. The resources available to the ETHC and costs.

Depending upon what this analysis reveals, the ETHC may or may not prepare a Language Assess Plan (LAP). If a LAP is needed, the guidance outlined in the above referenced notice shall be utilized.

In addition, the ETHC will endeavor to have bilingual staff or access to people who speak languages other than English. Finally, the ETHC shall utilize multi-lingual "I speak" cards to the maximum degree possible." ("I speak" cards can be found at the Census Bureau's website.)

### 4.0 FAMILY OUTREACH

The East Tawas Housing Commission will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income



families in a newspaper of general circulation, minority media, and by other suitable means.

To reach people who cannot or do not read the newspapers, the East Tawas Housing Commission will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The East Tawas Housing Commission will also try to utilize public service announcements.

The East Tawas Housing Commission will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

The objective of this effort is to develop a waiting list that is representative of our low-income community. A particular emphasis will be placed on attracting eligible individuals and families least likely to apply for public housing.

## 5.0 RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

1. Applicants must submit the signed consent forms to the Housing Commission when eligibility is being determined.
2. After January 1, 2024, tenants over the age of 18 in a family have signed and submitted a consent form, family members do not need to sign and submit subsequent consent forms, unless;
  - a. Any person 18 years or older becomes a member of the family, that family member must sign and submit a consent form.
  - b. When a member of the family turns 18 years of age, that family member must sign and submit a consent form.
  - c. As required by HUD or the Housing Commission.

This consent form will remain effective until the family is denied assistance, the assistance is terminated, or the family provides written notification to the Housing Commission to revoke their consent. Families have the right to revoke consent by notice to the Housing Commission; however, revoking consent will result in termination or denial of assistance. If consent is revoked by an applicant or participant, the Housing Commission will notify the local HUD office.

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

## 6.0 REQUIRED POSTINGS

In each of its offices, the East Tawas Housing Commission will post, in a

conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed).
- C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours
- D. Income Limits for Admission
- E. Excess Utility Charges
- F. Current Schedule of Routine Maintenance Charges
- G. Dwelling Lease
- H. Grievance Procedure
- I. Fair Housing Poster
- J. Equal Opportunity in Employment Poster
- K. Any current Commission Notices
- L. Notice stating when Year End Financials are available for review
- N. Flat and Ceiling Rent Amounts
- O. The agency's PHAS current score and designation

## 7.0 TAKING APPLICATIONS

Families wishing to receive program assistance under the Public Housing Program will be required to complete an application for housing assistance.

A two-step process will be used. Under the two-step process, the ETHC will initially require the applicant family to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will then be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list. The Commission will screen and ensure that all verifications of all preferences, eligibility, suitability, and selection factors are current (less than 60 calendar days old) in order to determine the family's final eligibility for program admission.

Applications will be available during regular business hours at the ETHC Administrative office located at:

304 West Bay Street, East Tawas MI 48730

Applications will also be available via online by accessing the ETHC's website at:  
[www.easttawashousingcommission.com](http://www.easttawashousingcommission.com)

Applications may also be mailed to interested families upon request.

Applications are taken to compile a waiting list. Due to the demand for housing in the East Tawas Housing Commission's jurisdiction, the East Tawas Housing

Commission may take applications on an open enrollment basis, depending on the length of the waiting list. Completed applications will be accepted for all applicants and the ETHC will verify the information. Applicants will be provided the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. The form gives applicants the option to identify an individual or organization that the Housing Commission may contact and the reason(s) the individual or organization may be contacted. The applicants, if they choose to provide the additional contact information, must sign and date the form.

If the applicant chooses to have more than one contact person or organization, the applicant must make clear to the Housing Commission the reason each person or organization may be contacted. The Housing Commission will allow the applicant to complete a form HUD-92006 for each contact and indicating the reason the Housing Commission may contact the individual or organization. For example, the applicant may choose to have a relative as a contact for emergency purposes and an advocacy organization for assistance for tenancy purposes.

Those applicants who choose not to provide the contact information should check the box indicating that they “choose not to provide the contact information” and sign and date the form.

Applications for certain targeted populations/preferences may be accepted during times when the waiting list is closed. Please see the Preferences Section for further information.

The ETHC will inform all applicants of the available waiting list preferences at the time of pre-application. The ETHC will give each applicant an opportunity to claim the preference by self-certification during the initial application process.

Applications may be mailed, faxed, or returned in person to the East Tawas Housing Commission, during open enrollment at 304 West Bay Street, East Tawas MI 48730 during normal business hours. Applications must be complete in order to be accepted by the ETHC for processing. If an application is incomplete, the ETHC will notify the family of the additional information required (provided contact information is available) and hold the application for a maximum of 104 calendar days from the date of notification of the additional information required.

All applications should be accompanied with a photo I.D for all household members 18 years of age and older.

The completed application will be dated and time stamped upon its return to the East Tawas Housing Commission.

Upon receipt of the families completed application, the East Tawas Housing will make a preliminary determination of eligibility. The ETHC will notify the family in writing of the date and time of placement on the waiting list and the approximate amount of time before housing assistance may be offered, and of their responsibility to notify the ETHC in writing of any changes in their application status. If the ETHC

determines the family to be ineligible, the notice will state the reasons therefore and offer the family the opportunity of an informal review of this determination.

The applicant may at any time report changes in their application status including changes in family composition, income and address or preference factor. All changes must be in writing, dated, and signed by the applicant. The Commission will note them on the application file and will update them on the Waiting List, when required.

Applicants will also be given the opportunity to update their HUD Form 92006 if applicable and if they so desire.

Persons with disabilities who require a reasonable accommodation in completing an application may call the East Tawas Housing Commission to make special arrangements. Telecommunication Services for the Deaf (TDD) are available through the State of Michigan's "Michigan Relay Service".

All applicants and/or families already on a waiting list will be provided with the option of having their names placed on any and all open waiting lists maintained by the ETHC. If the ETHC adds new programs, such as a project-based voucher program, the ETHC will notify existing participants and new applicants by utilizing the same means it would use in opening its waiting list under 24 CFR 982.206(a) such as by (1) advertising through local and minority newspapers and the internet; (2) local postings at the ETHC, post offices, libraries, and community centers; and (3) outreach to social service organizations that may serve the same clientele that will be occupying the PBV units. The ETHC will not notify each family on the tenant-based waiting list by individual notice.

## 8.0 ELIGIBILITY FOR ADMISSION

### 8.1 INTRODUCTION

There are six eligibility requirements for admission to public housing:

- A. Qualifies as a family.
- B. Has an income within the income limits.
- C. Meets citizenship/eligible immigrant criteria.
- D. Provides documentation of a valid Social Security numbers (SSN) from the SSA.
- E. Properly signed consent forms.
- F. Head of household must be at least 18 years of age, a legally emancipated minor (court/legal documentation must be provided), or be at least 18 years of age and have a legal guardian or person appointed by the court.

In addition to the eligibility criteria, families must also meet the East Tawas Housing Commission screening criteria in order to be admitted to public housing.

### 8.2 ELIGIBILITY CRITERIA

- A. FAMILY STATUS - All families must have a head of household, or co-heads of household.

A family includes, but is not limited to, a group of persons residing together and such groups include, but are not limited to the following, regardless of actual or perceived sexual orientation, gender identity or marital status. As defined at 24 CFR 5.403.

1. A family with or without children. Such a family is defined as a group of 2 or more people.
  - a. Children temporarily absent from the home due to placement in foster care are considered family members.
  - b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limits.
2. An elderly family, which is:
  - a. A family whose head, spouse, (including co-head) or sole member is a person who is at least 62 years of age;
  - b. Two or more persons who are at least 62 years of age living together; or
  - c. One or more persons who are at least 62 years of age living with one or more live-in aides.
3. A near-elderly family, which is:
  - a. A family whose head, spouse, (including co-head) or sole member is a person who is at least 50 years of age but below the age of 62;
  - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
  - c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
4. A disabled family, which is:
  - a. A family whose head, spouse, (including co-head) or sole member is a person with disabilities;
  - b. Two or more persons with disabilities living together; or
  - c. One or more persons with disabilities living with one or more live-in aides.

- d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
5. A displaced family, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws, or a condition deemed by the Executive Director to have the same emergency status.
  6. A remaining member of a tenant family, which is a family member of an assisted family who remains in the unit when all other family members have left the unit. (Note: the member must have been on the lease and must have legal capacity.) If the remaining member of a tenant family is a minor or minors, it will be necessary for an adult to temporarily move into the unit to serve as a guardian for children residing in the unit. This adult must meet all requirements in accordance with the ETHC screening policies. Should this adult not meet the requirements of the ETHC's screening policies, the family will be given a reasonable time to find a replacement guardian or shall lose the assistance or vacate the unit. The income received by this adult will be counted in determining family income except as where an exemption(s) may apply.
  7. A single person, who may be:
    - a. An elderly or displaced person, a person with disabilities, a near elderly person, the remaining member of a tenant family, or any other single person.
    - b. An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act, and is homeless or is at risk of becoming homeless at age 16 or older.

## B. INCOME ELIGIBILITY

1. To be eligible for admission to a unit, the family's annual income must be within the low-income limit as set by HUD.
2. Net family assets cannot exceed \$100,000 (adjusted annually for inflation) and/or a family cannot have a present ownership interest in, legal to reside in and the effective legal authority to sell the real property (based on state and local laws where the property is located) that is suitable for occupancy by the family as a residence.
  - a. Assets with negative equity. The cash value of real property or other assets with negative equity would be considered \$0 for the

purposes of calculating net family assets. Negative equity in real property or other investments does not prohibit the family from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

- b. Asset owned by business entity. If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets. However, if the family holds the assets in their own name (e.g., they own one third of a restaurant) rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets (e.g., one-third of the value of the restaurant).
3. Jointly owned assets. For assets jointly owned by the family and one or more individuals outside of the assisted family, the Housing Commission must include the total value of the asset in the calculation of net family assets, unless the asset is otherwise excluded, or unless the assisted family can demonstrate that the asset is inaccessible to them, or that they cannot dispose of any portion of the asset without the consent of another owner who refuses to comply. If the family demonstrates that they can only access a portion of an asset, then only that portion's value shall be included in the calculation of net family assets for the family. Likewise, any income from a jointly owned asset must be included in annual income, unless that income is specifically excluded, or unless the family demonstrates that they do not have access to the income from that asset, or that they only have access to a portion of the income from that asset. If an individual is a beneficiary who is entitled to access the account's funds only upon the death of the account's owner, and may not otherwise withdraw funds from an account, then the account is not an asset to the assisted family, and the family should provide proper documentation demonstrating that they are only a beneficiary on the account.

Income limits apply at admission and are reviewed yearly not to exceed 120% of the AMI for continued occupancy.

4. A family may not be admitted to the public housing program from another assisted housing program (e.g., Section 8) or from a public housing program operated by another housing commission without meeting the income requirements of the East Tawas Housing Commission and has no debt to those programs.
5. If the East Tawas Housing Commission acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing residents.

6. The East Tawas Housing Commission may allow police officers who would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. Their rent shall at least equal the cost of operating the public housing unit.

### C. PROPERTY OWNERSHIP

1. The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell, based on State or local laws of the jurisdiction where the property is located, real property that is suitable for occupancy by the family as a residence, except this real property restriction does not apply to:
  - a. Any property for which the family is receiving assistance under 24 CFR 982.620 (Manufactured Home); or under the Homeownership Option in 24 CFR part 982;
  - b. Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property;
  - c. Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking; or
  - d. Any family that is offering such property for sale.
2. A property will be considered “suitable for occupancy” unless the family demonstrates that it:
  - a. Does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.);
  - b. Is not sufficient for the size of the family;
  - c. Is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family’s place of work or school would be a hardship to the family, as determined by the PHA or owner);
  - d. Is not safe to reside in because of the physical condition of the property (e.g., property’s physical condition poses a risk to the family’s health and safety and the condition of the property cannot be easily remedied); or



- e. Is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located.

#### D. CITIZENSHIP/ELIGIBILITY STATUS

1. To be eligible each member of the family must be a citizen, national, or a NON-CITIZEN who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a (a)) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.
2. Family eligibility for assistance.
  - a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
  - b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the NON-CITIZEN rule.)
  - c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.
  - d. All adults must be able to sign the lease. If the State of Michigan forbids individuals with ineligible immigration status from executing contracts (i.e., leases or other legal binding documents) then they are ineligible for this program.

#### E. SOCIAL SECURITY NUMBER DISCLOSURE/DOCUMENTATION

To be eligible for program assistance, applicant and participant household members (including live-aides, foster children and foster adults) must disclose his/her SSA assigned SSN and must provide acceptable evidence/documentation of each disclosed SSN with the exception of the following individuals:

1. Those individuals who do not contend to have eligible U.S. citizenship or eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for an SSN.

- a. A family that consists of a single household member (including a pregnant individual) who does not have eligible U.S. citizenship or eligible immigration status is not eligible for housing assistance and cannot be housed.
- b. A family that consists of two or more household members and at least one member that has eligible U.S. citizenship or eligible immigration status, is classified as a mixed family, and **IS eligible** for prorated assistance in accordance with 24 CFR 5.520. The ETHC **will not** deny assistance to mixed families due to non-disclosure of an SSN by an individual who does not contend to have eligible immigration status.

Note: Financial assistance may only be provided to individuals with eligible immigration status in accordance with 42 USC §1436a, which is generally evidenced by the individual providing his/her Green Card (Form I-551 – U.S. Permanent Residence Card) or other documentation approved by the Department of Homeland Security for noncitizens with refugee or asylee status.

2. Existing program participants who, as of January 31, 2010, were 62 years of age or older (born on or before January 31, 1948, and have not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

If any family member of an applicant family indicates they have a Social Security Number, but cannot verify it, the family cannot be assisted until verification is provided. If the Social Security number of each household member cannot be provided to the ETHC within 10-calendar days of it being requested, the family shall be removed from the waiting list. Within the 10-calendar day period, if all household members have not disclosed their SSN at the time a unit becomes available, the ETHC must offer the available unit to the next eligible applicant family on the waiting list.

Note: An individual who previously declared to have eligible immigration or eligible citizenship status may **not** change his/her declaration to no longer contend to have eligible immigration status to avoid compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance of these requirements.

Prior to admission, every family member, **must provide** the ETHC 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 became a member of the household within 6 months prior to the date of admission and 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 ETHC shall grant one ninety (90) calendar 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 the Social Security Number is not provided within the time period required, the family member that is unable to provide valid verification will be removed from the program.

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 ETHC shall grant one ninety (90) calendar 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.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, the ETHC 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 other identifying information of the individual or such other evidence of the Social Security Number as HUD may prescribe in administrative instructions.

If the Housing Commission has attempted to first obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual: Self-certification of SSN and at least one third-party document, such as a bank statement, utility or cell phone bill, benefit letter, etc., that contains the name of the individual. If verifying an individual's SSN using this method, the PHA/MFH Owner must document why the other SSN documentation was not available.

If the tenant's SSN becomes verified in EIV, then no further verification is required. If the tenant's SSN fails the SSA identity match, then the Housing Commission must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The tenant's assistance must be terminated if they fail to provide the required documentation.

(Refer to section 12.2 and 12.4 for Acceptable methods of Verification)  
(Refer to notice PIH 2018-24 for additional guidance.)

## F. SIGNING CONSENT FORMS

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.

2. The consent form must contain, at a minimum, the following:
  - a. A provision authorizing HUD or the East Tawas Housing Commission to obtain income information about applicants and participants in the covered programs through computer matches with State Wage Information Collection Agencies (SWICAs) and Federal agencies, and from financial institutions and employers, in order to verify the application for participation or for eligibility for continued occupancy;
  - b. A provision authorizing HUD or the East Tawas Housing Commission to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
  - c. A provision authorizing the East Tawas Housing Commission and HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
  - d. A statement allowing the East Tawas Housing Commission permission to access the applicant's criminal record with any and all police and/or law enforcement agencies; and
  - e. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.
3. The information covered by consent forms described in this subpart involves income information from SWICAs, wages, income, and resource information from financial institutions, net earnings from self-employment, payments of retirement income, and unearned income as referenced at 26 U.S.C. 6103.

#### G. HEAD OF HOUSEHOLD

1. To be eligible, the Head of Household must:
  - a. Be at least 18 years of age; or
  - b. Be a legally emancipated minor and provide court/legal documentation; or
  - c. Have a legal guardian or person appointed by the court for a Head of Household who is at least 18 years of age but has been determined by court documentation not able to be held legally responsible for themselves.

## H. SPECIAL COLLEGE STUDENT ELIGIBILITY RULES

Amounts received under Section 479B of the Higher Education Act (HEA) of 1965, as amended (20 U.S.C. 1087uu) requires students participating in Public Housing excluded certain types of student financial assistance in determining eligibility for benefits made available through federal, state, or local programs financed with federal funds. The types of financial assistance listed below are considered 479B student financial assistance programs; however, this list is not exhaustive, and 479B will be updated as of July 1, 2024.

- a. Federal Pell Grants;
- b. Teach Grants;
- c. Federal Work Study Programs;
- d. Federal Perkins Loans;
- e. Student financial assistance received under the Bureau of Indian Education;
- f. Higher Education Tribal Grant;
- g. Tribally Controlled Colleges or Universities Grant Program;
- h. Employment training program under section 134 of the Workforce Innovation and Opportunity Act (WIOA).

Other student financial assistance includes grants or scholarships received from the following sources:

- a. The Federal government;
- b. A state (including U.S. territories), Tribe, or local government;
- c. A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3);
- d. A business entity (such as a corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
- e. An institution of higher education.

Other student financial assistance does not include:

- a. Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship that is not excluded under section 479B of the Higher Education Act HEA); or
- b. Gifts, including gifts from family or friends.

Other student financial assistance may be paid directly to the student or to the educational institution on the student's behalf. The Housing Commission must verify that the other student financial assistance is for the student's actual covered costs. The following sections describe the treatment of the two above-described types of student financial assistance by program type.

All assistance received under 479B of the HEA by students participating in the Public Housing program is excluded from income. Other student financial assistance received by the student that, either by itself or in combination with HEA assistance, exceeds the actual covered costs is not excluded from income.

Actual covered costs include: tuition, books, supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and fees required and charged to a student by an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1087uu)). For a student who is not the head of household, cohead, or spouse, actual covered costs also include the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

The formula for calculating the amount of other student financial assistance that is excluded from income always begins with deducting the assistance received under 479B of the HEA from the total actual covered costs, because the 479B assistance is intended to pay the student's actual covered costs.

### 8.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The East Tawas Housing Commission will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, Commission employees, or other people residing in the immediate vicinity of the property. Otherwise, eligible families will be denied admission if they fail to meet the suitability criteria.
- B. The East Tawas Housing Commission will consider objective and reasonable aspects of the family's background, including the following:
  - 1. History of meeting financial obligations, especially rent and any utility payments;
  - 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent, safe, and sanitary condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;

3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or wellbeing of other tenants or staff or cause damage to the property;
4. History of disturbing neighbors or destruction of property;
5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
6. History of abusing alcohol or drugs in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

In deciding whether to exercise discretion to admit an individual or household that has engaged in criminal activity, the ETHC will consider all of the circumstances relevant to the particular admission decision, including but not limited to: the seriousness of the offending action; the effect that denial of the entire household would have on family members not involved in the criminal activity; and the extent to which the applicant family member has taken all reasonable steps to prevent or mitigate the criminal activity.

- C. The East Tawas Housing Commission will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The East Tawas Housing Commission will verify the information provided. Such verification may include but may not be limited to the following:
1. Rental history check of all adult family members for the most recent 5-year period;
  2. A criminal background check on all adult household members, including live-in aides at no cost to the applicant. This check will be made through resources available to the ETHC which may include, but not limited to, I-CHAT, OTIS, Court Records, etc., and may also be made through state or local law enforcement when necessary.
  3. Where the individual has lived outside the local area, the East Tawas Housing Commission may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). This criminal background check will proceed after each adult household member has signed a consent form designed by the East Tawas Housing Commission.

Any “privileged” information received as a result of the criminal background check shall be used solely for screening, lease enforcement and eviction purposes. The information derived from the criminal background check shall be shared only with employees of the East Tawas Housing Commission who have a job-related need to have access to the information. The information shall be maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose(s) for which it was requested has been accomplished and the period for filing a challenge to the East Tawas Housing Commission’s action has expired without a challenge or final disposition of any litigation has occurred;

4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and
5. A check of the State’s sex offender registration program for each household member, including live-in aides. No household with a member who has a lifetime registration requirement under a State sex offender registration program will be admitted to public housing. Households who have a member with a registration requirement less than “lifetime” will be reviewed on a case-by-case basis. The East Tawas Housing Commission will check the Dru Sjodin National Sex Offender Database (which is hosted by the U. S. Department of Justice), located at: <http://www.nsopw.gov>. This searchable database, combines the data from individual state offender registries. In addition, during the certification and re-certification process, each household will be asked whether **any** member is subject to any registration requirement under a state sex offender registry program, including minors residing in the household. A false answer to this question may be grounds for eviction/denial.

When criminal records are used for the purposes to deny admission (or eviction or lease enforcement action) for criminal activity as shown by the criminal record, or the Sex Offender Registration, the ETHC will notify the household of such action, and will provide the subject of the record, and the applicant, with a copy of such information, and an opportunity to dispute the accuracy and the relevance of the record in writing within 14 calendar days. Applicants that are denied housing will be given a “Notice of Occupancy Rights under the Violence Against Women Act” which provides information on their rights



and responsibilities under the Violence Against Women Act (VAWA). A copy of the HUD-approved Certification form shall also be provided with the notice. This opportunity will be provided before a denial of admission (or eviction or lease enforcement action on the basis of such information). (The cost of obtaining the criminal record check will not be passed along to the applicant.) (24 CFR 905 (d)) If the East Tawas Housing Commission does not receive the dispute within the allotted time, the applicant will be denied.

- D. No applicant for public housing who has been a victim of domestic violence, dating violence, sexual assault or stalking shall be denied admission into the program if they are otherwise qualified. (Refer to Section 25.0 of this policy for further information on the Violence Against Women Act Policy).

#### 8.4 GROUNDS FOR DENIAL (24CFR 960.204)

The East Tawas Housing Commission is not required or obligated to assist applicants or members of the applicant's household who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Has history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (or with assistance, have the ability to maintain) their housing in a decent, safe, and sanitary condition, or have a history of living or housekeeping at prior residence that could adversely affect the health, safety, or welfare of other tenants;
- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property or if the person is a perpetrator in the violence against women act (refer to Section 25.0 of this policy for additional information);
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any Housing Commission in connection with their public housing or Section 8 programs;

- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Have been evicted or terminated from a federally assisted housing program, for serious or repeated violations of the program within the last 12 months.
- K. Have been evicted from federally assisted housing within the past five (5) years because of drug-related criminal activity.

The five (5) year limit is based on the date of such eviction, not the date the crime was committed.

However, the East Tawas Housing Commission may admit the household if the East Tawas Housing Commission determines:

- 1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the East Tawas Housing Commission; or
  - 2. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or otherwise no longer in the household).
- L. Are currently engaging in the illegal use of a drug. For purposes of this section, a member is “currently engaged in” the activity if the person has engaged in this behavior recently enough to justify a reasonable belief that the behavior is current. The use of marijuana is included in this ban. New admissions of medical marijuana users are prohibited (this does not include FDA-approved marijuana synthetics). HUD has ruled that federal law pre-empts state law on this issue.
  - M. The East Tawas Housing Commission determines that it 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;
  - N. Have been convicted of a crime, with description and denial terms from the date of disposition or the date of sentencing, which ever date is provided/verified and or later, as follows:

<p><b><u>Legal Conviction</u></b> <b><u>Description</u></b></p>	<p><b><u>Term of Denial</u></b> (All from date of Disposition or the date of sentencing, which ever date is provided/verified and or later)</p>
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MISDEMEANOR CONVICTIONS (EXCEPT AS SPECIFIED OTHER WISE IN THIS POLICY)	NON-DRUG/NON - VIOLENT CRIMINAL RELATED	N/A
	DRUG RELATED	3 YEARS from the date of Disposition or the date of sentencing, which ever date is provided/verified and or later
	VIOLENT CRIMINAL RELATED	3 YEARS from the date of Disposition or the date of sentencing, which ever date is provided/verified and or later
FELONY CONVICTIONS (EXCEPT AS SPECIFIED OTHER WISE IN THIS POLICY)	NON-DRUG/NON - VIOLENT CRIMINAL RELATED	The greater of:  3 YEARS from the date of Disposition or the date of sentencing, which ever date is provided/verified and or later,
	DRUG RELATED	The greater of:  7 YEARS from the date of Disposition or the date of sentencing, which ever date is provided/verified and or later,  or;  3 YEARS from the end date of a sentenced prison/jail/probation term for the conviction.
	VIOLENT CRIMINAL RELATED	The greater of:  7 YEARS from the date of Disposition or the date of sentencing, which ever date is provided/verified and or later,  or;  3 YEARS from the end date of a sentenced prison/jail/probation term for the conviction.
MURDER/ATTEMPTED MURDER		The greater of:  10 YEARS from the date of Disposition or the date of sentencing, which ever date is provided/verified and or later,  or;  3 YEARS from the end date of a sentenced prison/jail/probation term for the conviction.

<p>MAINTAINING A DRUG HOUSE IN FEDERALLY ASSISTED HOUSING</p>	<p>The greater of:  10 YEARS from the date of Disposition or the date of sentencing, which ever date is provided/verified and or later,  or;  3 YEARS from the end date of a sentenced prison/jail/probation term for the conviction.</p>
<p>ALCOHOL - 3 ALCOHOL RELATED CONVICTIONS WITHIN THE PAST 5 YEARS</p>	<p>If previously denied, applicant family can be considered if/when none of the 3 convictions have a date of disposition within the last 24 months.</p>

- O. The East Tawas Housing Commission determines that it has reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
- P. If any household member has engaged in or threatened abusive or violent behavior toward another resident, or East Tawas Housing Commission personnel, contractor, or agent.
- Q. Fugitive felons, parole violators, and persons fleeing to avoid prosecution or custody or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- R. Denied for Life: If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property, or on the premises of other federally assisted housing; and
- S. SEX OFFENDERS:
  - 1. Lifetime registration requirement under a state sex offender registration program will be denied for life.
  - 2. Registration requirements for anything less than a lifetime registration requirement under a state sex offender registration program will be reviewed on a case-by-case basis, and a determination of eligibility will be made based on the degree of conviction and any other pertinent information.
- T. Have been evicted or terminated from a public housing unit for knowingly permitting an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their public housing unit. Such denials will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

If any household member is involved with a pending case in any of the situations listed above, the application will be put on “Hold”, and no further processing of the application will be done until the ETHC has been provided adequate written documentation of the final determination/outcome. Once adequate written documentation has been provided, processing will continue based upon the information provided. If the ETHC does not receive adequate written documentation of the final determination/outcome within 2 weeks of the final determination/outcome, the application will be placed inactive and it will be necessary to re-apply.

If legal conviction has occurred in any of the situations listed above, program admission will be no earlier than the term of denial for such a conviction as listed above.

For denying an admission based on any criminal activity, an arrest record, alone, will not serve as sufficient evidence of criminal activity that can support an adverse admission decision. Before the ETHC denies admission to an individual or household on the basis of criminal activity by a household member or guest, it will determine that the relevant individual actually engaged in such activity.

An arrest record can trigger an inquiry into whether there is sufficient evidence to determine that a person engaged in disqualifying criminal activity, but is not itself evidence on which to base a determination. The ETHC can utilize other evidence, such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist them in making a determination that disqualifying conduct occurred. Reliable evidence of a conviction for criminal conduct that would disqualify an individual for tenancy may also be the basis for determining that the disqualifying conduct in fact occurred.

If criminal records are used for the purposes to deny admission for criminal activity as shown by the criminal record, or the Sex Offender Registration, the ETHC will notify the household of the proposed action, and will provide the subject of the record, and the applicant with a copy of such information, and an opportunity to dispute the accuracy and the relevance of the record in writing within 14 calendar days. Applicants that are denied housing will be given a “Notice of Occupancy Rights under the Violence Against Women Act” which provides information on their rights and responsibilities under the Violence Against Women Act (VAWA). A copy of the HUD-approved Certification form shall also be provided with the notice. This opportunity will be provided before a denial of admission. (The cost of obtaining the criminal record check will not be passed along to applicant.) (24 CFR 905 (d)) If the East Tawas Housing Commission does not receive the dispute within the allotted time, the applicant will be denied.

Being a victim of domestic violence, dating violence, sexual assault or stalking is not an appropriate basis for denial of program assistance or for

denial of admission, if the applicant otherwise qualifies for assistance or admission. The ETHC will require verification in all cases where an applicant claims protection, under VAWA, from an action proposed to be taken by the ETHC involving such individual. Types of acceptable verifications and any timeline requirements are outlined in Section 25 of this policy,

In determining whether to deny assistance because of action or failure to act by members of the family, the ETHC may consider all relevant circumstances. (See section 8.5,D., “Consideration of Circumstances”)

## 8.5 INFORMAL REVIEW /HEARING FOR THE APPLICANT (see Chapter 24- Appeals and Grievances)

- A. If an Applicant’s name has been removed from the waiting list either at their request or because the applicant fails to respond to a written request for information or a request to declare their continued interest in the program as requested by the Commission or the family fails to follow through with requirements of processing their application, the application will be considered “withdrawn” from the waiting list.

No informal hearing is required following the withdraw of an application, however an applicant may request an informal review. (See Chapter 23 Appeals and Grievance on the Informal Review Process)

- B. If an Applicant’s name has been removed from the waiting list because the East Tawas Housing Commission determines that an applicant does not meet the criteria for receiving public housing assistance, the applicant is considered denied and will be provided with an opportunity for an informal hearing. This process may be conducted in person, by mail, by telephone, conference call, webcast or video call. (Please see notice PIH 2020-32 or successor notice for guidance on remote briefing requirements.) The East Tawas Housing Commission will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request, in writing, an informal hearing of the decision within 14 calendar days of the denial. The East Tawas Housing Commission will describe how to obtain the informal hearing in its notice.

The informal hearing may be conducted by any person designated by the East Tawas Housing Commission, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to the East Tawas Housing Commission’s decision. The East Tawas Housing Commission must notify the applicant of the final decision within 14 calendar days after the informal hearing, including a brief statement of the reasons for the final decision.

- C. For denials based upon ineligible Citizenship status, the applicant may request that the East Tawas Housing Commission provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 calendar days of receipt of the Notice of Denial or Termination of Assistance, or within 30 calendar days of receipt of the INS appeal decision.

D. CONSIDERATION OF CIRCUMSTANCES

In deciding whether to deny assistance because of action or inaction by members of the family, decisions will be made in accordance with 24 CFR 960.203 and .204. In cases where consideration of circumstances are allowed, the ETHC may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial of assistance on other family members who were not involved in the action or failure. In any case, if the family includes a person with disabilities, the ETHC's decision to deny assistance will consider any reasonable accommodation entitlements in accordance with 24CFR part 8.

The ETHC may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The ETHC may permit the other members of a participant family to receive assistance.

If the ETHC seeks to deny assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol where there was not court action with a documented date of sentencing completion, such use or possession or pattern of abuse must have occurred within one year before the date that the ETHC provides notice to the family of the ETHC determination to deny or terminate assistance. In determining whether deny assistance for these reasons the ETHC will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or

3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

For this purpose, the ETHC may require an applicant to submit evidence of one of the above.

## 9.0 MANAGING THE WAITING LIST

### 9.1 OPENING AND CLOSING THE WAITING LIST

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

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Closing of the waiting list will also be announced with a public notice. The public notice will state the date the waiting list will be closed and for what bedroom sizes. The public notice will be published in a local newspaper of general circulation and also by any available minority media.

### 9.2 ORGANIZATION OF THE WAITING LIST

The East Tawas Housing commission shall administer a community wide waiting list which will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;
- B. All applications will be maintained in order of bedroom size, preference and then in order of date and time of application; and
- C. Any contacts between the East Tawas Housing Commission and the applicant will be documented in the applicant file.

### 9.3 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be nearing the top of the waiting list, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will



be returned to the appropriate spot on the waiting list. The East Tawas Housing Commission must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once the preference has been verified, the family will complete a full application, present Social Security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

Applicants will also be given the opportunity to update their HUD Form 92006 if applicable and if they so desire.

#### 9.4 PURGING THE WAITING LIST

The East Tawas Housing Commission will update and purge its waiting list as needed to ensure that the pool of applicants reasonably represents the interested families for whom the East Tawas Housing Commission has current information, i.e., applicant's address, family composition, income category, and preferences.

#### 9.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The East Tawas Housing Commission will not remove an applicant's name from the waiting list unless:

- A. The applicant requests, in writing or verbally, that the name be removed;
- B. The Applicant's name has been withdrawn from the waiting list either at their request or because the applicant fails to respond to a written request for information or a request to declare their continued interest in the program as requested by the Commission or the family fails to follow through with requirements of processing their application.

No informal hearing is required following the withdraw of an application, however an applicant may request an informal review. Section 24 describes the process for Informal Review.

- C. The applicant has been rejected/denied because the applicant family does not meet either the eligibility or suitability criteria for the program.

Applicants who are rejected/denied are entitled to an informal hearing. Section 24 describes the process for Informal Hearings.

- D. The applicant is housed.

Applicant files will be retained for a minimum of three years after the application has been placed inactive.

## 9.6 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment with the East Tawas Housing Commission shall be considered as being no longer interested and will be sent a notice of termination of the process for determining eligibility and removed from the waiting list.

If the applicant contacts the East Tawas Housing Commission within a reasonable amount of time of missing the appointment (generally 7 calendar days) the East Tawas Housing Commission will allow the family to reschedule. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, the East Tawas Housing Commission will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

## 9.7 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list due to a rejection/denial will be notified by the East Tawas Housing Commission, in writing, that they have fourteen (14) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified. The East Tawas Housing Commission system of removing applicant names from the waiting list will not violate the rights of person with disabilities. If an applicant claims that their failure to respond to a request for information or update was caused by a disability, the East Tawas Housing Commission will verify that there is, in fact, a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice and the envelope will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated by the Post Office.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a review is requested and the applicant provides information and/or circumstances that supports a decision for the applicant to be reinstated.

The waiting list will be purged in accordance with section 9.4 of this policy, to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

Notices will be made available in accessible format upon the request of a person with a disability.

## 10.0 TENANT SELECTION AND ASSIGNMENT PLAN

### 10.1 PREFERENCES (24 CFR 960.206)

In accordance with the ETHC's PHA Plan, the ETHC will select families from the waiting list within each bedroom size category when attainable, based on the following preferences based on local housing needs and priorities:

A. Elderly/Disabled/Near-Elderly Preference – (can choose only one)

Elderly Household (5 Points) - head or co-head is over 62 years of age or older and/or Disabled/handicapped.

OR

Near-Elderly Household (4 Points) – head or co-head is over 50 years of age or older but under 62 years of age.

B. Residency Preference – (3 Points)

**Iosco County** – Applicants who are currently living in Iosco County are eligible for this preference.

Use of this residency preference does not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, gender, religion, disability, sex (including gender identity and sexual orientation), familial status, national origin, age, and marital status.

This residency preference will also be equally extended to Applicants who are working, or who have been notified that they are hired to work and/or attend school in Iosco County.

C. United States Military Veteran or Widow/Widower of a United States Military Veteran – (1 Point)

Applicants who have served in the United States Military or are a widower of a United States Military person are eligible for this preference.

The ETHC will inform all applicants of the available preferences and will give each applicant an opportunity to show that they qualify for any/all of the preferences available at the time of application and at any time thereafter that such preferences become available.

The date and time of application will be noted and utilized to determine the sequence within the above prescribed preference.

Notwithstanding the above: Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using these priorities. All such families will be selected from the waiting list using the preferences as outlined above.

Accessible Units: Accessible units will be first offered to families who may benefit from the accessible features who reside in the development that has the vacancy. If there are no families residing in that development needing the accessible unit, it shall then be offered to applicants on the waiting list who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above.

If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies or requires a transfer from a non-accessible unit. Any family required to transfer will be given a 30-calendar day notice.

In the case of a local devastation/disaster within our operating jurisdiction, local community, surrounding counties, or a federally declared disaster, the ETHC reserves the right for its Executive Director to suspend its preference system for whatever duration the Executive Director feels is appropriate and to admit victims of the disaster to the program instead of those normally admitted.

10.2 ASSIGNMENT OF BEDROOM SIZES

The following Bedroom Assignment Consideration guidelines, set by the ETHC, along with HUD’s Occupancy Standards will determine the assignment of each family’s unit size without overcrowding or over-housing.

HUD’s Occupancy Standards  
[Keating Memo and 24 CFR 982.401(d)(2)(ii)]

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	2
1	1	4
2	2	6
3	3	8

4	4	10
5	5	12

These standards are based on the assumption that each sleeping/ bedroom will accommodate no more than two (2) persons and that the living room can be used as a sleeping room, accommodating no more than 2 persons.

## BEDROOM ASSIGNMENT CONSIDERATION GUIDELINES

In determining bedroom size, the East Tawas Housing Commission will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children whose custody can be verified to be 51% or more (determined on a case by case basis with consideration of documentation deemed acceptable by the Housing Commission), children who are temporarily away at school, or children who are temporarily away from home due to placement in foster-care.

In addition, the following considerations may be taken in determining bedroom size:

- A. Children of the same sex will share a bedroom unless separated by an age difference of 10 years or more.
- B. Adults and children will not be required to share a bedroom.
- C. Persons of the same sex, but of different generations with an age difference of at least 10 years will not be required to share a bedroom.
- D. Foster adults and/or foster children will not be required to share a bedroom with family members.
- E. Live-in aides generally be allocated a separate bedroom. No additional bedrooms are allocated for the live-in aide's family. (See section 15.7 for more information on "Consideration of Live-in Aides".)

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allows. The East Tawas Housing Commission will allow the smaller size unit so long as HUD's occupancy standards are met, meaning no more than two (2) people per sleeping/ bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for three (3) years or until the family size changes, whichever may occur first.

- B. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. The East Tawas Housing Commission will allow the larger size unit if the family provides a verified medical or disability related need that the family be housed in a larger unit.
- C. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family’s own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-calendar day notice before being required to move.
- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.
- E. In no event will a single person who is not an elderly person or a person with disabilities be provided with a unit that is larger than one-bedroom (24 CFR 960.206(e)).

### 10.3 SELECTION FROM THE WAITING LIST

Based upon the preferences and point values assigned to each preference, applicants with the most cumulative points will be offered assistance first.

The date and time of application will be noted and utilized to determine the sequence within the preferences prescribed in 10.1.

The East Tawas Housing Commission shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is the higher of either 30% of the area median income or the Federal Poverty Level as defined by HUD. To ensure this requirement is met we shall quarterly monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families.

If admissions of extremely low-income families to the East Tawas Housing Commission’s voucher program during a fiscal year exceed the 75% minimum targeting requirement for the voucher program, such excess shall be credited (subject to the limitations in this paragraph) against the East Tawas Housing Commission’s basic targeting requirement for the same fiscal year.

The fiscal year credit for voucher program admissions that exceeds the minimum voucher program targeting requirement shall not exceed the lower of:

- A. Ten percent (10%) of public housing waiting list admissions during the East Tawas Housing Commission's fiscal year;
- B. Ten percent (10%) of waiting list admissions to the East Tawas Housing Commission's Section 8 tenant-based assistance program during the PHA fiscal year; or
- C. The number of qualifying low-income families who commence occupancy during the fiscal year of the East Tawas Housing Commission public housing units located in census tracts with a poverty rate of 30% or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

#### 10.4 DECONCENTRATION POLICY

The East Tawas Housing Commission is not subject to the de-concentration requirements according to 24 CFR 903. Nevertheless, the East Tawas Commission will affirmatively market its housing to all eligible income groups.

#### 10.5 OFFER OF A UNIT

When the East Tawas Housing Commission discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development and whose income category would help to meet the de-concentration goal and/or the income targeting goal.

When an "accessible" unit becomes available, before offering such unit to a non-disabled applicant, the East Tawas Housing Commission shall (24 CFR part 8):

- A. First, offer the unit to a current occupant who requires the accessibility features of the vacant unit in the same development that requires the accessibility features of the vacant accessible unit (if the current occupant does not have such accessibility features in their current unit). The East Tawas Housing Commission may pay the moving expenses related to transferring this tenant to an accessible unit as an accommodation due to the tenant's disability.
- B. Second, if there is not a current resident in the same development who requires the accessibility features of the vacant, accessible unit, the ETHC 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 not a current resident who requires the accessibility features of the vacant, accessible unit, then the ETHC will offer the unit to an eligible, qualified applicant with disabilities on the ETHC's waiting list who can benefit from the accessible features of the available, accessible unit.
- D. Forth, 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 ETHC will offer the available accessible unit to an applicant on the waiting list who does not need the accessible features of the unit.

Note: The East Tawas Housing Commission will not prohibit an eligible disabled family from accepting a non-accessible unit that the family is eligible for which may become available before an accessible unit. The East Tawas Housing Commission will modify such a non-accessible unit as needed, unless the modification would result in an undue financial and administrative burden. When offering an accessible unit to applicants without disabilities, the East Tawas Housing Commission will require such applicants to agree (by signing an agreement unless it has been incorporated into their lease) to move to a non-accessible unit when available or when the accessible unit is needed by a disabled family.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the East Tawas Housing Commission will document the offer and the rejection.

## 10.6 REJECTION OF UNIT

If in making the offer to the family the East Tawas Housing Commission skipped over other families on the waiting list in order to meet their de-concentration goal or offered the family any other de-concentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

If the East Tawas Housing Commission did not skip over other families on the waiting list to reach this family, did not offer any other de-concentration incentive, and the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes, but is not limited to, reasons



related to health, proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

## 10.7 ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than fourteen (14) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later, without the approval of the Executive Director.

At the lease signing, the family will have, at a minimum, one (1) adult family member who will attend the Lease and Occupancy Orientation (lease review). The family will not be housed if at least one (1) adult family member has not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation without good cause, may result in the cancellation of the occupancy process. The orientation shall include the resident's rights and responsibilities under the Violence Against Women Act (VAWA).

If the family needed an accessible unit however chose a non-accessible unit, they will be required to sign a Certification of Resident's Selection of a Non-Accessible Unit form. This form shall only be required if they were offered and rejected an accessible unit.

The applicant will be provided a copy of the lease and any attachments, which will include but is not limited to, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Housing Commission personnel. The certification will be filed in the tenant's file.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and the East Tawas Housing Commission will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

The family will pay a security deposit at the time of lease signing. The security deposit will be equal to but not greater than one-month gross rent (Total Tenant Payment - TTP). and shall not exceed the following limits:

Zero Bedroom	\$300.00
One Bedroom	\$400.00
Two Bedroom	\$500.00

Three Bedroom	\$600.00
Four Bedroom	\$700.00
Five Bedroom	\$800.00

In exceptional situations, the East Tawas Housing Commission reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance, one third with their second rent payment, and one third with their third rent payment. This shall be at the sole discretion of the Housing Commission.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

Any applicant who is homeless at the time of admission will be reported to HUD on the 50058.

## 11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

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

### 11.1 INCOME (24 CFR 5.609)

Annual income includes, with respect to the family:

1. All amounts, not specifically excluded from annual income, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age;
2. All amounts received by the head of household, co-head, or spouse, including the income of a day laborer, independent contractor and seasonal worker are included in annual income regardless of age unless specifically excluded.
3. When the value of the family assets exceeds \$50,000.00 and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate.

4. During annual reexaminations the Housing Commission must first determine the family's income for the previous 12 month period and use this amount as the family income for annual reexaminations; however, adjustments to reflect current income must be made. Any change of income since the family's last annual reexamination, including those that did not meet the threshold to process an interim reexamination of family income in accordance with the Housing Commission policies and 23 CFR 5.657(c), 960.257(b), or 982.516(c), must be considered. Income from assets is always anticipated, irrespective of the income examination type.

A change in income, for example, may be a loss of income or the addition of a new source of income. Changing to a different employer in the prior year does not necessarily constitute a change if the income earned from either employer is substantially the same. The Housing Commission will look at the entirety of the family's unearned income and earned income from the prior year, in which earned income may have been one constant job or many different jobs that start and stop. Cost of Living Adjustments (COLA) to Social Security income and Social Security disability income are always considered changes to income because the COLA is an adjustment that automatically occurs annually by law. The three steps outlined below apply for both earned and unearned income.

Step 1: Determine the annual income for the previous 12-month period. If there have been no changes to income beyond this calculation, then this is the amount that will be used to determine the family's rental assistance.

The Housing Commission reviews the following information to determine prior-year income:

- The EIV Income Report (must be pulled within 120 days of the effective date of the annual reexamination to be considered current);
- The income reported on the most recent reexamination HUD–50058; and
- What the family certified to on the PHA's annual reexamination paperwork for prior-year income.

Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination.

- If there was an interim reexamination performed, the PHA must use the annual income from the interim to determine the family's rental assistance, if there are no additional changes.
- If the PHA did not perform an interim or there have been changes since the last reexamination, move to Step 3.

Step 3: If there were changes in annual income not processed by the PHA since the last reexamination, use current income.

- Family reports their income for the prior year and whether there have been permanent changes.

If there are no reported changes to an income source, the PHA may use documentation of prior-year income to calculate the annual income used for the current annual reexamination HUD–50058. The Housing Commission could use the following documentation and certification from the family:

- EIV + self-certification (wages, Supplemental Security Income (SSI), Social Security, and unemployment)
- Current level 4 documents verifying prior-year income that are dated within the required timeframe (120 days of receipt by the PHA), for example:
  - Year-end statement
  - Paycheck with year-to-date amount
  - Tax forms (Form 1040, W2, 1099, etc.)

If there are reported changes by the family or the PHA notes discrepancies between EIV and what the family reports, follow the verification hierarchy to document and verify income.

Annual income includes, but is not limited to, the amounts specified in the federal regulations currently found in 24 CFR 5.609:

- a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commission, fees, tips and bonuses, and other compensation for personal services.
- b. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.

- c. Interest, dividends and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family.

Where the family has net family assets in excess of \$50,000.00, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate.

HUD will annually publish a passbook rate based on the Federal Deposit Insurance Corporation (FDIC) National Deposit Rate for savings accounts, which is an average of national savings rates published on a monthly basis. The Housing Commission must use the HUD-published passbook rate when calculating imputed asset income for net family assets that exceed \$50,000 (a figure that is annually adjusted for inflation). The HUD-published passbook rate will be posted to a dataset on the HUD User Web site, alongside annual inflationary adjustments. For January 1, 2024, the passbook rate will be 0.40 percent.

Where the family has disposed of an asset for less than Fair Market Value during the two (2) years preceding any certification or re-certification in excess of \$50,000.00, annual income from such asset will be based on a percentage of the value based on the current passbook savings rate, as determined above.

An asset moved to a retirement account held by a member of the family is not considered to be an asset disposed of for less than fair market value. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms.

- d. For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.

The distinguishing feature of a revocable trust is that the grantor can terminate and/or amend the trust at any time for any reason before his or her death. In circumstances when a member of the assisted family is the beneficiary of a revocable trust, but the grantor is not a member of the assisted family, the beneficiary does not “own” the revocable trust, and the value of the trust is excluded from net family assets. For

the revocable trust to be considered excluded from net family assets, no family or household member may be the account's trustee.

A revocable trust that is under the control of the family or household (e.g., the grantor is a member of the assisted family or household) is included in net family assets, and, therefore, income earned on the trust is included in the family's income from assets. This also means that PHAs/MFH Owners will calculate imputed income on the revocable trust if net family assets are more than \$50,000, as adjusted by inflation, and actual income from the trust cannot be calculated (e.g., if the trust is comprised of farmland that is not in use).

If the Housing Commission determines that the revocable trust is included in the calculation of net family assets, then the actual income earned by the revocable trust is also included in the family's income.

E. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

Effective the day after SSA has announced the COLA, the Housing Commission will factor in the COLA when determining SS and SSI annual income for all annual reexaminations and interim reexaminations of family income that have not yet been completed and will be effective January 1 or later of the upcoming year.

F. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded).

~~G.~~ Welfare assistance payments.

1. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
  - a. Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
  - b. Are not otherwise excluded under paragraph Section 11.2 of this Policy.
2. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to

adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:

- a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
- b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

### 3. Imputed welfare income

- a. A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the East Tawas Housing Commission by the welfare agency) plus the total amount of other annual income.
- b. At the request of the East Tawas Housing Commission, the welfare agency will inform the Housing Commission in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the Housing Commission of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Housing Commission will use this information to determine the amount of imputed welfare income for a family.
- c. A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the Housing Commission by the welfare agency).
- d. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

- e. The East Tawas Housing Commission will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.
- f. If a resident is not satisfied that the Housing Commission has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Housing Commission denies the family's request to modify such amount, then the Housing Commission shall give the resident written notice of such denial, with a brief explanation of the basis for the Housing Commission's determination of the amount of imputed welfare income. The Housing Commission's notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed welfare income in order to obtain a grievance hearing.

#### 4. Relations with welfare agencies

- a. The East Tawas Housing Commission will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the Housing Commission written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.
- b. The East Tawas Housing Commission is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the Housing Commission. However, the Housing Commission is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.



- c. Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The Housing Commission shall rely on the welfare agency notice to the Housing Commission of the welfare agency's determination of a specified welfare benefits reduction.
- H. Period and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- I. All regular pay, special pay, and allowances of a member of the Armed Forces is included. (Special pay to a member exposed to hostile fire is excluded.)

## 11.2 EXCLUSIONS FROM INCOME

Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR 5.609:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Any imputed return on an asset when net family assets total \$50,000.00 or less and no actual income from the net family assets can be determined.
- C. The following types of trust distributions:
  - 1) For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets under CFR 24 5.603(b):
    - a) Distributions of the principal or corpus of the trust; and
    - b) Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.
- D. Payments received for the care of foster children or foster adults or State or Tribal kinship or guardianship care payments.
- E. Insurance payments and settlements for personal property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation;

- F. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical expenses for any family member;
- G. Income of a live-in aide, foster child, or foster adult (as defined in 24CFR 5.403 and 5.603);
- H. Any assistance that section 479B of the Higher Education Act of 1965 requires to be excluded from a family's income; and
  - 1. Student financial assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities) room and board, and other fees required and charged to a student by an institution of higher education and for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.
  - 2. Section 479B provides that certain types of student financial assistance are to be excluded in determining eligibility for benefits made available through federal, state, or local programs financed with federal funds. The types of financial assistance listed below are considered 479B student financial assistance programs; however, this list is not exhaustive, and 479B will be updated as of July 1, 2024.
    - a. Federal Pell Grants;
    - b. Teach Grants;
    - c. Federal Work Study Programs;
    - d. Federal Perkins Loans;
    - e. Student financial assistance received under the Bureau of Indian Education;
    - f. Higher Education Tribal Grant;
    - g. Tribally Controlled Colleges or Universities Grant Program;
    - h. Employment training program under section 134 of the Workforce Innovation and Opportunity Act (WIOA).
    - i. Student financial assistance, for purposes of this paragraph does not include:
      - i. The Federal government

- ii. A State, Tribe, or local government;
  - iii. A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3);
  - iv. A business entity (such as corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity);
  - v. An institution of higher education
  - vi. Gifts, including gifts from family or friends; or
  - vii. Any amount of the scholarship or grant that, either by itself or in combination with assistance, exceeds the actual covered costs of the student. The actual covered costs of the student are the actual costs of tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, or other fees required and charged to a student by the education institution, and for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.
- j. Student financial assistance, for purposes of this paragraph must be:
- i. Expressly for tuition, books, room and board, or other fees required and charged to a student by the education institution;
  - ii. Expressly to assist a student with the costs of higher education; or
  - iii. Expressly assist a student who is not the head of household or spouse with the reasonable and actual costs of housing while attending the education institution and not residing in an assisted unit.
- k. Student financial assistance, for purposes of this paragraph may be paid directly to the student or to the educational institution on the student's behalf. Student financial assistance paid to the student must be verified by the responsible entity as student financial assistance consistent with this paragraph.

- I. When the student is also receiving assistance excluded under this section, the amount of student financial assistance under this paragraph is determined as follows:
  - i. If the amount of assistance excluded under this section is equal to or exceeds the actual covered costs under this section, none of the assistances described in this paragraph of this section is considered student financial assistance excluded from income.
  - ii. If the amount of assistance exclude under this section is less than the actual covered costs in this section, the amount of assistance described in the paragraph of this section is considered student financial assistance excluded under this paragraph is the lower of:
    - (a) The total amount of student financial assistance received under this section; or
    - (b) The amount by which the actual covered costs under the paragraph of this section exceeds the assistance excluded under this section.
  
- I. Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, “baby bond” accounts created, authorized, or funded by Federal, State, or local government.
  
- J. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
  
- K. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family being a person with disabilities.
  
- L. The amounts received from the following:
  - 1. Amounts received under training programs funded by HUD;
  - 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-

pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and that are made solely to allow participation in a specific program;

4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Commission or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in a qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts) This specifically includes temporary income payments from the U. S. Census Bureau, defined as employment lasting no longer than 180 calendar days per year and not culminating in permanent employment;
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earned income of dependent full-time students in excess of the amount of the deduction for a dependent (excluding the head of household and spouse);
9. Adoption assistance payments for a child in excess of the amount of the deduction for a dependent;
10. Earned income of children under 18 years of age.
11. Earned Income Disallowance (EID) (also known as Earned Income Disregard): The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10.

Additionally, this exclusion is only available to the following families. This only applies to tenants who have been placed on EID prior to 01-01-2024.

- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
- b. Families whose income increases during the participation of a family member in any economic self-sufficiency or other job training program.
- c. Families who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program. (Not limited to monthly income maintenance, but also includes benefits and services as one time payments, wage subsidies, and transportation assistance, provided that the total over a 6 (six) month period is at least \$500.00). (Note: Sanctioned Benefits do not count as having been assisted.)

During the second cumulative 12-month period, after the date of initial hire, 50% of the increased income shall be excluded from income.

For families who are eligible for this EID benefit, the disallowance of increased income of an individual family member is limited to a lifetime 24-month period, regardless of how many months were “used”. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

(While HUD regulations allow for the housing commission to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing commission to provide the exclusion in all cases.)

12. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability that are received in a lump sum amount or in prospective monthly amounts.
13. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
  - a. At the time of an annual or interim reexamination of income, if the federal tax refund was received during the 12 months preceding the effective date of the reexamination, then the amount of the refund that was received by the family is subtracted from the total value of the account in which the federal tax refund or refundable tax credits were deposited.

When the subtraction results in a negative number, then the balance of the asset is considered \$0.

- b. The Housing Commission is not required to verify the amount of the family's federal tax refund or refundable tax credit(s) if the family's net assets are equal to or below \$50,000 (adjusted annually for inflation), even in years when full verification of assets is required or if the Housing Commission does not accept self-certification of assets. The Housing Commission must verify the amount of the family's federal tax refund or refundable tax credits if the family's net assets are greater than \$50,000.
  - c. The anticipated income earned by the assets in which a family has deposited their federal tax refund or refundable tax credits must be included in the family's annual income unless the income is specifically excluded under 24 CFR § 5.609(b).
14. Amounts paid by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has disability to reside in the family's assisted unit.
  15. Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car.
  16. Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.
  17. Replacement housing "gap" payments made in accordance with 49 CFR part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing "gap" payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing "gap" payments.

18. Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of income varies. Nonrecurring income includes:
  - a. Direct Federal or State payments intended for economic stimulus or recovery.
  - b. Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).
  - c. Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.
  - d. Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.
19. Amounts that HID is required by Federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that include assistance under any program to which the exclusions set forth in 11.2 of this section apply.
20. Civil rights settlements or judgments, including settlements or judgements for back pay.
21. Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.
22. Income earned on amounts placed in a family's Family Self Sufficiency Account.
23. Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:
  - a. Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, base on straight line depreciation, as provided in the IRS regulations; and



- b. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
24. Federally Mandated Exclusions from Income: Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
- a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
  - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044 (f)(1) 5058);
  - c. Certain Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
  - d. Income derived from certain sub-marginal land of the U.S. that is held in trust for certain Indian tribes (25 U.S.C. 459e);
  - e. Payments or allowances made under the Department of Health and Human Services' Low-Income Energy Assistance Program (42 U.S.C. 8624(f));
  - f. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, (Section 6));
  - g. The first \$2000 per capita shares received from judgment funds awarded by the National Indian Gaming Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408); This exclusion does not include proceeds of gaming operations regulated by the commission;
  - h. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under Federal Work-Study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 Programs only (42 U.S.C. 1437(f)), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if that individual is over the age of 23 with dependent children (Pub. L. 109-115, section 327) (as amended);
  - i. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(g));(See definition of Tuition in the Glossary.)
  - j. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101-201) or any other fund

- established pursuant to the settlement in *In Re Agent Liability Litigation*, M.D.L. No. 381 (E.D.N.Y.);
- k. Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 25 U.S.C. 1728);
  - l. The value of childcare under the 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 U.S.C. 9858q);
  - m. Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965 and Sections 221(d)(3), 235 and 236 of the National Housing Act (26 U.S.C. 32(l));
  - n. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
  - o. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
  - p. Any allowance paid under the provisions of 338 U.S.C. 8 U.S.C. 1833(c) to children of Vietnam veteran born with spina bifida (38 U.S.C. 1802-05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811-16), and children of certain Korean service veterans born with spina bifida (38 U.S.C. 1821);
  - q. 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 (42 U.S.C. 10602 (c));
  - r. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2));
  - s. Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-priced lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC).
  - t. Payments, funds or distributions authorized, established or directed by Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774 f. (b.)).
  - 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;

- (25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self Determination Act (NAHASDA) (25 U.S.C. 4101 et seq,) and administered by the Office of Native American Programs;
- v. A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Eloise Cobell et al. v. Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291);
  - w. Any major amounts in “individual development account” as provided by the Assets for Independence Act, as amended in 2002 (Pub. L. 107-110, 42 U.S.C. 604(h)(4));
  - x. Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013-30 “Exclusion from Income Payments under Recent Tribal Trust Settlements: (25 U.S.C. 117b(a)); and
  - y. 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 (42 U.S.C. 5155(d)).
  - z. ABLÉ accounts created under the Achieving a Better Life Experience Act of 2014 (ABLE Act) are excluded from the calculation of both income and assets.
25. Exclusions from Net Family Assets Regulations: 24 CFR § 5.603(b)(3)–(b)(4) Required exclusions from net family assets include the following:
- a. The value of necessary items of personal property. (See Necessary and Non-Necessary Personal Property)
  - b. The value of all non-necessary items of personal property with a total combined value of \$50,000 or less, annually adjusted for inflation. (See Necessary and Non-Necessary Personal Property)
  - c. The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including Individual Retirement Accounts (IRAs), employer retirement plans (e.g., 401(k), 403(b)), and retirement plans for self-employed individuals.
  - d. The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located. Examples of this include but are not limited to: co-ownership situations (including situations where one owner is a victim of domestic violence), where one party cannot unilaterally

sell the real property; property that is tied up in litigation; inherited property in dispute.

- e. The value of any “baby bond” account created, authorized, or funded by the federal, state, or local government (money held in trust by the government for children until they are adults).
- f. Interests in Indian trust land.
- g. Equity in a manufactured home where the family receives assistance under 24 CFR Part 982. Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR Part 982.
- h. Family Self-Sufficiency accounts.
- i. Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.
- j. The full amount of assets held in an irrevocable trust.
- k. The full amount of assets held in a revocable trust where a member of the family is the beneficiary, but the grantor/owner and trustee of the trust is not a member of the participant family or household.

## 26. Necessary and Non-Necessary Personal Property Regulation: 24 CFR § 5.603

Necessary personal property is excluded from net family assets. Non-necessary personal property with a combined value greater than \$50,000, as adjusted by inflation, is considered part of net family assets. When the combined value of all non-necessary personal property does not exceed \$50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family assets.

All assets are categorized as either real property (e.g., land, a home) or personal property. Personal property includes tangible items, like boats, as well as intangible items, like bank accounts. For example, a family could have non-necessary personal property with a combined value that does not exceed \$50,000 but also own real property such as a parcel of land. Even though the non-necessary personal property would be excluded from net family assets, the real property would be included in net family assets regardless of its value unless the real property meets a different exclusion under 24 CFR § 5.603.

Necessary personal property are items essential to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary

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

27. Additional income exclusions provided by and funded by the East Tawas Housing Commission.

### 11.3 DEDUCTIONS FROM INCOME

The following deductions will be made from annual income:

- A. Effective January 1, 2024, the dependent deduction amount is \$480. This amount will be adjusted annually and applies to a family's next annual or interim reexamination after the annual adjustment, whichever is sooner.
- B. Effective January 1, 2024, the elderly/disabled family deduction increases to \$525 and applies to a family's next interim or annual reexamination, whichever is sooner. The amount of the deduction will be adjusted annually.
- C. The sum of the following, to the extent the sum exceeds ten percent (10%) of annual income:
1. Unreimbursed health and medical care expenses of any elderly family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program; and
  2. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the combined earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.
- D. Reasonable childcare expenses for children 12 and younger necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of

employment income that is included in annual income and may not be paid by an agency or individual outside of the household.

Reasonable unreimbursed childcare expenses (as defined in 5.603) for foster children under 13 years of age may be deducted from annual income if those expenses are necessary to enable a member of the family to work, look for work, or to further their education.

#### 11.4 RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME

- A. If a public housing resident receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to the person responsible for income verification at the Housing Commission within thirty (30) calendar days of receipt by the resident. Nonconformance could result in eviction.
- B. The Property Manager shall reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.
- C. If it is determined that the difference became effective following the effective date of the resident's last re-examination, the information will be retained on file to be included in the next annual re-examination.
- D. If it is determined that the difference became effective prior to the effective date of the resident's last re-examination and it is felt that the resident purposely did not report the income, the East Tawas Housing Commission will compute the amount of rent due dated back to the last re-examination and shall do one of the following:
  - 1. Immediately collect the back rent due to the agency;
  - 2. Establish a repayment in accordance with section 20 of this policy plan for the resident to pay the sum due to the agency;
  - 3. Terminate the lease and evict for failure to report income; or
  - 4. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.

#### 11.5 COOPERATING WITH WELFARE AGENCIES

The East Tawas Housing Commission will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

- A. To target assistance, benefits and services to families receiving assistance in the public housing and Section 8 tenant-based assistance program to achieve self-sufficiency; and

- B. To provide written verification to the East Tawas Housing Commission concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

## 12.0 VERIFICATION

The East Tawas Housing Commission will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible NON-CITIZEN status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

For a family with net assets equal to or less than \$50,000.00, the ETHC will accept, for purposes of recertification of income, a family's written declaration that it has net assets equal to or less than \$50,000.00, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount will be included in the family's income. The ETHC will obtain third-party verification of all family assets at least every 3 years.

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's 214 Status Certification will be accepted with documentation such as listed below. 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.

**Excluded Income:** In Notice PIH-2013-04, HUD provides guidance and clarification on the requirements to verify income that is excluded from the determination of annual income. There are two categories of excluded income: fully excluded and partially excluded. Each category has different verification requirements. Because each has a different verification requirements, it is important to be sure to determine correctly if the income is fully or only partially excluded income. The requirements are as follows:

Fully Excluded income: Income that is fully excluded means the entire amount qualifies to be excluded from the annual income determination.

For fully excluded income, the ETHC **is not require to:**

- \* Verify the income in accordance with the HUD-prescribed verification hierarchy (as outlined below).

- \* Document in the tenant file why third-party verification was not available as required by 24CFR960.259(c.)(l).
- \* Report the income in Section 7 of the HUD-50058.

(For a complete list of income exclusions, see 24 CFR 5.609(b.)(14))

The ETHC may accept an applicant or participant's self-certification as verification of fully excluded income. The ETHC application and re-examination documentation, which is signed by all adult family members, may serve as the self-certification of the fully excluded income. The ETHC has the option of elevation the verification requirements, if necessary, to determine if a source of income qualifies for a full exclusion. Examples of common fully excluded income categories that are verifiable through applicant or participant self-certification include but are not limited to:

- \* Supplemental Nutrition Assistance Program (SNAP) benefits (Formerly known as Food Stamps)
- \* Income from a live in aide

Partially Excluded income: Income that is partially excluded means that only a certain portion of the income reported by the family qualifies to be excluded, while the remainder must be included when determining the family's annual income.

For partially excluded income the ETHC **is required to**:

- \* Comply with HUD prescribed verification requirements and all applicable regulations pertaining to the determination of annual income; and
- \* Report the income in Section 7 of the HUD-50058.

Examples of common, partially excluded income categories that are subject to regular verification requirements include but are not limited to:

- \* The Department of Veterans Affairs "Aid and Attendance" benefits - in accordance with 24 CFR 509(c.)(4), these benefits may be excluded from income if they are used "specifically for, or in reimbursement of, the cost of medical expenses for the family member." Live-in or periodic medical assistance and services of doctors and health care professionals are among the services that may be counted as medical expenses. The ETHC must verify the amount provided for aid and may be counted as medical expenses. The ETHC must verify the amount provided for aid and attendance medical expenses and the amount actually being used by the veteran for such expenses. Any portion of the benefit not used for such expenses would continue to be counted as income by the ETHC when determining the family's annual income.



- \* Earnings in excess of \$480 for full time students, 18 years of age or older (24 CFR 5.609 (c.)(11) - in order to determine the amount of earnings to include in the calculation of the family’s annual income the ETHC must verify the amount of employment income for these family members.

(For a complete list of income exclusions, see 24 CFR 5.609(b.)(14))

All other information will be verified by the following verification hierarchy and technique methods acceptable to HUD.

## 12.1 VERIFICATION HIERARCHY AND TECHNIQUES

In accordance HUD regulation, the ETHC will obtain and document in the tenant file third party verification of the following factors, or will document in the tenant file why third-party verification was not available:

- (i) reported family annual income;
- (ii) the value of assets;
- (iii) expenses related to deductions from annual income; and
- (iv) other factors that affect the determination of adjusted income.

The ETHCs verification process will begin with the highest level of verification techniques as indicated in the “Verification Hierarchy and Technique Chart” below.

All verifications, regardless of technique, require the ETHC to review the IVT (Income Verification Tool) information at the time of reexamination and for multiple subsidy payments. The ETHC is required to review the EIV Former Tenant and Existing Tenant Reports for any SSA matches involving another PHA or a Multi-family entity and follow-up on any issues identified. The ETHC is required to maintain the report and documentation of any follow-up in the tenant file. If the tenant is a new admission to the ETHC, and a match is identified at a multi-family property, the ETHC must report the program admission date to the multi-family property and document the notification in the tenant file.

Exhibit 1 – Verification Hierarchy and Technique Chart

Level	Verification Technique	Ranking
6	Up-front Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system and the <u>Income Validation Tool (IVT) (not available for income verifications of applicants)</u>	Highest (Mandatory)  EIV income information may be used to calculate other types of annual income when family agrees. See Level 4 for more information.
5	Up-front Income Verification (UIV) using non-HUD system(e.g., The Work Number,	Highest (Optional)

	web-based state benefits systems, etc.)	
4	<p>Written Third-Party Verification from the source, also known as “tenant-provided verification”</p> <p>OR</p> <p>EIV + Self-Certification</p> <p>The Housing Commission can choose either option when both are available to verify income. The Housing Commission must use written, third-party verification when the income type is not available in EIV (e.g., self-employment, Go Fund Me accounts, general public assistance, Veterans Administration benefits, etc.)</p>	<p>High (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)</p> <p>Written, third-party verification from an original or authentic document generated by a third-party source dated within 120 days of the date received by the Housing Commission is used when tenant disputes EIV-reported employment and income information.</p> <p>The EIV Income Report may be used to verify and calculate income if the family self-certifies that the amount is accurate and representative of current income. The family must be provided with the information from EIV.</p>
3	Written Third-Party Verification Form	Medium (Mandatory if written third-party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation)
2	Oral Third-Party Verification	Medium : Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique, or identified by the family, via telephone or in-person visit. The Housing Commission staff must document in the tenant file the date and time of the telephone call (or visit to the third party) and the name of the person contacted and their telephone number, along with the confirmed information.

1	Tenant Declaration	Low (Use as a last resort when unable to obtain any type of third-party verification or if specifically permitted, such as to determine actual income from assets when the family certifies that net family assets do not exceed \$50,000.)
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**Note:** This verification hierarchy applies to income determinations for applicants and participants. However, EIV is not available for verifying income of applicants. Exhibit 1. “Verification Hierarchy and Techniques”, illustrates six levels of verification starting with 6 as the highest category of Upfront Income Verification using HUD’s EIV system, then 5-Upfront Income Verification (UIV) using non-HUD system, 4-Written Third-Party Verification, 3-Written Third Party Verification Form, 2-Oral Third-Party Verification and 1-Tenant Declaration.

A. Up-front Income Verifications (UIV)-(Level 6/5)

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

Current UIV resources include the following:

1. Enterprise Income Verification (EIV) – The EIV System is a web-based application, which provides PHAs 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. To minimize tenant underreporting of income, the ETHC will obtain an EIV Income and IVT Report for each family any time the ETHC conducts a reexamination of family income and composition.

The ETHC will obtain an EIV Income Report and an IVT Report for each household during annual and streamlined reexaminations of family income and composition. If the EIV Income Report does not contain adequate employment and income information for the family, the ETHC will attempt the

next lower-level verification technique, as necessary, as noted in the Verification Hierarchy and Technique Chart.

To reduce the potential for subsidy errors, the ETHC will monitor the following EIV reports on a monthly basis:

- a. Deceased Tenants Report
- b. Identity Verification Report
- c. Immigration Report.
- d. IVT Report based on PHA reexamination schedule (Report will include information from the New Hires Report (NDNH))
- e. Multiple Subsidy Report

See Section 12.8-EIV, for full use requirements of EIV.

2. State Wage Information Collection Agencies (SWICAs)
3. State systems for the Temporary Assistance for Needy Families (TANF) program
4. Credit Bureau Information (CBA) credit reports
5. Internal Revenue Service (IRS) Letter 1722
6. Private sector databases (e.g., The Work Number)

The ETHC will use additional UIV resources as they become available.

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. (See also Section 12.8 – EIV)

No adverse action can be taken against a participant until the ETHC 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 ETHC requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

## B. Written Third-Party Verification-(Level 4)

The ETHC must request written third-party verification under the following circumstances:

- a. When the tenant disputes the EIV information and is unable to provide acceptable documentation to support his/her dispute (24 CFR 5.236(b))
- b. When the ETHC requires additional information that is not available in EIV and/or the tenant is unable to provide the ETHC with current acceptable tenant-provided documentation. Examples of additional information include, but are not limited to:
  - i. Effective dates of income (i.e., employment, Unemployment compensation, or social security benefits)
  - ii. For new employment: pay rate, number of hours worked per week, pay frequency, etc.
  - iii. Confirmation of changes in circumstances (i.e., reduced hours, reduced rate of pay, temporary leave of absence, etc.)

An original or authentic document generated by a third-party source dated either within the 60-calendar day period preceding the ETHC 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 the HUD's position that such tenant-provided documents are written third-party verification since these documents originated from a third-party source. The ETHC 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 ETHC will obtain a minimum of two (2) current and consecutive pay stubs for determining annual income from wages. For new income sources or when two (2) current and consecutive pay stubs are not available, the ETHC 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 calendar days (from the ETHC 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 (\$2400.00 annually) 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 ETHC does not need to obtain or request a benefit verification letter from the tenant.

The ETHC will allow a minimum of seven (7) calendar days for the return of written third-party verifications prior to continuing on to the next type of verification.

### C. Written Third-Party Verification Form-(Level 3)

Also known as traditional third-party verification, a standardized form to collect information from a third-party source, is requested by the ETHC. This form is sent directly to the third-party source by the ETHC.

It is HUD's position that the administrative burden and risk associated with use of the traditional third-party verification form may be reduced by the ETHC relying on acceptable documents that are generated by a third party, but in the possession of, and provided by, the tenant (or applicant). Many documents in the possession of the tenant (or applicant) are derived from third party sources (i.e., employers, federal, state and/or local agencies, banks, etc.).

Income within the previous 12 months may use forms from Federal public assistance:

1. The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, et seq.)
2. Medicaid (42 U.S.C. 1396, et seq)
3. The Supplemental Nutrition Assistance Program (42 U.S.C. 2011, et seq)
4. The Eard Income Tax Credit (26 U.S.C. 32)
5. The Low-Income Housing Credit (26 U.S.C. 42)
6. The Special Supplemental Nutrition Program for Woman. Infants, and Children (42 U.S.C. 1786)
7. Supplemental Security Income (42 U.S.C. 1381 et seq.)

8. Other programs administered by the Secretary
9. Other means-tested forms of Federal public assistance for which HUD has established a memorandum of understanding
10. Other Federal benefit determinations made in other forms of means-tested Federal public assistance that the Secretary determines to have comparable reliability and announces through a Federal Register notice.

If third-party verification is being obtained with Federal public assistance forms, the verification must indicate the tenant's family size and composition and state the amount of the family's annual income. The verification must also meet all HUD requirements related to the length of time that is permitted before the third-party verification is considered out-of-date and is no longer an eligible source of income verification.

The Safe Harbor verification may be in the form of an award letter from the relevant federal program and must show that the family's income determination was made in the previous 12 months. The Safe Harbor documentation will be considered acceptable if any of the following dates fall into the 12-month period prior to the receipt of the documentation by the Housing Commission:

- a. Income determination effective date;
- b. Program administrator's signature date;
- c. Family's signature date;
- d. Report effective date; or
- e. Other report-specific dates that verify the income determination date.

The only information that the Housing Commission will use to determine income under this Safe Harbor is the total income determination made by the federal means-test program administrator. Other federal programs may provide additional information about income inclusions and exclusions in their award letters; however, these determinations and any other information must not be considered by the Housing Commission for purposes of the Safe Harbor provision. The Housing Commission will not mix and match Safe Harbor income determinations and other income verifications.

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 ETHC 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 also streamlines the income verification process.

The ETHC will allow 7 calendar days for the return of written third-party written verification forms prior to continuing on to the next type of verification.

D. Third-Party Oral Verification – (Level 2)

This type of verification includes direct contact with the source, in person or by telephone as identified through the UIV source or identified by the family. 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 ETHC will allow 7 calendar days for the return of third-party oral verifications prior to continuing on to the next type of verification.

E. Review of Documents

When UIV, written and oral third-party verifications are not available within the time period as stated above, the ETHC 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).

F. Non-Third Party Verification/Self-Certification and Self-Declaration - (Level 1) The tenant submits an affidavit or notarized statement of reported income and/or expenses to the ETHC. This verification method should be used as a last resort when the ETHC has not been successful in obtaining information via all other verification techniques. When the ETHC relies on tenant declaration, the ETHC must document in the tenant file why third-party verification was not available.



## Exceptions to Third Party Verification Requirements

Third party verification may not be available for a variety of reasons such as numerous attempts to obtain the required verifications with no success or it may not be cost effective to obtain third party verification of income, assets, or expenses, when the impact on total tenant payment is minimal. In these cases, the ETHC is required to document in the family file the reason(s) why third-party verification was not available.

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

### 12.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third-party verification, the East Tawas Housing Commission will send a request form to the source along with a release form signed by the applicant/tenant via first class mail or fax.

<i>Verification Requirements for Individual Items</i>		
<i>Item to Be Verified</i>	<i>3<sup>rd</sup> Party Verification</i>	<i>Hand-Carried Verification</i>
<i>General Eligibility Items</i>		
<i>Social Security Number</i>	<i>N/A</i>	<i>An original SSN card issued by SSA, an original SSA-issued document that contains the name and SSN of the individual; or an original document issued by a federal, state or local government agency which contains the name and SSN of the individual or any other HUD allowed method.</i>
<i>Adult Status of Head of Household</i>	<i>N/A</i>	<i>Valid Driver' license, identification card issued by a government agency, or a birth certificate</i>
<i>Citizenship</i>	<i>N/A</i>	<i>Signed certification, voter's registration card, birth certificate, etc.</i>

<i>Eligible immigration status</i>	<i>INS SAVE confirmation #</i>	<i>INS Card</i>
<i>Disability</i>	<i>Letter from medical professional, SSI, etc.</i>	<i>Proof of SSI or Social Security disability payments</i>
<i>Full time student status (if over 18)</i>	<i>Letter from school</i>	<i>For high school students, any document evidencing enrollment</i>
<i>Need for a live-in aide</i>	<i>Letter from doctor or other professional knowledgeable of condition</i>	<i>N/A</i>
<i>Childcare costs</i>	<i>Letter from care provider</i>	<i>Bills and receipts</i>
<i>Disability assistance expenses</i>	<i>Letters from suppliers, care givers, etc.</i>	<i>Bills and records of payment</i>
<i>Medical expenses</i>	<i>Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed</i>	<i>Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls</i>
<i>Medicare Prescription Drug Coverage</i>	<i>N/A</i>	<i>A card issued by the private prescription drug plan with the words "Medicare Rx" on it.</i>
<p><i>Value of and Income from Assets:</i></p> <p><i>NOTE: For a family with net assets equal to or less than \$50,000.00, the ETHC will accept, for purposes of recertification of income, a family's written declaration that it has net assets equal to or less than \$50,000.00, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount will be included in the family's income. The ETHC will obtain third-party verification of all family assets at least every 3 years.</i></p>		
<i>checking accounts</i>	<i>Letter from institution</i>	<i>Passbook or current statements covering <b>at least 6 months</b></i>
<i>Savings accounts</i>	<i>Letter from institution</i>	<i>Passbook, or current statements showing <b>current balance</b></i>

<i>CDs, bonds, etc.</i>	<i>Letter from institution</i>	<i>Tax return, information brochure from institution, the CD, the bond.</i>
<i>Stocks</i>	<i>Letter from broker or holding company</i>	<i>Stock or most current statement, price in newspaper or through Internet</i>
<i>Real property</i>	<i>Letter from tax office, assessment, etc.</i>	<i>Property tax statement (for current value), assessment, records of income and expenses, tax return</i>
<i>Personal property</i>	<i>Assessment, bluebook, etc.</i>	<i>Receipt for purchase, other evidence of worth</i>
<i>Cash value of life insurance policies</i>	<i>Letter from insurance company</i>	<i>Current statement</i>
<i>Assets disposed of for less than fair market value</i>	<i>N/A</i>	<i>Original receipt and receipt at disposition, other evidence of worth</i>
<b><i>Income</i></b>		
<i>Earned Income</i>	<i>Letter from employer, EIV</i>	<i>Minimum of 2 current and consecutive pay stubs</i>
<i>Self-employed</i>	<i>N/A</i>	<i>Tax return from prior year, books of accounts</i>
<i>Regular gifts and contributions</i>	<i>Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)</i>	<i>Bank deposits, other similar evidence</i>
<i>Alimony/child support</i>	<i>Court order, letter from source, letter from Human Services</i>	<i>Record of deposits, divorce decree</i>
<i>Social Security Administration</i>	<i>N/A</i>	<i>Letter from Social Security as verified by HUD computer systems</i>

<i>Periodic payments (i.e., welfare, pensions, workers compensation, unemployment)</i>	<i>Letter or electronic reports from the source</i>	<i>Award letter, letter announcing change in amount of future payments</i>
<i>Training program participation</i>	<i>Letter from program provider indicating: *whether enrolled or completed *whether training is HUD-funded *whether Federal, State, local govt., or local program *whether it is employment training *whether it has clearly defined goals and objectives *whether program has supportive services *whether payments are for out-of-pocket expenses incurred in order to participate in a program *date of first job after program completion</i>	<i>N/A  Evidence of job start</i>

### 12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NON-CITIZEN STATUS

The citizenship/eligible NON-CITIZEN status of each family member regardless of age must be determined.

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

Prior to being admitted, all eligible non-citizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted, all eligible non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The East Tawas Housing Commission will make a copy of the individual's INS documentation and place the copy in the file. The East Tawas Housing Commission will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the East Tawas Housing Commission will mail information to the INS in order that a manual check can be made of INS records.

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

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to public housing. If they are members of families that include citizens, the rent must be pro-rated.

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

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

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

If the East Tawas Housing Commission determines that a family member has knowingly permitted an ineligible NON-CITIZEN (other than any ineligible non-citizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

#### 12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

To verify the disclosed/documented SSN of family members, the ETHC must request the applicant and participant (all members of the household, including live-in aides, foster children, and foster adults), who are not exempt under Section 8.2, D, to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:

- a. An original SSN card issued by SSA;
- b. An original SSA-issued document, which contains the name and SSN of the individual; or
- c. An original document issued by a Federal, State, or local government agency, which contains the name and SSN of the individual.

It should be noted that most (if not all) individuals who are lawfully present in the U.S. have been assigned an SSN. Many existing laws require the disclosure of the SSN for various purposes. All applicants and participants, including each member of the household (with the exception of those individuals noted in Section 8.2, D) are required to disclose his/her SSA-assigned SSN. The SSA issues three types of social security cards depending on an individual's citizen or noncitizen status and whether or not a noncitizen is authorized by the Department of Homeland Security (DHS) to work in the United States. They include:

- a. The first type of card shows the individual's name and SSN only. This is the card most people have and reflects the fact that the holder can work in the U.S. without restriction. SSA issues this card to:
  - i. U.S. citizens; or
  - ii. Noncitizens lawfully admitted to the United States for permanent residence and noncitizens with DHS permission to work permanently in the United States (i.e., refugees and asylees).
- b. The second type of card bears, in addition to the individual's name and SSN, the legend: "**NOT VALID FOR EMPLOYMENT.**" SSA issues this card to lawful noncitizens who do not have DHS permission to work and are required by law to provide an SSN to obtain general assistance benefits that they already have qualified for.
- c. The third type of card bears, in addition to the individual's name and SSN, the legend "**VALID FOR WORK ONLY WITH DHS AUTHORIZATION.**" SSA issues this card to people with DHS permission to work temporarily in the United States. SSA verifies all noncitizens' documents with DHS before an SSN card is issued to a noncitizen.

**Rejection of Documentation.** The ETHC may reject documentation of the SSN provided by the applicant or participant for only the following reasons:

- a. The document is not an original document; 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).

**Verification of Documented SSN.** Once Documentation is received, the ETHC shall verify each disclosed SSN by:

- a. Obtaining and making a copy of the original documentation submitted, returning it to the individual, and retaining the copy in the file folder; and
- b. Recording the SSN on line 3n of the form HUD-50058 and transmitting the form HUD-50058 to HUD within a timely manner. The ETHC is required to transmit the form HUD-50058 no later than 30 calendar days of receiving the SSN documentation, to enable HUD to initiate its computer matching efforts for current program participants.

**Note:** HUD does not initiate computer matching efforts for applicants. HUD, via its computer matching program with the SSA, will validate the SSN (along with the individual's name and date of birth) against the SSA's database. EIV will report the status of the identity verification process as **Verified, Failed, Pending, Excluded, or Deceased** on the household **Summary Report**.

(See Notice PIH 2018-24 for additional Guidance)

See also Section 8.2 – Social Security Number Documentation

## 12.5 TIMING OF VERIFICATION

For the purposes of an initial eligibility determination for admission, a certification due to a transfer or move; or an annual re-certification/re-examination of income, verification of information must be dated within sixty (60) calendar days prior to the date of the ETHCs request. If the verification is older than sixty calendar (60) days, it will not be acceptable. However, after the verification has been initially accepted and is in the possession of the ETHC and becomes older than 90 calendar days (but less than 120 calendar days old), the source will be contacted and asked to provide information regarding any changes. If the verification is older than 120 calendar days, the information must be re-verified.

When an interim reexamination is conducted, the ETHC will verify and update only those elements reported to have changed.

## 12.6 FREQUENCY OF OBTAINING VERIFICATION

Household composition will be verified annually. The frequency that household income will be verified depends on the type of rent method chosen by the family.

For each family member, citizenship/eligible NON-CITIZEN status will be verified only once unless the family member is an eligible immigrant in a transitional stage of admission. In this situation, their status must be updated until they are admitted for permanent residency. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible NON-CITIZEN status will be verified.

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

## 12.7 SPECIAL VERIFICATION FOR ADULT STUDENTS

In addition to other verification procedures, student head of households must provide a written signed certification that the student does or does not receive any financial support from his or her parents or guardians and whether or not the student is receiving an athletic scholarship. If support is received, the certification must state the amount of anticipated support. The ETHC shall verify by using normal 3<sup>rd</sup> party verification procedures that

amount by communicating directly with the supporting person(s). If an athletic scholarship is involved, the ETHC shall determine if any of the scholarship is available for housing costs.

## 12.8 EIV

The EIV System is a web-based application, which provides employment, wage, unemployment compensation and social security benefit information for 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.

EIV is classified as an UIV technique (or automated written third-party verification), which helps to identify income sources and/or amounts that the tenant may not have disclosed.

PHAs are required to use the EIV system in its entirety. This means that the ETHC must use all features of the EIV system to:

- a. Verify tenant employment and income information during interim and mandatory reexaminations of family composition and income in accordance with 24 CFR 5.236, and other HUD administrative guidance; and
- b. Reduce administrative and subsidy payment errors in accordance with HUD administrative guidance.

The ETHC is required to review the EIV Income and IVT reports during annual reexaminations of family income and/or composition to reduce tenant under reporting of income and improper subsidy payments.

The ETHC will retain the EIV reports (the EIV Income and IVT reports) in accordance with the ETHCs Records Retention Policy.

The IVT Report is a report that replaced the Income Discrepancy Report under the verification reports link in EIV. This report facilitates and enhances the ETHCs identification of tenant unreported or underreported income during interim and regular reexaminations. The IVT is updated monthly and provides a comparison between tenant reported income and income information previously reported on the HUD-50058. It includes any discrepant income information specifically derived and reported from HUD's data sharing agreements with HHS-NDNH and the Social Security Administration (SSA). The IVT also provides income and wage, unemployment compensation and SSA benefit information.



The ETHC can comply with and reduce administrative burden of third-party verification requirements for employment, wage, unemployment compensation and Social Security benefits, and any other information that is verifiable using EIV by:

- a. Reviewing the EIV Income and IVT Reports to confirm/validate tenant-reported income
- b. Printing and maintaining the EIV Income and IVT Reports in the tenant file;
- c. Obtaining current acceptable tenant-provided documentation to supplement the EIV information; and
- d. Using current tenant-provided documentation and/or third-party verification to calculate annual income.

Note: Social Security benefit information in EIV is updated every three months. If the tenant agrees with the EIV-reported benefit information, PHAs do not need to obtain or request a benefit verification letter from the tenant. See PIH Notice 2010-03 for guidance on verifying Social Security benefit income through the EIV system.

#### A. EIV DISPUTE AND DISCREPANCIES

If the EIV or IVT 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 ETHC will:

- 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 ETHC 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 as directed by HUD or in accordance with ETHC policy.

\*The ETHC 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.

Note: HUD regulations prohibits the ETHC from taking adverse action based solely on EIV information.

The tenant will be provided an opportunity to contest the ETHC's 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 ETHC 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 ETHC will obtain from the tenant, any necessary documentation to complete the income determination process. As noted previously, the ETHC may reject any tenant-provided documentation, if the ETHC 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 ETHC 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 ETHC deems necessary to complete the income determination process, the ETHC will submit a traditional third-party verification form to the third-party source for completion and submission to the ETHC.

If the third-party source does not respond to the ETHC's request for information, the ETHC 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 ETHC will then pursue lower-level verifications in accordance with the verification hierarchy.

Sometimes the source or originator of EIV information may make an error when submitting or reporting information about tenants. HUD cannot correct data in the EIV system. Only the originator of the data can correct the information. When the originator corrects the data, HUD will obtain the updated information with its next computer matching process. If a tenant disputes information contained in the EIV system tenants and the ETHC should follow the procedures as

outlined in Notice PIH 2018-18 (#19) regarding incorrect EIV information.

Note: Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the PIH program.

## B. DISCLOSURE OF AN INDIVIDUAL'S EIV INFORMATION

The Federal Privacy Act (5 USC §552a(b), as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. As such, the EIV data of an adult household member **may not** be shared (or a copy provided or displayed) with another adult household member, unless the individual has provided written consent to disclose such information.

However, the PHA is not prohibited from discussing with the head of household (HOH) and showing the HOH how the household's income and rent were determined based on the total family income reported and verified.

EIV information and any other information obtained by the ETHC for the purpose of determining eligibility and level of assistance for a PIH rental assistance program may not be disclosed to third parties for any reason (even for similar verifications under other programs, such as eligibility for low income housing tax credit units, other federal or state assistance programs), unless the tenant has authorized such disclosure in writing.

## C. FILE DOCUMENTATION REQUIRED FOR EIV COMPLIANCE

The following file documentation is required to demonstrate ETHC compliance with mandated use of EIV as a third-party source to verify tenant employment and income information (24 CFR 5.233(a)(2)(i)).

1. For each new admission (form HUD-50058 action type 1), the ETHC is required to:
  - a. Review the EIV Income and IVT Reports to confirm/validate family-reported income within 120 calendar days of the Inventory Management System Public and Indian Housing Information Center (IMS/PIC) submission date; and
  - b. Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
  - c. Resolve any income discrepancy with the family within 60 calendar days of the EIV Income or IVT Report dates.
2. For each historical adjustment (form HUD-50058 action type

14), the ETHC is required to do the following:

- a. Review the EIV Income and IVT Reports to confirm/validate family-reported income within 120 calendar days of the IMS/PIC submission date; and
- b. Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- c. Resolve any income discrepancy with the family within 60 calendar days of the EIV Income or IVT Report dates.

3. For each reexamination of family income and composition, the ETHC is required to have the following documents in the tenant file:

**No Dispute of EIV Information:** There are no disputes among the EIV Income and IVT Reports. The tenant file includes current acceptable tenant provided documentation and if necessary (as determined by the ETHC), traditional third-party verification and a current copy of the form HUD-50058 or to be maintained in the tenant file.

**Disputed EIV Information:** There is a discrepancy in at least one of the EIV Income or IVT Reports or the form HUD-50058 is not current or is inconsistent and/or traditional third-party verification form(s) for the disputed information is not clear. Copies of the EIV Income and IVT reports, income verification and a corrected for HUD-50058 will be maintained in the tenant file.

**In cases when the Tenant-reported income is not verifiable through the EIV system:** Current tenant provided documents and if necessary, (as determined by the ETHC), traditional third-party verification form (s) and copies of the EIV Income and IVT reports and a corrected form HUD-50058 will be maintained in the tenant file.

#### D. SECURITY OF EIV DATA

The data in EIV contains personal information on individual tenants which is protected under the Federal Privacy Act. The information in EIV may only be used for limited official purposes.

##### **Official Purposes Include:**

1. PHAs, in connection with the administration of PIH programs, for verifying employment and income at the time of interim and annual reexaminations.

2. HUD staff for monitoring and oversight of PHA compliance with HUD program requirements.
3. Independent Auditors hired by the ETHC or HUD to perform a financial audit for use in determining the ETHC's compliance with HUD program requirements, including verifying income and determining the accuracy of the rent and subsidy calculations.

**Restrictions on disclosure requirements for Independent Auditors:**

- May only access EIV income information within family files and only within the offices of the ETHC or ETHC-hired management agent;
- May not transmit or transport EIV income information in any form;
- May not enter EIV income information on any portable media;
- Must sign non-disclosure oaths that the EIV income information will be used only for the audit; and
- May not duplicate EIV income information or re-disclose EIV income information to any user not authorized by 5 U.S.C. 552a(b) of the Privacy Act to have access to the EIV income data.

**Official Purposes DO NOT Include:**

1. Sharing the information with governmental or private entities not involved in their examination process specifically used for PIH rental assistance programs.
2. Disclosing the EIV information to other private or public entities for purposes other than determining eligibility and level of assistance for PIH rental assistance programs is prohibited since these entities are not a party to the computer matching agreements with the HHS and SSA. The fact that these entities may find EIV beneficial for similar eligibility and determination purposes for other low-income housing programs or public benefits, does not permit these entities to use or view Information in the EIV system that is covered by the computer matching agreements.

The computer matching agreements are governed by the Privacy Act and the Social Security Act. Specifically, 5 U.S.C. 552a(b) limits disclosure of the data matched between HUD and HHS' National Directory of New Hires (NDNH) database to PHAs, Independent Auditors, the Inspector General (IG) and attorney General, private owners, management agents, and contract administrators of Multifamily Housing programs.

## 13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

### 13.1 FAMILY CHOICE

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

- A. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo. Their family composition must still be reviewed annually.
- B. Families who opt for the flat rent may request to have a reexamination and return to the income formula-based method at any time for any of the following reasons:
  - 1. The family's income has decreased.
  - 2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
  - 3. Other circumstances creating a hardship on the family such that the income formula method would be more financially feasible for the family.
- C. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, the East Tawas Housing Commission will provide them with the following information whenever they have to make rent decisions:
  - 1. The East Tawas Housing Commission's policies on switching types of rent in case of a financial hardship; and
  - 2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the East Tawas Housing Commission will provide the amount of income-based rent for the subsequent year only the year the Housing Commission conducts an income reexamination or if the family specifically requests it and submits updated income information.

### 13.2 THE INCOME FORMULA METHOD

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;

- B. 30% of adjusted monthly income;
- C. If the family is receiving payments for welfare assistance from a public agency and part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage; or
- D. The minimum rent of \$50.00.
- E. Ceiling Rent

### 13.3 MINIMUM RENT (24 CFR 5.630)

The East Tawas Housing Commission has set the minimum rent at \$50.00. However, if the family requests a hardship exemption, the East Tawas Housing Commission will suspend the minimum rent beginning the month following the family's request until the Housing Commission can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

The Housing Commission must promptly notify the family in writing of the change in the determination of adjusted income and the family's rent resulting from the hardship exemption. The notice must also inform the family of when the hardship exemption will begin and expire.

- A. A hardship exists in the following circumstances:
  1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a NON-CITIZEN lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
  2. When the family would be evicted because it is unable to pay the minimum rent;
  3. When the income of the family has decreased because of changed circumstances, including loss of employment; and
  4. When a death has occurred in the family.
- B. No hardship. If the Housing Commission determines there is no qualifying hardship, the minimum rent will be reinstated, including

requiring back payment of minimum rent for the time of suspension. The ETHC will offer a repayment agreement in accordance with the Section 20 of this policy for any rent not paid during the period of suspension.

- C. Temporary hardship. If the Housing Commission reasonably determines that there is a qualifying hardship, and can be verified, but that it is of a temporary nature, defined as 90 calendar days or less, the minimum rent will not be imposed for a period of 90 calendar days from the date of the family's request. At the end of the 90-calendar day period, the minimum rent will be imposed retroactively to the time of suspension. The ETHC will offer a repayment agreement in accordance with the Section 20 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Commission will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. Long-term hardship. If the Housing Commission determines there is a long-term hardship, defined as longer than 90 calendar days, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Financial hardship exemption for unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses.
  - 1. Phased-in relief for financial hardship relief for families affected by the statutory increase in the threshold to receive health and medical care expenses and reasonable attendant care and auxiliary apparatus expense deductions from annual income.
    - a. To receive hardship relief the family must have received a deduction from annual income because their sum of the unreimbursed health, medical and reasonable attendant care and auxiliary apparatus expenses for any member of the family to be employed, exceeded 3 percent of annual income as of January 1, 2024.
    - b. Forms of Relief:
      - i. The family will receive a deduction totaling the sum of the unreimbursed health and medical expenses that exceed 5 percent of annual income.
      - ii. Twelve months after the relief in paragraph (D)(1)(b) is provided, the family must receive a deduction totaling the sum of unreimbursed health and medical expenses that exceed 7.5 percent of annual income.



- iii. Twenty-four months after the relief in the (D)(1)(b), the family must receive a deduction totaling the sum of expenses under unreimbursed health and medical expenses that exceed ten percent of annual income.
  - iv. A family may request hardship relief under (D)(2) of this section prior to the end of the twenty-four-month transition period. If a family making such a request is determined eligible for hardship relief under paragraph (D)(2) of this section, hardship relief under this paragraph ends and the family's hardship relief shall be administered in accordance with (D)(2) of this section. Once a family chooses to obtain relief under paragraph (D)(2) of this section, a family may no longer receive relief under this paragraph.
2. Financial relief shall be for elderly or disabled family or a family that includes a person with disabilities that is experiencing a financial hardship.
- a. Eligibility for relief:
    - i. To receive hardship relief under this paragraph a family must demonstrate that the family's applicable health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased or the family's financial hardship is a result of change in circumstances that would not otherwise trigger an interim reexamination.
    - ii. Relief under this paragraph is available regardless of whether the family previously received deductions for unreimbursed health and medical expenses, is currently receiving relief under this section, or previously received relief under this section.
  - b. Forms and duration of relief:
    - i. The family will receive a deduction for the sum of the eligible expenses of unreimbursed health and medical expenses that exceed 5 percent of annual income.
    - ii. The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes earlier. However, the Housing Commission may extend the relief for one or more additional 90-day period while the family's hardship condition continues.

- F. Exemption to continue child care expense deduction
1. A family whose eligibility for the child care expense deduction is ending may request a financial hardship exemption to continue the child care expense deduction. The Housing Commission must recalculate the family's adjusted income and continue the child care deduction if the family demonstrates satisfaction that the family is unable to pay their rent because of; loss of the child care expense deduction, and the child care expense is still necessary even though the family member is no longer employed or furthering his or her education. The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days. The Housing Commission may extend the hardship exemption for an additional 90 day period based on the family circumstances.
- G. Appeals. The family may use the grievance procedure to appeal the Housing Commission's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

#### 13.4 THE FLAT RENT

The East Tawas Housing Commission has set a flat rent for each public housing unit. The flat rent is determined annually based on the market rental value of the unit using one of the following three options:

- A. Option One: The ETHC will establish a flat rent for each public housing unit that is no less than 80 percent of the applicable Fair Market Rent (FMR).
- B. Option Two: No less than 80 percent of an applicable Small Area Fair Market Rent (SAFMR) or 80% of the unadjusted rent;<sup>1</sup>, if applicable, as determined by HUD, or any successor determination, that more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area used in the first paragraph of this section. If HUD has not determined an applicable SAFMR or unadjusted rent, the ETHC will rely on the applicable FMR under the first option or may apply for an exception flat rent under the third option. No other smaller geographical FMRs will be allowed by HUD.

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<sup>1</sup> The unadjusted rent is the FMR estimated directly from the American Community Survey (ACS) source data that HUD uses to calculate FMRs before HUD applies its state non-metropolitan minimum rent policy. HUD maintains a minimum FMR policy within Housing Choice Voucher program (HCV) in response to numerous public concerns that FMRs in rural areas were too low to operate the HCV program successfully. The policy establishes the FMRs at the higher of the local FMR or the State-wide average FMR of non-metropolitan counties, subject to a ceiling rent cap. The rationale for having a state minimum FMR is that some low-income, low-rent non-metropolitan counties have ACS-based FMR estimates that appear to be below long-term operating costs for standard quality rental units and raise concerns about housing quality. State minimum FMRs have been set at the respective state-wide population weighted median non-metropolitan rent level, but are not allowed to exceed the U.S. median non-metropolitan rent level.

- C. Option Three: The ETHC may request, and HUD may approve, on a case-by-case basis, a flat rent that is lower than the amounts in Options One or Two of this section, subject to the following requirements:
1. The ETHC must submit an acceptable market analysis of the applicable market.
  2. The ETHC must demonstrate, based on the market analysis, that the proposed flat rent is a reasonable rent in comparison to rent for other comparable unassisted units, based on the location, quality, size, unit type, and age of the public housing unit and any amenities, housing services, maintenance, and utilities to be provided by the ETHC in accordance with the lease.
  3. All requests for “exception flat rents” under this option must be submitted to and approved by HUD. Upon request, exception rent can be extended up to two additional years by HUD.

The ETHC will not implement option three prior to receiving HUD’s written approval.

The option chosen to establish the required flat rent will be the sole decision of the ETHC.

There is no utility allowance for families paying a flat rent because the ETHC has already factored who pays for the utilities into the flat rent calculation. If the resident pays their own utilities, the calculated flat rent shall be reduced by a reasonable utility allowance based on an energy-conservative household of modest circumstances. Otherwise, the entire flat rent shall be paid by the resident to the ETHC.

Annually, no later than 90 calendar days after issuance of new FMRs or SAFMRs by HUD, the ETHC will compare the current flat rent amount to the applicable FMR (or SAFMR/unadjusted rent.) If the flat rent is at least 80 percent of the lower of the FMR (or SAFMR/unadjusted rent), the ETHC is in compliance with the law, and no further steps are necessary. If the flat rent is less than 80 percent of the lower of the FMR (or SAFMR), the ETHC will adjust the flat rents at no less than 80 percent of the lower of the FMR (or SAFMR /unadjusted rent), subject to the utilities adjustment required for tenant-paid utilities, or the ETHC may request an exception flat rent pursuant to Option Three, as described above. Revised flat rents will become effective for all families admitted after the flat rent is changed or at the lease renewal for an existing resident. (See footnote 1 for HUD’s definition of “unadjusted rent” as relates to Flat Rent requirements).

As for flat rent phase-ins, previous regulations in PIH Notice 2014-12 and the

subsequent FAQ's, HUD provided flexibility to phase in all flat rent increases over a three-year period, including those increases that were 35 percent or less.

However, the FY 2015 Appropriations Act provides the ETHC additional flexibility to establish flat rents at lower amounts, thereby eliminating the need for the three-year phase-in of flat rent increases that are 35 percent or less. Therefore, the only flat rent increases that will be phased-in are those where a family's rent will increase by more than 35 percent prior to any applicable adjustments for utility payments.

"Phase-ins" for families with rent increases at 35 percent or less last year shall follow the actions outlined below at the family's next annual rent option:

1. On a case-by-case basis, at the family's next annual rent option, compare the updated flat rent amount applicable to the unit to the rent that was being paid by the family immediately prior to the annual rent option;
  - A. If the updated flat rent amount would not increase a family's rental payment by more than 35 percent, the family may choose to pay either the updated flat rent amount or the previously calculated income-based rent;
  - B. If the agency determines that the updated flat rent amount would increase a household's rental payment by more than 35 percent, the family may choose to pay the phased-in flat rent amount resulting from the flat rent impact analysis or the previously calculated income-based rent.

Affected families will be given a 30-calendar day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on flat rents, see Section 15.3).

The East Tawas Housing Commission will post the flat rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

### 13.5 CEILING RENT

This income-based method of calculation, sometimes referred to as a "maximum" rent provides a cap on the amount the family will be required to pay for both rent and utilities.

The ceiling rent is equal to the sum of the current flat rent and the current utility allowance for the appropriate unit size.

When the Flat rents or the Utility allowances are adjusted, the Ceiling rents will reflect the changes and be adjusted accordingly. Affected families will be

given a 30-calendar day notice of any rent change. Adjustments are applied on the anniversary date for each affected family.

The East Tawas Housing Commission will post the ceiling rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

### 13.6 RENT FOR FAMILIES UNDER THE NON-CITIZEN RULE

A mixed family is a family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

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

- A. The family was receiving assistance on June 19, 1995;
- B. The family was granted continuation of assistance before November 29, 1996;
- C. The family's head or spouse has eligible immigration status; and
- D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. The maximum period of time for assistance under the provision is eighteen (18) months. The East Tawas Housing Commission will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, the East Tawas Housing Commission will provide additional search periods up to the maximum time allowable.

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

The family's assistance, except as provided in 24 CFR 960.507, is prorated in the following manner:

Step 1. - Determine the total tenant payment in accordance with 24 CFR

§5.628. (Annual income includes income of all family members, including any family member who has not established eligible immigration status.)

- Step 2. - Family maximum rent is equal to the applicable flat rent for the unit size to be occupied by the family.
- Step 3. - Subtract the total tenant payment from the family maximum rent. The result is the maximum subsidy for which the family could qualify if all members were eligible (“family maximum subsidy”).
- Step 4. - Divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status (“eligible family member”). The subsidy per eligible family member is the “member maximum subsidy.”
- Step 5. - Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status (“eligible family members”). The product of this calculation is the “eligible subsidy.”
- Step 6. - The mixed family TTP is the maximum rent minus the amount of the eligible subsidy.
- Step 7. - Subtract any applicable utility allowance from the mixed family TTP. The result of this calculation is the mixed family tenant rent.

When the mixed family’s TTP is greater than the maximum rent, the ETHC must use the TTP as the mixed family TTP.

### 13.7 UTILITY ALLOWANCE

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

The utility allowance will be subtracted from the family’s income rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the East Tawas Housing Commission. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of

the allowance belongs to the tenant.

For residents where their utility allowance exceeds the amount of their gross rent the ETHC may either:

- A. Refund that portion to the resident;
- B. Remit payment directly to the utility supplier on behalf of the Resident. The ETHC will notify the resident of the amount paid to the utility supplier.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

Families with high utility costs are encouraged to contact the East Tawas Housing Commission for an energy analysis. The analysis may identify problems with the dwelling unit that once corrected will reduce energy costs. The analysis can also assist the family in identifying ways they can reduce their costs.

Requests for relief from surcharges for excess consumption of East Tawas Housing Commission purchased utilities or from payment of utility supplier billings in excess of the utility allowance for tenant-paid utility costs may be granted by the East Tawas Housing Commission on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their right to individual relief at admission to public housing and at time of utility allowance changes.

For residents of the Public Housing Program where the East Tawas Housing Commission pays for resident utility usage, the East Tawas Housing Commission has implemented an Excess Utility Charge. The Excess Utility Charge is an annual flat charge for the excess utility usage due to the use of air conditioning, freezers or additional refrigerators (using more than one refrigerator). The flat charge will be assessed to resident accounts annually for each season of air conditioning use, each freezer, and each additional refrigerator. These charges will be billed to and paid by residents once each year.

Each resident is notified of the Excess Utility Charge at the time of move in and notified of any rate changes during their tenancy. This charge is also posted at our Management Office.

## 13.8 PAYING RENT

Refer to the Rent Collection Policy and the Repayment Agreement Policy.

#### 14.0 COMMUNITY SERVICE and SELF SUFFICIENCY REQUIREMENT (24 CFR 960 subpart F)

##### 14.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either: (1) contribute eight hours per month of community service (community service is not employment, and may not include political activities); or (2) participate in an economic self-sufficiency program; or (3) perform eight hours per month of combined activities as previously described unless they are exempt from this requirement. The required hours of activity do not have to be performed on a per month basis provided there is a cumulative total equaling 8 hours for each month the family member(s) is subject to the Community Service Requirement. On an annual basis, at time of reexamination, all residents subject to the Community Service requirement must provide documentation of a minimum of 96 hours for the past 12 months or provide documentation of an exception for any month in which they qualified for one (each month of exemption provides an 8 hour reduction in required hours of activity) in order to remain in compliance with HUDs requirement.

##### 14.2 EXEMPTIONS

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

- A. Family members who are 62 years of age or older.
- B. Family members who are:
  - 1. Blind or disabled as defined under 216(I)(1) or 1614 of the Social Security Act (42 U.S.C. 416 (I)(1)), section 1382(c), and who certify, that because of this disability, she or he is unable to comply with the community service requirements.
  - or
  - 2. The primary care giver of such an Individual
- C. Family members engaged in work activities for at least 1040 hours per year as defined in section 407(d) of the Social Security Act, specified below:
  - 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 and job readiness assistance;
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 equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and

To meet the work activity requirement of an average of 20 hours per week, or 1040 hours per year, verification will be required. If the hours worked fall short of the minimum 1040 hours for the year, verification will then be required on a by month basis to determine which months, if any, the family member(s) qualifies for an exemption. The family member(s) is subject to the Community Service Requirements for any month in which the family member does not qualify for an exemption.

- 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 in our State, 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 our State (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 a family receiving assistance under SNAP, and has been found by the State to be in compliance with the program requirements, that tenant is exempt from

the CSSR), including a State-administered Welfare-to-Work program, and has not been found by the State or other administering entity to be in non-compliance with such a program.

- F. Family members who have a documented medical limitation(s) that prevent compliance with the community service requirements.

#### 14.3 NOTIFICATION OF THE REQUIREMENT

The East Tawas Housing Commission shall identify all adult family members who are apparently not exempt from the community service requirement.

The ETHC shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status in writing. The ETHC shall verify such claims. If a resident does not agree with the ETHC's determination, he or she can appeal by following the Grievance Policy. Changes in exempt or not-exempt status of a resident shall be reported by the resident to the ETHC within ten (10) calendar days of the change.

At lease execution or re-examination, all adult members (18 or older) of a public housing resident family must:

- A. Provide all requested documentation, if applicable, that they qualify for an exemption; (Documentation provided by the tenant will be used (and verified if necessary) by the ETHC to determine whether the tenant is exempt from the CSSR), and
- B. Sign a certification that they have received and read the policy and understand that, if they are not exempt, failure to comply with the community service requirement will result in non-renewal of their lease, per 24 CFR 966.4(l)(2)(iii)(D).

When a non-exempt person becomes exempt, it is his or her responsibility to report this to the ETHC and provide documentation. When an exempt person becomes non-exempt, it is his or her responsibility to report this to the ETHC as soon as possible.

For families paying the flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

#### 14.4 COMMUNITY SERVICE/VOLUNTEER OPPORTUNITIES

Eligible community service activities include, but are not limited to, serving at:

- A. Local public or non-profit 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. Non-profit organizations serving ETHC 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 non-profit 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. ETHC to improve grounds or provide gardens (so long as such work does not alter the ETHCs insurance coverage), or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with ETHC-run self-sufficiency activities including supporting computer learning centers; and
- F. Care for the children of other residents so parents may volunteer (non-employment).

Eligible self-sufficiency activities 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 as a Second Language and/or English proficiency classes;

H. Budgeting and credit counseling.

The East Tawas Housing Commission will try to coordinate with outside sources such as social service agencies, local schools, and the Human Resources Office in identifying a list of volunteer community service positions.

Together with the resident advisory councils, the East Tawas Housing Commission may create volunteer positions such as hall monitoring, litter patrols, and supervising and record keeping for volunteers. The ETHC may also create other volunteer opportunities to assist residents in meeting their Community Service Requirements.

#### 14.5 THE PROCESS

Upon Admission and each annual reexamination, thereafter, the East Tawas Housing Commission will determine and document, whether each adult family member is subject to, or exempt from, the Community Service Requirements. If one or more family members is subject to the Community Service Requirements, the East Tawas Housing Commission will do the following:

- A. Provide a list of known volunteer opportunities to the family members.
- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet to each non-exempt family member, with instructions for the time sheet requiring the family member(s) to complete the form and have a supervisor date and sign for each period of work.
- D. Assign family members to a volunteer coordinator or their Property Manager who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator or the Property Manager will track the family member's progress and will meet with the family member as needed to best encourage compliance.
- E. At each regularly scheduled rent re-examination, each non-exempt family member will present a signed certification on a form provided by the ETHC of CSSR activities performed over the previous twelve (12) months.

#### 14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

The East Tawas Housing Commission will notify any family found to be in non-compliance of the following:

- A. The family member(s) has been determined to be in non-compliance;
- B. That the determination is subject to the grievance procedure, a right to be represented by counsel, and the opportunity to any available judicial remedy; and
- C. That, unless the family member(s) enter into a written workout agreement, the lease will not be renewed.

#### 14.7 OPPORTUNITY FOR CURE

The East Tawas Housing Commission will offer the family member(s) the opportunity to enter into a written work out agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

The volunteer coordinator or the Property Manager will assist the family member(s) in identifying volunteer opportunities and will track.

If any applicable family member does not accept the terms of the written work out agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service, the East Tawas Housing Commission shall take action to terminate the lease unless the noncompliant family member no longer lives in the unit.

#### 14.8 PROHIBITION AGAINST REPLACEMENT OF AGENCY EMPLOYEES

In implementing the service requirement, the East Tawas Housing Commission may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its employees, or replace a job at any location where residents perform activities to satisfy the service requirement.

### 15.0 RECERTIFICATIONS

At least annually, the East Tawas Housing Commission will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, (2) whether the family is housed in the correct unit size, and (3) their continued eligibility.

#### 15.1 GENERAL

Title:	ETHC Public Housing Program – Admissions and Continued Occupancy Policy (ACOP)
Introduced:	10-16-2024
Adopted Eff:	01-01-2025
Res. No.:	2024-06

Previous editions are obsolete

The East Tawas Housing Commission will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or the income formula method, and scheduling an appointment if they are currently paying the income formula rent. If the family thinks they may want to switch from a flat rent to the income formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the income formula method, forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

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

Each member of the family who is at least 18 years of age, and each family head or spouse regardless of age, shall sign one or more consent forms at least annually to remain eligible for continued assistance. Please refer to Section 8.2 E for the requirements of the consent form(s).

Also, during the re-certification, each household shall be asked whether any member, regardless of age, is subject to any sex offender registration requirement under a state registration program. The Housing Commission will verify this information using the Dru Sjodin National Sex Offender Database and document this information in the same method used at admission.

At least every other year during the re-certification process, and any other time deemed necessary, a criminal background check will be performed on each family member over the age of 18.

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 re-certification 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 re-certification forms, the ETHC will pursue eviction of the household.

If a family is about to be evicted from housing based on either the criminal check, or the sex offender registration program, the family will be informed of this fact and given the opportunity to dispute the accuracy of the information before the eviction occurs. (See section on Suitability)

Families who have net assets that exceed \$100,000 (adjusted annually for

inflation) and/or has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell the real property (based on the laws of the state or locality in which the property is located) that is suitable for occupancy by the family as a residence will be in noncompliance.

Any family that has net assets that exceed \$100,000 and/or has a present ownership interest in real property prior to January 1, 2024, will have six (6) months to cure their asset ineligibility.

## 15.2 MISSED APPOINTMENTS

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

## 15.3 FLAT RENTS

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

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the income formula amount.
- B. The amount of the flat rent and the ETHCs policies on switching rent type due to financial hardship.
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories of allowances that can be deducted from income.
- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo. Families paying flat rents would not have their flat rents adjusted (up or down) until their next annual reexamination.
- E. Families who opt for the flat rent may request to have a reexamination and return to the income-based method at any time for any of the following reasons:
  1. The family's income has decreased.
  2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.

3. Other circumstances creating a hardship on the family such that the income formula method would be more financially feasible for the family.

Once a family returns to the income-based method during their “lease year” they cannot go back to a flat rent until their next regular annual reexamination.

- F. The dates upon which the East Tawas Housing Commission expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- H. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, the East Tawas Housing Commission will send a reexamination letter to the family offering the choice between a flat or an income formula rent. The opportunity to select the flat rent is available only at this time. At the appointment, the East Tawas Housing Commission may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the Housing Commission representative, they may make the selection on the form and return the form to the Housing Commission. In such case, the Housing Commission will cancel the appointment and solely verify the family size and whether it is in an appropriate size unit.

#### 15.4 THE INCOME FORMULA METHOD

During the interview, the family will provide all information regarding income, assets, deductions (eligible expenses), and other information necessary to determine the family’s share of the rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, the East Tawas Housing Commission will determine the family’s annual income and will calculate their rent as follows:

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income;
- C. Welfare Rent - If the family is receiving payments for welfare



assistance from a public agency and part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage; or

D. The minimum rent of \$50.00.

E. Ceiling Rent

The family shall be informed of the results of the rent calculation under both the Income Method and the Flat Rent and given their choice of which rent to pay.

#### 15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

The new rent will generally be effective upon the Annual Re-certification (Re-examination) date with a written thirty (30) calendar days' notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-calendar day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

#### 15.6 INTERIM REEXAMINATIONS

Decreases in the family's annual adjusted income by an amount that is less than ten (10) percent of the family's annual adjusted income may be reported between reexaminations.

The Housing Commission will conduct an interim reexamination when the family's adjusted income (as defined in § 5.611) has changed by an amount that is estimated in a result in an increase of ten (10) percent or more in annual adjusted income or such other amount established by HUD through notice, except:

- a. The Housing Commission may not consider any increase in the earned income of the family when estimating or calculating whether the family's adjusted income has increased, unless the family has previously received an interim reduction during the certification period; and
- b. The Housing Commission may choose not to conduct an interim reexamination in the last three months of a certification period.

East Tawas Housing Commission must estimate the income of the family for the upcoming 12-month period:

- a. To determine family income for initial occupancy or for the initial provision of housing assistance; or
- b. To determine family income for an interim reexamination of family income under 24 CFR 5.657(d), 960.257(c), or 982.516(b).

Families are required to report the following changes to the East Tawas Housing Commission between regular reexaminations. If the family's rent is being determined under the income method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) calendar days of their occurrence.

- A. A member has been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit. The Housing Commission will process an interim when there is a decrease in family size attributed to the death or permanent move-out from the assisted unit of a family member during the period since the family's last reexamination that results in a decrease in adjusted income of any amount. If there is no change/decrease in adjusted income as a result of the decrease in family size, then a non-interim transaction is processed instead of an interim reexamination. The 0-percent threshold for interim applies only to decreases in family size that result in a decrease in adjusted income. If the net effect of the changes in annual adjusted income due to a decrease in family size results in an increase in annual adjusted income, then the Housing Commission will process the removal of the household member(s) as a non-interim reexamination transaction without making changes to the family's annual adjusted income.
- C. The family has ten (10) percent or less of a change in their families annual adjusted income.

In order to add a household member other than through birth, adoption, or court-awarded custody, the family must request in writing that the new

member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants.

The East Tawas Housing Commission will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the income method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with Section "Effective Date of Rent Changes Due to Interim or Special Reexaminations".

## 15.7 NON-INTERIM REEXAMINATION TRANSACTIONS

Families may experience changes within the household that do not trigger an interim but still need to be reported in a non-interim reexamination submission to HUD. In these cases the Housing Commission will submit a separate, new action code on form HUD-50058. The code will be used for the following transaction types:

- a. Adding or removing a hardship exemption for the child-care expense deduction;
- b. Updating or removing the phased-in hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction (the phased-in relief will begin at an eligible family's first annual or interim reexamination, whichever is sooner, after January 1, 2024);
- c. Adding or removing general hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction;
- d. Adding or removing a minimum rent hardship;
- e. Adding or removing a non-family member (i.e., live-in aide, foster child, foster adult); Ending a family's EID or excluding 50 percent (decreased from 100%) of a family member's increase in employment income at the start of the second 12-month EID period.

- f. Adding a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;
- g. Removing a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule;
- h. Adding/Updating a family or household member's Social Security number; and
- i. Updating a family member's citizenship status from eligible to ineligible or vice versa, resulting in a change to the family's rent and/or utility reimbursement, if applicable (i.e., family begins receiving prorated assistance or previously prorated assistance becomes full assistance), or updating the prorated rent calculation due to the addition or removal of family members in household with an ineligible noncitizen(s).

## 15.8 CONSIDERATION OF A LIVE - IN AIDE

A family that consists of one or more elderly, near-elderly or disabled person(s) may request that the ETHC approve a live-in aide to reside in the unit and provide necessary supportive services for a family member who is a person with disabilities.

A live-in aide, as defined by HUD (24 CFR 5.403) is someone who resides with one or more elderly, near elderly, or disabled persons and who:

- A. Is determined to be essential to the care and well-being of the person(s);
- B. Is not obligated for the support of the persons; and
- C. Would not be otherwise residing in the unit except to provide the necessary supportive services.

Requests for a live-in aide must be in writing, and must be accompanied by written verification from a doctor or other health professional verifying the need for a live-in aide. Before approval of the live-in-aide, the individual (live-in-aide) must complete an application form for purposes of determining citizenship or eligible immigrant status and the live-in-aide will go through the screening process similar to the process for applicants. The East Tawas Housing Commission will determine the eligibility of the live-in-aide before approval can be granted. If the individual is found to be ineligible or does not pass the screening criteria, the resident will be advised in writing and given the opportunity for an informal review.

If approved:

- A. The live-in aide will be allowed to reside in the unit, and will used in determining number of bedrooms necessary for the family unit size.

- B. The live-in Aide's name will be listed a on the Lease and be specified as a "live-in aide" only (may also be by way of addendum or certification) and will also be reported to HUD on the 50058 under the proper code.
- C. The live-in aide will have no legal rights to program benefits. They will not be considered members of the household or a member of the family. If the family who requires the live-in aide no longer resides in the unit, no longer requires live-in aid assistance, no longer desires the assistance, or is terminated or evicted from assistance or residency, the live-in aide will no longer be approved. Under no circumstances will the live-in-aide be considered the last remaining member of a tenant family.
- D. A live-in aide must abide by the lease and all program rules, regulations, and policy.
- E. A live-in aide will have no effect on the family's income or allowances.

At any time, the East Tawas Housing Commission may refuse to approve a particular person as a live-in aide, or may withdraw such approval if:

- A. The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- B. The person commits drug related criminal activity or violent criminal activity; or
- C. The person currently owes rent or other amounts to the ETHC in connection with Section 8 or Public Housing assistance under the 1937 Act.
- D. It is determined that the live-in aide is no longer necessary.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the East Tawas Housing Commission will take timely action to process the interim reexamination and recalculate the tenant's rent.

## 15.9 SPECIAL REEXAMINATIONS

A "zero income review" is an assessment, sometimes periodic, performed by the Housing Commission of the income of a family who claims that they do not receive income from any source, including from assets. During such reviews, it is common for Housing Commission to request that families complete and sign a worksheet explaining how they pay for the household's expenses. HUD does not require the Housing Commission to conduct periodic zero income reviews.

In calculating annual income, the Housing Commission must not assign monetary value to non-monetary in-kind donations from a food bank or similar organization received by the family (24 CFR § 5.609(b)(24)(vi)). The Housing Commission perform an interim reexamination only due to an

increase in the family's adjusted income (24 CFR §§ 5.657(c)(3); 882.515(b)(3); 891.410(g)(2); 891.610(g)(2); 960.257(b)(3); and 982.516(c)(3)).

The Housing Commission will continue to perform zero income reviews. For example, families who begin receiving income which does not trigger an interim reexamination should no longer be considered zero income even though the family's income is not reflected on the form HUD-50058.

#### 15.10 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

If the family has reported a change in family income or composition in a timely manner (ten (10) calendar days), the Housing Commission will provide the family with 30 days advance notice of any rent increase, and such rent increase will be effective the first day of the month beginning after the end of that 30-day notice period. Rent decreases will be effective on the first day of the first month after the date of the actual change leading to the interim reexamination of family income.

If the family has failed to report a change in family income or composition in a timely manner (ten (10) calendar days), the Housing Commission will implement any resulting rent increases retroactively to the first of the month following the date of the change leading to the interim reexamination of family income. Any resulting rent decrease will be implemented no later than the first rent period following completion of the reexamination.

A retroactive rent decrease may not be applied by the Housing Commission prior to the later of the first of the month following:

- a. The date of the change leading to the interim reexamination of family income; or
- b. The effective date of the family's most recent previous interim or annual reexamination (or initial examination if that was the family's last examination).

#### 15.11 HOUSING COMMISSION MISTAKES IN CALCULATING RENT

If the East Tawas Housing Commission makes a mistake in calculating a resident's rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of twelve (12) months. The refund shall be given to the resident as soon as practical or credited to the resident's account, whichever the resident desires unless the resident owes the ETHC money in which case the credit shall be used to offset the debt/balance owed to the ETHC to the extent possible. If a credit is still due to the resident after offsetting the debt/balance owed, the resident may choose between the refund methods listed above.

If the ETHC makes a mistake in calculating a resident's rent contribution and undercharges the resident, the amount undercharged will be forgiven, and the ETHC will not attempt to collect any amounts undercharged, regardless of the length of time the error occurred.

The Housing Commission will not be considered out of compliance with the requirements of the calculation of income solely due to de minimis error in calculating family income. A de minimis error is an error where the housing commission determination of family income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (\$360 in annual adjusted income) per family.

- 1) The Housing Commission must take any corrective action necessary to credit or repay a family if the family has been overcharged for their rent as a result of the de minimis error in the income determination. Families will not be required to repay the owner in instances where the owner has miscalculated income resulting in a family being undercharged for rent or family share.
- 2) HUD may revise the threshold amount that constitutes “de minimis error” through rulemaking.

## 15.12 OVER INCOME FAMILIES

Beginning March 24, 2019, the Housing Commission shall track all public housing residents who have an adjusted income over 120% of the Area Median Income (AMI). This is defined by HUD as 2.4 times the HUD determined Very Low-Income limit for the Commission’s jurisdiction. The limit will be adjusted each year within 60 days after HUD publishes new income limits. When the Commission becomes aware, through an annual re-examination or an interim re-examination of an increase in income, that a family’s adjusted income exceeds the applicable income limit, the Commission must, per HUD regulation, document in the family’s tenant file that the family exceeds the threshold, to compare with the family’s income at the end of the next 12 month period.

If, after 12 months from the initial determination by the Commission that a family’s adjusted income exceeds the over-income limit, and the family’s adjusted income continues to exceed the over-income limit, the commission must, as required by regulation, provide written notification to the family that their income has exceeded the over-income limit for one year. The written notification shall further state that if the family’s adjusted income continues to exceed the over-income limit for the next 12 consecutive months, the family will be subject to either a higher rent (as determined on a HUD formula), or termination. The commission will determine which of these two (2) options to implement upon further HUD guidance.

All notices and communications will be made available in a manner appropriate for persons with hearing, visual or other disabilities.

If the Commission discovers, through an annual or interim re-examination, that the family's adjusted income falls below the over-income limit, the two-year period starts over again, if the family exceeds the limit in the future.

The Commission will follow the requirement to submit an annual report on the number of over-income families and the number of families on the public housing waiting lists when HUD makes the requirement effective through separate PIH notice.

## 16.0 UNIT TRANSFERS

### 16.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting the East Tawas Housing Commission de-concentration goal, if appropriate.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.
- G. To assist residents, lawful occupants, or affiliated individuals who are victims of actual or threatened domestic violence, dating violence, sexual assault, or stalking according to VAWA.

### 16.2 CATEGORIES OF TRANSFERS

Category A: Emergency transfers. These transfers are necessary when:

- 1. Conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve a hate crime, VAWA victims\*, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.



2. Overcrowding issues exist in accordance with HUD's occupancy Standards. (This type of transfer is not the same as the Category D transfers which are done to correct over housed (unit too large for family size).

All emergency transfers shall be completed as soon as practical.

\*The ETHC has a specific VAWA Emergency Transfer Plan that is incorporated by reference into this ACOP and will govern all transfers requested under VAWA.

Note: HUD's "Occupancy Standards" are set by HUD and are not the same as the "Bedroom Assignment Consideration Guidelines" that are determined by the ETHC. (See Section 10.2) "Bedroom Assignment Consideration Guideline" issues are covered in Category C.

Category B: Immediate Transfers. These transfers are necessary in order to:

1. Enable modernization work to proceed, with Modernization work taking precedence over other Category B transfers when the Executive Director deems it is in the best interest of the Housing Commission.
2. Permit a family with an approved Reasonable Accommodation request needing a physical accessible feature(s) offered in a specific type of unit, to move to a unit with such a feature when it becomes available.

When a Handicapped Accessible unit becomes available, it shall first be offered in accordance to Section 10.5 – Offer of a Unit.

3. To require a Category D family to transfer when the Housing Commission finds it necessary and in the best interest of the Housing Commission. (i.e., to meet Housing Commission goals and/or to supplement program admission waiting list needs, etc.)
4. Other transfers approved by the Housing Commission Director when a transfer is the only or best way of solving a serious problem of an emergent nature not covered in Category A.

Category C: Regular transfers. These transfers are made to:

1. Offer incentives to families willing to help meet certain East Tawas Housing Commission occupancy goals, if appropriate;
2. Correct Bedroom Assignment Consideration Guideline issues where the unit size is inappropriate for the size and composition of the family;

3. Allow for non-emergency but medically advisable reasonable accommodation transfers;
4. Other transfers approved the Housing Commission Director when a transfer is the only or best way of solving a serious problem of a non-emergent nature.

Note: "Bedroom Assignment Consideration Guidelines" are set by the ETHC and are not the same as HUD's occupancy Standards. (See Section 10.2) HUD's "Occupancy Standard" issues are covered in Category A.

Category D: Administratively Identified Over-Housed Families. (Families that have not requested to move.)

These transfers are made to correct/adjust the bedroom size of families that are in "Over Housed" situations (unit/bedroom size is bigger than the family needs). (This type of transfer is not the same as the Category A transfers which are done to correct under housed (overcrowding) issues in accordance with HUD's occupancy Standards.

Note: Bedroom Assignment Consideration Guidelines, set by the ETHC, are not the same as HUD's occupancy Standards. (See Section 10.2) HUD's occupancy Standard issues are covered in Category A.

### 16.3 DOCUMENTATION

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

When the transfer is a result of VAWA, the documentation required under the VAWA Emergency Transfer Plan shall be required.

### 16.4 INCENTIVE TRANSFERS

Transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and wish to move to a development where their income category does not predominate.

### 16.5 PROCESSING TRANSFERS

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfers in category A and B will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category A will be housed ahead of transfers in category B.

Transfers in category C and D will be housed along with applicants for admission at a ratio of one transfer to every fourteen (14) admissions per Public Housing Project AMP.

Transfers in Category C and D will be housed on a rotating basis.

Upon offer and acceptance of a unit, the family will execute all lease-up documents and pay any rent and/or security deposit within two (2) calendar days of being informed the unit is ready to rent. The family will be allowed three calendar (3) days to complete a transfer. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the time of lease execution. The family must sign a form upon execution of the new Lease which releases possession of the old unit and any remaining contents to the East Tawas Housing Commission on the 4<sup>th</sup> calendar day following execution of the new Lease. If additional days are required, the family must request the number of days required in writing prior to the 4<sup>th</sup> calendar day not to exceed an additional three (3) calendar days. If keys are not returned for the old unit prior to the 4<sup>th</sup> calendar day following the execution of the new unit lease execution (even if additional days have been requested and approved), a vacancy loss fee, equal to the current applicable Flat Rent Rate, will be charged on a per day basis, including for additional approved days.

Any special conditions and/or agreements set forth in any "Conference Agreement" signed by the family previous to the transfer, but still subject to the enforceable period, will be transferred to the new unit's lease for the remaining duration of time as prescribed and agreed to the active Conference Agreement.

Families will be provided with a 30-calendar day notice to move unless otherwise agreed upon.

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

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list. Good cause is determined on a case-by-case basis.
- B. If the transfer is being made at the request of the East Tawas Housing Commission and the family rejects two offers without good cause, the Housing Commission will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the Housing Commission's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room. Good cause is determined on a case-by-case basis.
- C. If the transfer is being made at the family's request and the rejected offer provides de-concentration incentives, the family will maintain

their place on the transfer list and will not otherwise be penalized.

- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer that does not include de-concentration incentives. After turning down a second such offer without good cause, the family's name will be removed from the transfer list. Good cause is determined on a case-by-case basis.
- E. If the family has requested a transfer that does not meet accessibility requirements (i.e., a person in a wheelchair has requested a specific unit without accessibility features), they will be required to sign a Certification of Resident's Selection of a Non-Accessible Unit form

## 16.6 COST OF THE FAMILY'S MOVE

- A. The cost of the transfer generally will be borne by the family in the following circumstances:
  1. When the transfer is made at the request of the family or by other on behalf of the family (i.e., by the police);
  2. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller; or
  3. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.
  4. When the Transfer is made under VAWA
- B. The cost of the transfer will be borne by the Housing Commission in the following circumstances:
  1. When the transfer is needed in order to carry out modernization, disposition or demolition activities; or
  2. When action or inaction by the Housing Commission has caused the unit to be unsafe or inhabitable or other emergency conditions that the ETHC is unable to repair within 24 hours.
  3. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved.
  4. Transfers needed a reasonable accommodation

The responsibility for moving costs in other circumstances will be determined on a case-by-case basis in accordance with PH Occ GB, Section 11.7.

The reasonable cost of transfers will be determined in accordance with PH

Occ GB, Section 11.7.

## 16.7 TENANTS IN GOOD STANDING

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the Housing Commission or is a VAWA victim. This means the family must be in compliance with their lease, current in all payments to the Housing Commission, and must pass a housekeeping inspection.

## 16.8 TRANSFER REQUESTS

A tenant may request a transfer at any time by completing a transfer request form. In considering the request the East Tawas Housing Commission may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The Housing Commission will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within fourteen (14) calendar days of receipt of the request to schedule a meeting.

The Housing Commission will grant or deny the transfer request in writing within fourteen (14) calendar days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, a denial letter will be sent to the family. The denial letter will advise the family of their right to utilize the grievance procedure. If the transfer is requested under VAWA, the provisions of VAWA shall apply.

## 16.9 RIGHT OF THE EAST TAWAS HOUSING COMMISSION IN TRANSFER POLICY

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

## 16.10 ACCEPTANCE OF A UNIT (TRANSFER)

Persons requesting transfers will be allowed to view the unit prior to acceptance or denial.

## 17.0 INSPECTIONS

An authorized representative of the East Tawas Housing Commission and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will

be provided, and the statement will be signed by both parties with a copy retained in the Housing Commission file and a copy given to the family member. An authorized Housing Commission representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any Housing Commission damages to the unit.

#### 17.1 MOVE-IN INSPECTIONS

The East Tawas Housing Commission and an adult member of the family will inspect the unit. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

#### 17.2 ANNUAL INSPECTIONS

The East Tawas Housing Commission will inspect each public housing unit annually to ensure that each unit meets the Housing Commission's housing standards. Work orders will be submitted and completed to correct any deficiencies.

#### 17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization, checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

#### 17.4 SPECIAL INSPECTIONS

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the East Tawas Housing Commission.

#### 17.5 HOUSEKEEPING INSPECTIONS

Generally, at the time of annual reexamination, or at other times as necessary, the East Tawas Housing Commission will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

#### 17.6 NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, the East Tawas Housing Commission will give the tenant at least two (2) calendar days written notice.

## 17.7 EMERGENCY INSPECTIONS

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

## 17.8 PRE-MOVE-OUT INSPECTIONS

When a tenant gives notice that they intend to move, the East Tawas Housing Commission will offer to schedule a pre-move-out inspection with the family. The inspection allows the Housing Commission to help the family identify any problems which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling the Housing Commission to ready units more quickly for the future occupants. Families transferring to another program operated by the East Tawas Housing Commission (Section 8 Voucher Program) are required to have a pre-move-out inspection and estimated charges must be paid in full as well as any other balances due prior to acceptance to the other program.

## 17.9 MOVE-OUT INSPECTIONS

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

## 18.0 MINIMUM HEATING STANDARD

The East Tawas Housing Commission shall comply with the local minimum heating standards as established by the City of East Tawas which is currently set at 70 degrees.

In the absence of local minimum heating standards, HUD requires the following minimum heating standards for a public housing dwelling unit in order to comply with section 111 of HOTMA.

Minimum Temperature:

In properties where the heat is ETHC-controlled, the minimum in each unit must be at least 68 degrees Fahrenheit.

In properties where the heat is tenant-controlled, then the heating equipment must have the capability of heating to at least 68 degrees Fahrenheit.

## 19.0 PET POLICY

Refer to Pet Policy.

## 20.0 FORMAL REPAYMENT AGREEMENTS

Refer to the “Repayment Agreement Policy”

## 21.0 TERMINATION

### 21.1 TERMINATION BY TENANT

The tenant may terminate the lease at any time upon submitting a 30-calendar day written notice. If the tenant vacates prior to the end of the thirty (30) calendar days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

### 21.2 TERMINATION BY THE HOUSING COMMISSION

Twelve months after the East Tawas Housing Commission has implemented the mandated Community Service Requirement, it will not renew the lease of any non-exempt family that is not in compliance with the Community Service Requirement or approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

In determining whether to terminate because of action or failure to act by members of the family, the ETHC may consider all relevant circumstances. (See section 21.3, “Consideration of Circumstances”)

The Housing Commission will terminate the lease for serious or repeated violations of material lease terms.

Such violations include but are not limited to the following:

- A. Nonpayment of rent, deposits, or other charges due under the Lease (as noted in the attached Schedule of Fees); including but not limited to late payments of rent and/or reasonable charges for the repair of damages to the premises, property, buildings, facilities or common areas.
- B. A history of late rental payments;
- C. Failure to provide timely and accurate statements of income, assets, expenses, family composition or another information related to eligibility or rent at the time of Admission, Interim, Special or Annual Rent Re-certifications, or failure to attend scheduled reexamination interviews or to cooperate in the verification process as requested by the Landlord;



- D. Furnishing false or misleading information during the application or review process;
- E. Assignment or subleasing of the premises or providing accommodation for boarders or lodgers (permitting persons not listed on the lease to reside in the unit more than 14 calendar days a twelve (12) month period without written permission from the ETHC.);
- F. Use of the premises for purposes other than solely as a dwelling unit for the Tenant and Tenant's household as identified in this Lease, or permitting its use for any other purpose without the written permission of the ETHC;
- G. Failure to abide by necessary and reasonable rules and regulations established by the Landlord for the benefit and wellbeing of the housing development and the Tenants as stated in the Tenant Handbook (which is incorporated into this lease by reference and attachment);
- H. Failure to maintain the Unit in a safe and sanitary manner, including but not limited to:
  - 1. Failure to abide by applicable building and housing codes materially affecting health or safety;
  - 2. Failure to dispose of garbage, waste and rubbish in a safe and sanitary manner;
  - 3. Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner;
- I. Have a history of housekeeping or living habits that could adversely affect the health, safety or welfare of other tenants.
- J. Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts;
- K. Any activity or behavior that threatens the health, safety, or right to peaceful enjoyment of the premises by other Tenants or employees of the Housing Commission;
- L. Failure to abide by the provisions of the pet policy;
- M. Any violent or drug-related criminal activity by the Tenant or household members on or off the premises, not just on or near the premises, or guests on or near the premises. Drug related criminal activity is defined as the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell distribute or use a controlled substance. This includes but is not limited to the manufacture of Methamphetamine on the premises of the ETHC, or

any other Federally Assisted Housing. The use of marijuana is included in this ban.

FOR SITUATIONS INVOLVING THE USE OF MEDICAL MARIJUANA, PLEASE REFER TO THE ETHCs “MEDICAL MARIJUANA POLICY”.

- N. Abuse of alcohol or any other controlled substance that the Landlord determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other Tenants;
- O. If any household member has engaged in or threatened abusive or violent behavior toward another resident, East Tawas Housing Commission Personnel, contractor or agent.
- P. Failure to perform required community service or be exempted there from (results in non-renewal of lease);
- Q. Failure to allow inspection of the dwelling unit or failing an inspection of the dwelling unit;
- R. Determination that a family member has knowingly permitted an ineligible non-citizen not listed on the lease or a person who has been denied by the Landlord to reside in their public housing unit or any other non-compliance of the non-citizen rule requirements;
- S. Failure to maintain the required utilities in a household member’s name who is 18 years of age or older unless other prior written approval has been obtained from the East Tawas Housing Commission;
- T. Failure to abide by the weapons policy;
- U. Failure to immediately report a health or safety issue (which would include but not be limited to not reporting pests such as roaches or bed bugs and not reporting fire hazards, etc.);
- V. Allowing any person(s) listed on the East Tawas Housing Commission’s No Trespassing list on any East Tawas Housing Commission property or allowing them in or access to your unit;
- W. Failure to maintain smoke detectors in proper working condition by not immediately reporting malfunctioning smoke detectors, by removing the batteries, by unplugging the smoke detector, by damaging smoke detectors, or by removing smoke detectors;
- X. Failure to abide by the Rules and Regulations as incorporated into this Lease by reference and/or attachment;

- Y. Determination or discovery that a household member is a registered sex offender under a state sex offender registration program, unless the discovery was prior to 07/01/06 and the person was not on the lifetime sex offenders list. Cases less than lifetime registration requirement will be reviewed on a case-by-case basis and a determination of eligibility will be made based on the degree of conviction and any other pertinent information.
- Z. Failure to sign required paperwork for continuation of tenancy by the specified deadline; or
- AA. Tampering with or removing energy saving items.
- BB. Families absent from their unit more than 60 calendar days without Good cause and ETHC approval, or more than 180 calendar days, regardless of good cause or not;
- CC. Failure to attend a scheduled mandatory Meeting as required by the East Tawas Housing Commission.
- DD. Failure to comply with the terms and/or conditions of any standing addendum to the dwelling lease.
- EE. Failure to abide by the No Smoking/Smoke Free Policy
- FF. Failure to fully comply with any/all Pest Control efforts.
- GG. Failure to sign a new Lease when offered.
- HH. Any other good cause.

In deciding whether to exercise their discretion to terminate an individual or household that has engaged in criminal activity, the ETHC will consider all of the circumstances relevant to the particular admission or eviction decision, including but not limited to: the seriousness of the offending action; the effect that eviction of the entire household would have on family members not involved in the criminal activity; and the extent to which the leaseholder has taken all reasonable steps to prevent or mitigate the criminal activity.

An arrest record, alone, will not serve as sufficient evidence of criminal activity that can support an adverse termination, or eviction decision. Before the ETHC evicts an individual or household on the basis of criminal activity by a household member or guest, it will determine that the relevant individual actually engaged in such activity.

An arrest record can trigger an inquiry into whether there is sufficient evidence to determine that a person engaged in disqualifying criminal activity, but is not itself evidence on which to base a determination. The ETHC can utilize other evidence, such as police reports detailing the

circumstances of the arrest, witness statements, and other relevant documentation to assist them in making a determination that disqualifying conduct occurred. Reliable evidence of a conviction for criminal conduct that would disqualify an individual for tenancy may also be the basis for determining that the disqualifying conduct in fact occurred.

When criminal records are used for the purposes to deny admission (or eviction or lease enforcement action) for criminal activity as shown by the criminal record, or the Sex Offender Registration, the ETHC will notify the household of the proposed action and will provide the subject of the record, and the tenant, with a copy of such information, and an opportunity to dispute the accuracy and the relevance of the record. This opportunity will be provided before eviction or lease enforcement action on the basis of such information. Households will be given a “Notice of Occupancy Rights under the Violence Against Women Act” which provides information on their rights and responsibilities under the Violence Against Women Act (VAWA). A copy of the HUD-approved Certification form shall also be provided with the notice. (The cost of obtaining the criminal record check will not be passed along to the tenant participant.) (24 CFR 905 (d)) fourteen (14) calendar days to dispute the accuracy and relevance of the record in writing. If the East Tawas Housing Commission does not receive the dispute within the allotted time, the eviction or lease enforcement action will continue.

If an individual or family’s lease is terminated for criminal activity, the East Tawas Housing Commission will notify the local post office serving the development that the individual or family no longer lives there.

### 21.3 CONSIDERING CIRCUMSTANCES (See also: Section 24.4)

- A. In deciding to terminate a tenancy for criminal activity or alcohol abuse, the East Tawas Housing Commission may consider circumstances relevant to the particular case such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity, and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action.
- B. The East Tawas Housing Commission may require a leaseholder to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for an action or failure to act that warrants the termination. The submission of false information may be the basis for eviction.
- C. In deciding to terminate a tenancy for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the East Tawas

Housing Commission may consider whether such household member:

1. Is participating in a supervised drug or alcohol rehabilitation program;
2. Has successfully completed a supervised drug or alcohol rehabilitation program; or
3. Has otherwise been successfully rehabilitated.

For this purpose, the East Tawas Housing Commission may require the leaseholder to submit evidence of one of the above 3 statements.

An incident or incidents or actual and imminent or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence. An actual and imminent threat consists of 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.

The East Tawas Housing Commission may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence, sexual assault or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

The East Tawas Housing Commission may honor court orders regarding the rights of access or control of the property, including EPO's, DVO's, and other orders issued to protect the victim and disused to address the distribution or possession or property among household members where the family "breaks up."

There is no limitation on the ability of the East Tawas Housing Commission to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence, or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.

There is no prohibition on the East Tawas Housing Commission evicting if it "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's (victim's) tenancy is not terminated."

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

The East Tawas Housing Commission may require certification by the victim of victim status on such forms as the East Tawas Housing Commission and/or HUD shall prescribe or approve.

For situations involving, or possibly involving, victims of domestic Violence and the protections they may be entitled to under the Violence Against Women Act please refer to Section 25.0, Violence Against Women Act Policy.

#### 21.4 TERMINATIONS FOR CRIMINAL ACTIVITY

- A. The term “due process determination” means a determination by HUD that law covering the East Tawas Housing Commission’s jurisdiction requires that residents must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit.

HUD has issued that determination for this State. The East Tawas Housing Commission has therefore determined that the Grievance Procedure shall not be applicable to any termination of tenancy or eviction for:

1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the East Tawas Housing Commission’s premises by other residents or employees of the Housing Commission;
2. Any violent or drug-related criminal activity on or off such premises; or
3. Any activity resulting in a felony conviction.

#### 21.5 ABSENCE FROM THE UNIT/ABANDONMENT

Absence from the Unit: Absence means that no member of the family is residing in the unit.

A family can be absent from their unit for periods of up to 60 calendar days without ETHC approval, however, the tenant must contact the ETHC Management Office within 14 calendar days of the onset of the absence and provide contact information for the family, as well as contact information for a responsible party (up to and including a temporary Power of Attorney if deemed necessary) to represent the family to assist with any issues that may arise during the period of absence.

Absences of more than 60 calendar days, must be approved by the ETHC. Absences between 61 -180 calendar days may be approved by the ETHC for extenuating circumstances (i.e., illness, incarceration, etc.). All other Program/tenancy Obligations must be met or the risk of Program termination/eviction may occur.

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

Authorized absences may include, but are not limited to:

1. Prolonged hospitalization;
2. Absences beyond the control of the family (i.e., death in the family, other family member illness);
3. Incarceration;
4. Other absences that are deemed necessary by the ETHC.

Any family absent from the unit for more than 180 calendar days, regardless of good cause or not, will be terminated.

**“Abandonment”** is distinguished from an absence from your apartment by the failure to pay your rent and failure to acknowledge or respond to notices from the ETHC regarding overdue rent. (If rent is paid, a tenant is still in possession, whether or not the unit appears to be vacated.)

The East Tawas Housing Commission will consider a unit to be abandoned if/when a resident has both fallen behind in rent with no response or acknowledgement of notices from the ETHC AND has clearly indicated by words, actions or inactions, an intention not to continue living in the unit.

When a unit has been abandoned, the East Tawas Housing Commission will pursue court action.

## 21.6 RETURN OF SECURITY DEPOSIT

After a family moves out, the East Tawas Housing Commission will return the security deposit within 30 calendar days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

If State law requires the payment of interest on security deposits, it shall be complied with.

The Housing Commission will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within thirty (30) calendar days.

## 21.7 DECEASED TENANTS AND EIV's DECEASED TENANTS REPORT

The East Tawas Housing Commission 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 East Tawas Housing Commission shall review the report and follow up with any listed families immediately and take any necessary corrective action set forth in PIH Notice 2010.50 or successor publications.

If it is a single member of household, immediately visit the unit and determine if it is vacant or occupied by an unauthorized person. If improperly occupied, take immediate eviction actions under state law. If the property is occupied by a live-in-aide, to the deceased person, the aid must move out immediately and is not eligible for continued occupancy or rental assistance.

Upon notification of the death of a single member household, either by HUD's EIV system or a third party, the family or designee of the deceased tenant's estate will be allotted fourteen (14) consecutive days, beginning the day after the date of notification, for the family or designee of the descendant's estate to remove personal belongings from the unit unless:

1. There is a state or local law which requires a shorter or longer time frame to remove personal belongings. In this instance, the ETHC will comply with local and or state law; or
2. The rent has been paid for the month in which the death occurs, in advance of the date of death. In these circumstances, the family or designee of the deceased tenant's estate will be allotted time through the end of the month in which the rent has been paid, or fourteen (14) consecutive days from the day after the date the ETHC is notified of the death, whichever is greater.

## 22.0 SUPPORT FOR OUR ARMED FORCES

A major and important component of our armed forces are the part-time military personnel that serve in various Reserve and National Guard units. The East Tawas Housing Commission is very supportive of these men and women. An unfortunate fact of service in both the Reserves and National Guard is that from time to time their personnel are activated to full-time status and asked to serve our country in a variety of ways and circumstances. Whenever the Federal Government activates Reserve and/or National Guard personnel, the East Tawas Housing Commission wants to support these brave warriors in the following manners:

- A. If a family finds it necessary for another adult to temporarily move into a



unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income.

- B. Although typically a criminal background check is required before anyone can move into a public housing unit, this requirement will be waived for a temporary guardian. Instead, the background check will occur after the person moves in. If the results of the check dictate that the person is ineligible for public housing, the family shall be given a reasonable time to find a replacement temporary guardian.
- C. Recognizing that activation in the Reserves or National Guard can be very disruptive to a family's income, the East Tawas Housing Commission will expeditiously re-evaluate a resident's rent if requested to do so and will exercise reasonable restraint if the activated resident has trouble paying their rent.
- D. Typically a unit cannot be held by a family that is not residing in it as their primary residence. If all members of a military family are temporarily absent from the unit because a member of the family has been called to active duty, the family can retain control of the unit by paying the required rent and returning to the unit within 30 calendar days of the conclusion of the active duty service.

## 23.0 ANTI-FRAUD POLICY

The East Tawas Housing Commission is fully committed to combating fraud in its public housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the East Tawas Housing Commission. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements.

Although there are numerous different types of fraud that may be committed, the two most common are the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. The East Tawas Housing Commission shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, the East Tawas Housing Commission shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate:

- A. Require the resident to immediately repay the amount in question;
- B. Require the resident to enter into a satisfactory repayment agreement as set forth in section 20 of this Policy;
- C. Terminate the resident's tenancy;

- D. Refer the case for criminal prosecution; or
- E. Take such other action as the East Tawas Housing Commission deems appropriate.

Refer to the Fraud Policy, Specifically the Section Titled “Fraud Policy as it Relates To tenants” for further information.

## 24.0 APPEALS AND GRIEVANCES

### 24.1 FOR THE APPLICANT - INFORMAL REVIEW and INFORMAL HEARING (24 CFR 960.208 (a) and PH Occ GB p. 58)

#### A. INFORMAL REVIEW FOR THE APPLICANT

Applicants who have been “withdrawn” from the Waiting list are not entitled to an Informal Hearing, however, they may request an informal review of their status. These reasons include:

1. Applicants who request to be removed.
2. Applicant fails to respond to a written request for information
3. Applicant fails to respond to a request to declare their continued interest in the program as requested by the ETHC
4. Applicant fails to follow through with requirements of processing their application

(For Informal Hearing requests for applicants who have been denied/rejected due to eligibility and or suitability, refer to section 24.1, B.)

Notification: When an applicant is withdrawn from the waiting list for reasons specified above, the ETHC will send notification to such an applicant, only when there has been an expressed continued interest in the program as requested by the ETHC.

#### Informal Review Process

The ETHC will give an applicant an opportunity for an informal review if requested in writing and the applicant’s file has not exceeded the records retention requirements.

The procedure is as follows:

The review will be conducted by any person or persons designated by the ETHC other than the person(s) who made or approved the decision to remove the applicant’s name from the Waiting List.

1. The applicant will be given an opportunity to present written or oral objections to their applicant status.

2. The ETHC will notify the applicant of the ETHC's decision after the informal review within fourteen (14) calendar days of receiving the applicants request for an informal review and/or of receiving all information requested from the applicant to assist the ETHC in making a decision in the review process, if any, whichever comes later. The notification will include a brief statement of the reasons for the final decision.

Should the ETHC require an extension of the 14 calendar days to make a final decision, the ETHC will notify the applicant in writing prior to the end of the 14 calendar days with a statement of the reasons for the extension and a statement of the approximate date the final decision will be made.

**B. INFORMAL HEARING FOR THE APPLICANT (24CFR 960.208 (a) and PH Occ GB p. 58)**

The purpose of the Informal Hearing is to permit the applicant to hear the details of the reasons for denial, present evidence to the contrary if available and claim mitigating circumstances if applicable. When the ETHC denies an applicant based upon the fact that the applicant does not meet either the eligibility or suitability criteria for the program, the ETHC will provide the applicant with a formal notice of denial for admission and provide the applicant with the opportunity to dispute the decision through the Informal Hearing process. This process may be conducted in person, by mail, by telephone, conference call, webcast or video call. (Please see notice PIH 2020-32 or successor notice for guidance on remote briefing requirements.) The Informal Hearing for a denied applicant is not the same process as an Informal Hearing for a tenant "Grievance".

**1. NOTICE TO THE APPLICANT**

The ETHC will give an applicant for participation in the Public Housing Program prompt notice of a decision denying assistance to the applicant. The notice will:

- a. Contain a brief statement of the reasons for the decision; and
- b. State that if the family does not agree with the decision, the family may request an Informal Hearing; and
- c. State that the request for the Informal Hearing must be received within fourteen (14) calendar days of the date of notification of denial.

**2. INFORMAL HEARING PROCESS FOR THE APPLICANT**

The procedure is as follows:

a. REQUEST FOR INFORMAL HEARING

The applicant's request for an Informal Hearing must be made in writing and delivered to the ETHC in person or by first class mail no later than 14 calendar days for the date of the ETHC's notification of denial of admission. The written request shall state:

1. The reasons for the dispute
2. The action or relief sought

b. SCHEDULING THE INFORMAL HEARING

The ETHC will schedule and send notice of the time, date, and place of the Informal Hearing within 14 calendar days of the family's request.

Due to the time sensitive nature of the Informal Hearing process, it is extremely important that scheduled Informal Hearing times be adhered to. Informal Hearings will only be rescheduled due to extenuating circumstances. Extenuating circumstances must be proven and/or documented in order for the Informal Hearing to be rescheduled.

If the Applicant fails to appear for the scheduled Informal Hearing, the denial of admission will stand and the family will be notified of such. The ETHC will consider the failure to appear as the applicant's waiver of their right to an Informal Hearing. This action shall not constitute the applicant's waiver of any rights they may have to seek judicial proceedings.

c. SELECTION OF HEARING OFFICER

The Informal Hearing shall be conducted by an impartial person or persons appointed by the ETHC. The Hearing Officer shall not be a person who has been involved in the situation for which the Informal Hearing was requested or a subordinate of such person.

d. PROCEDURES GOVERNING THE INFORMAL HEARING FOR THE APPLICANT

The applicant shall be afforded a fair Informal Hearing, which shall include:

1. The opportunity to examine before the grievance Informal Hearing any Housing Commission documents, including records and regulations that are directly relevant to the Informal Hearing. The applicant shall be provided a copy of any such document(s) at the applicant's expense. If the East Tawas Housing Commission does not make the document(s) available for examination upon request by the resident, the Housing Commission may not rely on such document at the Informal Hearing.
2. The right to be represented by counsel or other person chosen as the applicant's representative and to have such person make statements on the applicant's behalf. Notification must be given to the East Tawas Housing Commission prior to the scheduled Informal Hearing that representation has been sought and will be present at such Informal Hearing.
3. The right to present evidence and arguments in support of the applicant's complaint, to controvert evidence relied on by the Housing Commission and to confront and cross examine all witnesses upon whose testimony or information the Housing Commission management relies; and
4. A decision based solely and exclusively upon the facts presented at the Informal Hearing.

The Hearing Officer may render a decision without holding an informal hearing if the Hearing Officer determines that the issue has been previously decided at another hearing proceeding.

The following accommodations will be made for persons with disabilities:

1. The East Tawas Housing Commission shall provide reasonable accommodations for persons with disabilities to participate in the Informal Hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants.

2. If the applicant is visually impaired, any notice to the applicant that is required by these procedures must be in an accessible format.

e. **DECISION OF THE HEARING OFFICER**

The Hearing Officer shall prepare a written decision, together with the reasons therefore, within fourteen (14) calendar days after the Informal Hearing. A copy of the decision shall be sent to the applicant and the Housing Commission shall retain a copy of the decision in the applicant's file. A copy of such decision with all names and identifying references deleted shall also be maintained on file by the East Tawas Housing Commission and made available for inspection by a prospective complainant, his or her representative, or the Hearing Officer.

Should the Hearing Officer require an extension of the fourteen (14) calendar days to make a final decision, they will notify the ETHC and/or the program applicant in writing prior to the end of the fourteen (14) calendar days with a statement of the reasons for the extension and a statement of the approximate date the final decision will be made.

A decision by the Hearing Officer in favor of the East Tawas Housing Commission or which denies relief requested by the applicant in whole or in part, shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the applicant may have to a trial or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

A written record of the Informal Hearing decision will be mailed and placed in the applicants file.

If the hearing decision overturns the denial, processing for admission will resume.

**24.2 FOR THE TENANT - PUBLIC HOUSING GRIEVANCE PROCEDURES  
INFORMAL SETTLEMENT OF GRIEVANCE (24 CFR 966.54) AND  
HEARING (24 CFR 966.55)**

This Section is the "PUBLIC HOUSING GRIEVANCE PROCEDURE"

The grievance procedure is an administrative method prescribed by HUD to deal with resident complaints. The ETHC Grievance Procedures meet the

regulation requirements as set forth in 24 CFR 966.50-57. This grievance procedure is a part of the Tenant Handbook and a part of the ETHC Lease by reference.

This grievance procedure is not applicable to disputes between tenants not involving the East Tawas Housing Commission, nor is it intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the Housing Commission's Board of Commissioners.

A copy of this grievance procedure is provided to each tenant and to Resident Organizations.

There are 2 steps in the Grievance Process.

1. The Informal Settlement.
2. The Hearing.

The ETHC shall provide at least 30 calendar days' notice to tenants and resident organizations setting forth proposed changes in the ETHC Grievance Procedure and will provide an opportunity to present written comments. Subject to HUD requirements, any comments submitted will be considered by the ETHC before adoption of any change by the ETHC.

- A. DEFINITIONS - For the purpose of this section, the following definitions are applicable:

*Grievance:* shall mean any dispute which a tenant may have with respect to ETHC action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status.

*Complainant:* shall mean any tenant whose grievance is presented to the ETHC or at the project management office in accordance with 24 CFR 966.54 and 966.55(a).

*Elements of due process:* shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

1. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
2. Right of the tenant to be represented by counsel;
3. Opportunity for the tenant to refute the evidence presented by the ETHC including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;

4. A decision on the merits.

*Hearing officer:* shall mean a person selected in accordance with 24 CFR 966.55 of this subpart to hear grievances and render a decision with respect thereto.

*Hearing panel:* shall mean a panel selected in accordance with 24 CFR 966.55 of this subpart to hear grievances and render a decision with respect thereto.

*Tenant:* shall mean the adult person (or persons) (other than a live-in aide):

1. Who resides in the unit, and who executed the lease with the ETHC as lessee of the dwelling unit, or, if no such person now resides in the unit,
2. Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit.

*Resident Organization:* An organization of residents, which also may include a resident management corporation.

**B. DUE PROCESS DETERMINATIONS (24 CFR 966.51(a)(2))**

In certain situations HUD has issued due process determinations, which means a determination by HUD that the law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit. When HUD has issued a due process determination, it allows for the exclusion from a housing authorities administrative grievance process. Therefore, the East Tawas Housing Commission will exclude from the grievance procedure any grievance concerning a termination of tenancy or eviction that involves the following:

1. Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the ETHC;
2. Any violent or drug related criminal activity on or off the premises; or
3. Any criminal activity that resulted in felony conviction of a household member.

**C. INFORMAL SETTLEMENT OF GRIEVANCE (24 CFR 966.54)**

Any grievance for any tenant shall be personally presented, either orally or in writing, to the ETHC management office within 14 calendar



days of the grievance event. The ETHC will schedule a meeting within 14 calendar days so that the grievance may be discussed informally.

The Informal Settlement shall be conducted by someone other than the Hearing Officer of record. This prevents issues with the selected Hearing Officer should the grievance progress to a Hearing.

A summary of such discussion shall be prepared within 14 calendar days and one copy shall be given to the tenant and one retained in the tenant file.

The summary shall specify the following:

1. Names of the participants
2. Date of meeting
3. Nature of the proposed disposition of the complaint and the specific reasons therefore
4. Procedures for which a hearing may be obtained if the complainant is not satisfied, which must be requested within 14 calendar days of the date of the Informal Settlement Summary.

#### D. HEARING FOR THE TENANT

##### RIGHT TO AN HEARING BY THE TENANT

Upon the filing of a written request as provided in these procedures, the following procedures will be followed:

1. First a determination will be made to see if the complaint qualifies as a grievance as defined above.
2. If the complaint does not qualify by the definition above, the tenant will be informed that it does not qualify with the reasons and given the opportunity for an Informal settlement or to pursue their matter through the due process provided by the Court system.
3. If the complaint does qualify for a hearing, the tenant will first be scheduled for an Informal settlement as a pre-requisite to the Hearing. Procedures by which a Hearing may be obtained will be included in the summary of the Informal Settlement should the Complainant not be satisfied with the outcome of the Informal Settlement.

No Hearing will be given to any resident not in good standing with the East Tawas Housing Commission. An escrow account must be established in an amount equal to all amounts owed to the East Tawas Housing Commission and shall be kept up to date up to the

date scheduled for the Hearing. Failure to establish an escrow account for the full amount due to the East Tawas Housing Commission shall not constitute a waiver of any rights the resident may have to contest the East Tawas Housing Commission's disposition of their grievance in any appropriate judicial proceedings.

If a grievance concerns the denial of a financial hardship exemption from the minimum rent requirement or the effect of welfare benefit reductions in the calculation of family income, the requirement for an escrow deposit is waived.

## E. PROCEDURES TO OBTAIN A HEARING FOR THE TENANT

### 1. REQUEST FOR AN HEARING

Any grievance and request for a Hearing shall be submitted in writing to the East Tawas Housing Commission within fourteen (14) calendar days from the date of the Hearing Settlement Summary.

The written request shall state:

- a. The reasons for the grievance; and
- b. The action or relief sought

### 2. SETTING UP THE HEARING

Subject to the provisions under 24.2 D., within fourteen (14) calendar days of receipt of the request, the Hearing Officer will schedule a hearing. A hearing may be conducted in person, by mail, by telephone, conference call, webcast or video call. The East Tawas Housing Commission will notify the person requesting the hearing of the time, date, place set for the hearing and/or method in which the hearing will be conducted. (Please see notice PIH 2020-32 or successor notice for guidance on remote briefing requirements.)

Due to the time sensitive nature of the Hearing process, it is extremely important that scheduled Hearing times be adhered to. Hearings will only be rescheduled due to extenuating circumstances. Extenuating circumstances must be proven and/or documented in order for the Hearing to be rescheduled.

If the resident fails to appear for the scheduled Hearing, the termination of assistance will stand and the family will be notified of such. The ETHC will consider the failure to appear as the resident's waiver of their right to a Hearing. This action shall not constitute the resident's waiver of any rights they may have to seek judicial proceedings.

### 3. SELECTION OF HEARING OFFICER

The Hearing shall be conducted by an impartial person or persons appointed by the ETHC who may or may not be an officer or employee of the ETHC. The Hearing Officer shall not be a person who has been involved in the situation for which the Hearing was requested or a subordinate of such person.

The ETHC shall consult the ETHC Resident Advisory Board before appointment of a hearing officer(s). Any comments or recommendations submitted by the RAB shall be considered by the ETHC before appointment of a hearing officer. The RAB will certify they were consulted and are agreeable to the ETHC Hearing officer selection, and will be reflected in Meeting minutes of the RAB.

As agreed upon by the RAB, it has been determined that the Hearing Officer will be the Executive Director of the East Tawas Housing Commission or her/his designee.

### F. FAILURE TO REQUEST

Failure to request a Hearing does not constitute a waiver by the resident of the right thereafter to contest the Housing Commission's action in disposing of the complaint in an appropriate judicial proceeding.

### G. PROCEDURES GOVERNING THE HEARING

The resident/shall be afforded a fair Hearing, which shall include:

1. The opportunity to examine before the Hearing any Housing Commission documents, including records and regulations that are directly relevant to the Hearing. The resident shall be provided a copy of any such document(s) at the resident's expense. If the East Tawas Housing Commission does not make the document(s) available for examination upon request by the resident, the Housing Commission may not rely on such document at the Hearing.
2. The right to be represented by counsel or other person chosen as the resident's representative and to have such person make statements on the resident's behalf. Notification must be given to the East Tawas Housing Commission prior to the scheduled hearing that representation has been sought and will be present at such hearing.

3. The right to present evidence and arguments in support of the resident's complaint, to controvert evidence relied on by the Housing Commission or development management, and to confront and cross examine all witnesses upon whose testimony or information the Housing Commission management relies; and
4. A decision based solely and exclusively upon the facts presented at the Hearing.

The Hearing Officer may render a decision without holding a hearing if the Hearing Officer determines that the issue has been previously decided at another hearing.

The following accommodations will be made for persons with disabilities:

- a. The East Tawas Housing Commission shall provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants.
- b. If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

## H. DECISION OF THE HEARING OFFICER

The Hearing Officer shall prepare a written decision, together with the reasons therefore, within fourteen (14) calendar days after the hearing. A copy of the decision shall be sent to the resident and to the ETHC. The ETHC shall retain a copy of the decision in the resident's file. A copy of such decision with all names and identifying references deleted shall also be maintained on file by the East Tawas Housing Commission and made available for inspection by a prospective complainant, his or her representative, or the Hearing Officer.

Should the Hearing Officer require an extension of the fourteen (14) calendar days to make a final decision, they will notify the ETHC and/or the resident in writing prior to the end of the fourteen (14) calendar days with a statement of the reasons for the extension and a statement of the approximate date the final decision will be made.

A decision by the Hearing Officer in favor of the East Tawas Housing Commission or which denies relief requested by the resident, in whole or in part, shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the resident may have to a trial judicial review

in any judicial proceedings, which may thereafter be brought in the matter.

#### 24.3 HEARING PROCEDURES FOR DENIAL OF ASSISTANCE ON THE BASIS OF INELIGIBLE IMMIGRATION STATUS (24 CFR 5.514)

The participant family may request that the East Tawas Housing Commission provide for a Hearing after the family has notification of the INS decision appeal, or in lieu of request of appeal to the INS. The participant family must make this request within thirty (30) calendar days of receipt of Notice of Denial or Termination of Assistance, or within thirty (30) calendar days of receipt of the INS appeal decision.

#### 24.4 CONSIDERATION OF CIRCUMSTANCES

In deciding whether to terminate or deny assistance because of action or inaction by members of the family, decisions will be made in accordance with HUD regulations (24 CFR 960.203 and .204) as well as State and Local law. In cases where consideration of circumstances are allowed, the ETHC may consider all of the circumstances in each case, including the seriousness of the case, 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. In any case, if the family includes a person with disabilities, the ETHC's decision to deny assistance will consider any reasonable accommodation entitlements in accordance with applicable sections of the Code of Federal Regulations.

The ETHC may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The ETHC may permit the other members of a participant family to continue receiving assistance.

If the ETHC seeks to terminate or deny assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol where there was not court action with a documented date of sentencing completion such use or possession or pattern of abuse must have occurred within one year before the date that the ETHC provides notice to the family of the ETHC determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the ETHC will consider evidence of whether the household member:

- A. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
- B. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or

- C. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

## 25.0 VIOLENCE AGAINST WOMEN ACT POLICY

### 25.1 VAWA PROTECTIONS

Under the Violence Against Women Act (VAWA) (notwithstanding the title of the statute, protections are not limited to women but cover victims regardless of sex, gender identity, or sexual orientation), public housing residents have the following specific protections, which will be observed by the East Tawas Housing Commission:

An applicant for assistance or a tenant/participant receiving assistance under a covered housing provider may not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

An incident or incidents or actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not in itself be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

The Housing Commission shall provide each applicant and resident a HUD prescribed Notice of Occupancy Rights and Certification form. It shall also be provided with any notice of eviction. In addition, the Authority shall make an adopted Emergency Transfer Plan and Emergency Transfer Request available upon request.

The Housing Commission shall keep a record of all emergency transfer requests requested under the Emergency Transfer Plan and the outcome of these requests for three years.

The Housing Commission may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence, dating violence, sexual assault, or stalking to family members or affiliated individuals without terminating the assistance or evicting victimized lawful occupants. This is also true even if the household member or affiliated individual is not a signatory to the lease. Under VAWA, the East Tawas Housing Commission is granted the authority to bifurcate the lease. The VAWA victim must be the one who retains the assistance.

The Housing Commission will honor court orders regarding the rights of access or control of the property.

There is no limitation on the ability of the Housing Commission to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault, or stalking, other than the victim may not be subject to a “more demanding standard” than non-victims.

There is no prohibition on the Housing Commission evicting if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s (victim’s) tenancy is not terminated.” 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.

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

The East Tawas Housing Commission shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the East Tawas Housing Commission. Types of acceptable verifications are outlined below, and must be submitted within 14 business days after receipt of the East Tawas Housing Commission’s written request for verification.

## 25.2 VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

The East Tawas Housing Commission shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the East Tawas Housing Commission. The request for verification shall take the form of a written request by the ETHC to the claimant.

- A. Requirement for Verification – The law allows, but does not require, the East Tawas Housing Commission to verify that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. The East Tawas Housing Commission shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the East Tawas Housing Commission.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may be accomplished in one of the following three ways:

1. HUD-approved certification form - By providing to the East Tawas Housing Commission a written certification, on the form approved by the U.S. Department of Housing and Urban Development (HUD) at the time of submission, that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator, only if the name of the perpetrator is safe to provide and is known to the victim.
2. Other documentation – by providing to the East Tawas Housing Commission documentation signed by 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 the domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional’s belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence, sexual assault or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
3. Law Enforcement or court record – by providing to the East Tawas Housing Commission a Federal, State, tribal, territorial, or local law enforcement or court record describing the incident or incidents in question.

- B. Time allowed to provide verification/failure to provide - An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking, and who is requested by the East Tawas Housing Commission to provide verification, must provide such verification within 14 business days after receipt of the written request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. The submission of false information may be the basis for the termination of assistance or for eviction.



- C. Managing conflicting documentation – In cases where the East Tawas Housing Commission 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 East Tawas Housing Commission may determine which is the true victim by requiring third-party documentation as described in 24 CFR 5.2007 and in accordance with any HUD guidance as to how such determinations will be made. The East Tawas Housing Commission 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.

### 25.3 CONFIDENTIALITY

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

- A. Requested or consented to by the individual in writing;
- B. Required for used in an eviction proceeding; or
- C. Otherwise required by applicable law.

The East Tawas Housing Commission shall provide its tenants with notice of their rights under VAWA, including their right to confidentiality and the limits thereof.

### 26.0 FEDERALLY DECLARED DISASTER/STATE OF EMERGENCY

In the case of a federally declared disaster or state of emergency, the Housing Commission reserves the right for its Executive Director to suspend its preference system what whatever duration the Executive Director feels is appropriate and to admit victims of the disaster to the program instead of those who would be normally admitted.

Any other provisions of this policy can also be suspended during an emergency at the discretion of the Executive Director so long as the provision suspended does not violate a law. If regulatory waivers are necessary, they shall be promptly requested of the HUD Assistant Secretary for Public and Indian Housing.

In the event that HUD authorizes the Housing Commission to implement waivers from its normal requirements, the ETHC will evaluate any and all, with consideration of what is in the best interest for the Housing Commission, staff and clients. If implementation is the action decided, the Housing Commission will abide by all

required measures and/or conditions to ensure compliance with any and all conditions of implementation.

## 27.0 PRIVACY

The ETHC is strongly committed to protecting the privacy of people dealing with the agency to the greatest degree practical. There are numerous federal privacy laws, regulations, notices, and other requirements that the ETHC follows to the greatest degree practical. Details about these requirements are set forth in PIH Notice 2015-06 and any ensuing publications. The ETHC will educate all of its employees who have access to personally identifiable information (PII) and/or Sensitive Personally Identifiable Information about these requirements and expect them to appropriately manage and safeguard the information. Employees will also be trained on the proper disposition of said information.

## 28.0 CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND ETHICAL STANDARDS

Please refer to the “CODE OF ETHICS and CONFLICT OF INTEREST POLICY”.

## 29.0 COOPERATING WITH LAW ENFORCEMENT AGENCIES

The East Tawas Housing Commission will comply, on a case-by-case basis, with information requests from Federal, State or local law enforcement officers regarding possible fugitive felons and/or a parole or probation violators. The East Tawas Housing Commission will supply upon legitimate request (1) the current address, (2) Social Security number and (3) photograph (if available) of any recipient of assistance.

The Federal, State or local enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements:

- A. The law enforcement agency shall notify East Tawas Housing Commission that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of Michigan, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;
- B. The location or apprehension of the recipient is within the East Tawas Housing Commission official duties; and,

- C. The request is made in the proper exercise of the law enforcement agency's official duties.

## GLOSSARY

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

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

**Accessible:** When used with respect to the design, construction, or alteration of a facility, or a portion of a facility other than an individual dwelling unit, so that the facility or portion of the facility can be approached, entered, and used by individuals with physical handicaps. The phrase “accessible to and usable by” is synonymous with accessible. (24 CFR 8.3)

**Accessible units:** Units that meet the requirement of accessibility with respect to dwellings. (24 CFR 945.105)

**Actual and imminent threat:** 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.

**Adjusted Annual Income:** Annual income (as determined under 24 CFR 5.609) of the members of the family residing or intending to reside in the dwelling unit, after making any allowable deductions.

**Admission:** The point when the family becomes a participant in a program.

**Adult:** A household member who is 18 years or older or who is the head of household, or spouse, or co-head. A legally emancipated minor is also considered an adult. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State or tribal law.

**Affiliated Individual:** with respect to an individual, means: (1) a spouse, parent, brother, sister, or child of that individual, or an individual 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 (2) Any individual, tenant, or lawful occupant living in the household of that individual.

**Allowances:** Amounts deducted from the household’s annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly and disabled families, disability expenses, and childcare expenses for children under 12 years of age. Other allowance can be given at the discretion of the housing commission.

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

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

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

Annual income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

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

**As-Paid States:** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid States are New Hampshire, New York, Oregon, and Vermont.

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

**Asset Income:** Income received from assets held by family members. If assets total more than \$50,000.00, income from the assets is “imputed” and the greater of actual asset income and imputed asset income is counted in annual income. (See “imputed asset income” below.)

Assistance applicant: A family or individual that seeks admission to the public housing program.

**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.

**Business Days:** Days the housing commission is open for business.

**Ceiling Rent:** Maximum rent allowed for some units in public housing developments under the income method of calculating rent. It must equal or exceed the flat rent.

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

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

**Child Care Expenses:** Amounts anticipated to be paid by the family for the care of children under years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

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

**Co-Head: An adult (or legally emancipated) member of the family who is treated the same as a head of the household for purposes of determining income, eligibility, and rent.**

**Community service:** 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.

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

**Covered Families:** 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 must participate in an economic self-sufficiency program as a condition for such assistance.

**Covered Person:** For purposes of the anti-drug provisions of this policy, a covered person is a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

**Currently engaging in:** With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current. Arrests alone are not sufficient evidence of criminal activity.

**Dating Violence:** The term "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.
  - 3. The frequency of interaction between the persons involved in the relationship.

**Day Laborer:** An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

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

**Department:** The Department of Housing and Urban Development. (24 CFR 5.100)

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

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

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

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

**Disabled Family:** A family whose head, co-head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

**Disabled Person:** See "person with disabilities."

**Disallowance:** Exclusion from annual income. (24 CFR 960.255)

**Displaced Family:** A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

**Displaced Person:** A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [1937 Act]

**Domestic Violence:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited 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. 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.

**Drug:** Means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Drug-Related Criminal Activity:** Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802). Arrests alone are not sufficient evidence of criminal activity.

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

**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 a substance abuse or mental health treatment program), or other work activities.

**EIV/UIV:** Enterprise Income Verification/Upfront Income Verification. HUD’s online system for obtaining income verifications.

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

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

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

**Elevated blood level (EBL):** Excessive absorption of lead. Excessive absorption is a confirmed concentration of lead in whole blood of 20 ur/dl (micrograms of lead per deciliter) for a single test or of 15-19 ur/dl in two consecutive tests 3-4 months apart. (24 CFR 982.401)

**Employment:** Employment must be current and have lasted a minimum of 90 calendar days (3 months) prior to the time the preference is claimed. The employment must provide a minimum of 30 hours of work per week for the family member claiming the preference.

The amount of earned income shall not be a factor in granting the preference.

The employment part of this preference is also extended equally to (a) a family if the head, spouse, or sole member is 62 years of age or older or who is receiving social security or Supplemental Security Income disability benefits or any other payments based on the individual’s inability to work and, (b) any family whose

head, spouse, co-head or unrelated partner of head of household is currently a full time student or enrolled in an employment training program.

**Evidence of Citizenship or Eligible Status:** The documents, which must be submitted to evidence citizenship or eligible immigration status. (24 CFR 5.504)

**Extremely low-income families:** A very low income family whose income does not exceed the higher of 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, or the Federal Poverty Level, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

**Family:** A person or group of persons, as determined by the ETHC consistent with 24 FR 5.403, approved to reside in a unit with assistance under the program.

**Family Composition:** See definition of “family”

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

**Family Self-Sufficiency Program (FSS Program):** The program established by a East Tawas Housing Commission to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

**Flat Rent:** A rent amount the family may choose to pay in lieu of having their rent determined under the income method. The flat rent is established by the housing commission based on HUD mandate that it be set at not less than 80% of the FMR, adjusted for tenant-paid utilities. PHAs have the flexibility to conduct re-examinations of family income once every 3 years instead of annually for families that choose to pay the flat rent. The flat rent amount a family pays is not locked in for the three-year period. Instead, the PHA must revise the flat rent amount from year to year based on the findings of the PHAs rent reasonableness analysis and changes to the FMR. **Full-Time Student:** A person who is attending school or vocational training on a full-time basis as defined by the institution.

**Foster Adult:** A member of the household who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to the debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgement, decree, or other order of any court of competent jurisdiction.

**Foster Child:** A member of the household who meets the definition of a foster child under State law, In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgement, decree, or other order of any court of competent jurisdiction.

**Full-Time Student:** A person who is attending school or vocational training on a full-time basis as defined by the institution.

**Gender identity:** as defined at 24 CFR 5.100, means actual or perceived gender-related characteristics.

**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.

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

**Health and Medical Care Expenses:** Health and care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure of



function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

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

- a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or
- b. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
- c. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution; or

Any individual or family who:

- a. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and
- b. Has no other residence; and
- c. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

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

**Housing Agency (HA):** A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. (Also referred to as a Public Housing Agency or PHA.) (24 CFR 5.100)

**Housing Assistance Plan:** A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

**Immediate Family Member:** Means, with respect to a person -

- A. A spouse parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- B. Any other person living in the household of that person and related to that person by blood or marriage.

**Imputed Income:** For households with net family assets or more than \$50,000.00, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed income is used as income from assets in determining annual income.

**Imputed welfare income:** The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

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

**Income Method:** A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, or the minimum rent. Under the income method, rents may be capped by a ceiling

rent as long as the ceiling rent equals or exceeds the flat rent. Under this method, the family's income is evaluated at least annually.

**Independent Contractor:** An Individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.

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

**Law Enforcement Agency:** The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

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

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

A live-in aide is not a party to the lease.

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

**Minor:** A member of the family, other than the head of family or spouse, who is under 18 years of age.

**Minority:** Any individual who is included within any one of the following racial and ethnic categories:

- A. American Indian or Alaskan Native – a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition;
- B. Asian or Pacific Islander – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;
- C. African-American – a person having origins in any of the black racial groups of Africa; and
- D. Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. (24 CFR 81.2)

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

**Mixed population development:** A public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception (and has retained that character). If the development was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the development (or portion of development) to elderly families and disabled families. These developments were formerly known as elderly projects.

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

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

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

**Near-Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

**Net Family Assets:**

A. Net family assets is the net cash value of all assets owned by the family after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment.

B. In determining net family assets the Housing Commission must include the value of any business or family assets disposed of by an applicable, must include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor, In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms. Negative equity in real property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

C. Excluded from the calculation of net family assets are:

- (i) The value of necessary items of personal property;
- (ii) The combined value of all non-necessary items of personal property if the combined total value does not exceed \$50,000 (which amount will be adjusted by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers);
- (iii) The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals;
- (iv) The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located.
- (v) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with disability;
- (vi) The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any "baby bond" account created, authorized, or funded by Federal, State, or local government.
- (vii) Interests in Indian trust land;
- (viii) Equity in manufactured home where the family receives assistance under 24 CFR part 982;
- (ix) Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982;
- (x) Family Self-Sufficiency Accounts; and
- (xi) Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.

D. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the trust fund is not a family asset and the value of the trust is not included in the calculation of net family assets, so long as the fund continues to be held in a trust that is not revocable, by, or under the control of, any member of the family or household. **Non-Citizen:** A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

**Non-elderly disabled person:** A person with a disability who is less than 62 years of age. (24 CFR 945.105)

**Occupancy Standards:** The standards that a East Tawas Housing Commission establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

**Other Person Under the Tenant's Control:** For purposes of the definition of covered person it means the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) 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. 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.

**Over-income family:** A family that is not a low-income family. (24 CFR 960.102) Also see low-income families.

**Participant:** A family or individual that is assisted by the public housing program.

**Permanently Absent:** A person or persons not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit.

**Person with Disabilities:** A person who:

- A. Has a disability as defined in 42 U.S.C. 423
- B. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - 1. Is expected to be of long-continued and indefinite duration;
  - 2. Substantially impedes his or her ability to live independently; and
  - 3. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- C. Has a developmental disability as defined in 42 U.S.C. 6001

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence.

**Personally Identifiable Information (PII):** Information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.

**Premises:** For purposes of the anti-drug provisions of this policy it means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

**Previously unemployed:** This includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

**Processing Entity:** The person or entity that is responsible for making eligibility and related determinations and an income reexamination. In the Section 8 and public housing programs, the processing entity is the responsibility entity.

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**Proration of Assistance:** The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

**Public Housing:** Housing assisted under the 1937 Act, other than under Section 8. Public housing includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating funds.

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

**Real Property:** Includes a building structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium. (MCL 37.1501(e))

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

**Remaining Member of a Tenant Family:** A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left.

**Responsible Entity:**

- A. For the public housing program, the Section 8 tenant-based assistance program (24 CFR 982), and the Section 8 project-based certificate or voucher program (24 CFR 983), and the Section 8 moderate rehabilitation program (24 CFR 882), responsible entity means the PHA administering the program under an ACC with HUD;
- B. For all other Section 8 programs, responsible entity means the Section 8 project owner.

**Seasonal Worker:** An individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.

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

**Sensitive Personally Identifiable Information:** PII that when lost, compromised or disclosed without authorization could substantially harm an individual. Examples of sensitive PII include social security or driver's license numbers, medical records, and financial account numbers such as credit or debit card numbers.

**Service Provider:** A person or organization qualified and experienced in the provision of supportive services, and that is in compliance with any licensing requirements imposed by state or local law for the type of service or services to be provided. The service provider may provide the service on either a for-profit or not-for-profit basis. (24 CFR 945.105)

**Service Requirement:** The obligation of each adult resident, other than an exempt individual, to perform community service or participate in an economic self-sufficiency program required in accordance with Sec. 960.603. (24 CFR 960.601)

**Sexual assault:** any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**Sexual Orientation:** as defined by 24 CFR 5.100, means homosexuality, heterosexuality or bisexuality.

**Shelter Allowance:** That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

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

**Social Security Number (SSN):** The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary. (24 CFR 5.100)

**Special admission:** Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position. (24 CFR 982.203)

**Specified Welfare Benefit Reduction:**

- A. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

"Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

1. at the expiration of a lifetime or other time limit on the payment of welfare benefits;
2. because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or;
3. because a family member has not complied with other welfare agency requirements.

**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. -

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

**Temporarily Absent:** A person or persons not actually residing in a unit for a period of time while still maintaining control of the unit. If the absence exceeds sixty (60) calendar days, the Housing Commission must agree to the absence.

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

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

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

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

**Total Tenant Payment (TTP):**

Title:	ETHC Public Housing Program – Admissions and Continued Occupancy Policy (ACOP)
Introduced:	10-16-2024
Adopted Eff:	01-01-2025
Res. No.:	2024-06

Previous editions are obsolete

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of:
    - a. 30% of the family's monthly adjusted income;
    - b. 10% of the family's monthly income; or
    - c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.
  2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
- B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, (as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

**Tuition:** The amount of tuition and required fees covering a full academic year most frequently charged to students. These values represent what a typical student would be charged and may not be the same for all students at an institution. If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an entire academic year is used to estimate average tuition. Required fees include all fixed sum charges that are required of a large proportion of all students. The student who does not pay the charges is an exception. Verification of tuition and fees can be obtained from the student's bill or annual statement, by contacting the bursar's office, or from the school's website.

Examples of required fees include, but are not limited to, writing and science lab fees and fees specific to the student's major or program (i.e., nursing program).

Expenses related to attending an institution of higher education must not be included as tuition.

Examples of these expenses include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed sum charges.

For the Public Housing program, the full amount of financial assistance a student receives while participating in the program continues to be excluded from the program participant's annual income.

**UIV:** See EIV/UIV. HUD is changing the name of this system to EIV. All references in this policy still state UIV.

**Unearned Income:** Any annual income, as calculated under §5.609, that is not earned income.

**Utility Allowance:** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a East Tawas Housing Commission of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

**Utility Reimbursement:** The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603)

**VAWA:** the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

**Very Low-Income Families:** Families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Violent Criminal Activity:** Means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. Arrests alone are not sufficient evidence of criminal activity.

**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 (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

45 CFR 260.31 defines the term “assistance” to include cash, payments, vouchers, and other forms of benefits designed to meet a family’s ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

- A. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
- B. Conditioned on participation in work experience or community service (or any other work activity under 45 **Utility Reimbursement:** The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603) CFR 261.30).

Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.

The term “assistance” excludes:

- A. Non-recurrent, short-term benefits that:
  - 1. Are designed to deal with a specific crisis situation or episode of need;
  - 2. Are not intended to meet recurrent or ongoing needs; and
  - 3. Will not extend beyond four months.
- B. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
- C. Supportive services such as childcare and transportation provided to families who are employed;
- D. Refundable earned income tax credits;
- E. Contributions to, and distributions from, Individual Development Accounts;
- F. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and



G. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

**Welfare Rent:** In “as-paid” welfare programs, the amount of the welfare benefit designated for shelter and utilities.

**Written Notification:** All written notifications required in this policy shall be hand delivered with a signed receipt or mailed via first class mail unless specified otherwise.

## Acronyms

ACC	Annual Contributions Contract
ADA	Americans with Disabilities Act of 1990
CFR	Code of Federal Regulations
DHS	Department of Human Services
EID	Earned Income Disallowance
EIV	Enterprise Income Verification
FIA	Family Independence Agency
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
IRS	Internal Revenue Service
MSA	Metropolitan Statistical Area
MTCS	Multifamily Tenant Characteristics System
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NCIC	National Crime Information Center
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency
PHAS	Public Housing Assessment System
ETHC	East Tawas Housing Commission
PIC	Public & Indian Housing Information System

QHWRA	Quality Housing and Work Responsibility Act of 1998
ROSS	Resident Opportunities & Self-Sufficiency program
SAFMR	Small Area Fair Market Rent
SSA	Social Security Administration
SSI	Supplemental Security Income
SWICA	State Wage Information Collection Agency
TANF	Temporary Assistance for Needy Families
TIN	Tax Identification Number
TTP	Total Tenant Payment
UIV	Up-front Income Verification (Same System as EIV)
VAWA	Violence Against Woman Act

# APPENDIX A

## VAWA

### EMERGENCY TRANSFER PLAN

**EAST TAWAS HOUSING COMMISSION**  
**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

### **Emergency Transfers**

The East Tawas Housing Commission (ETHC) is concerned about the safety of its tenants, and 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),<sup>2</sup> the ETHC allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>3</sup> The ability of the ETHC 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 the ETHC has another dwelling 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 public housing and housing choice vouchers program comply 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**

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<sup>2</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>3</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

To request an emergency transfer, the tenant shall notify the ETHC's management office and submit a written request for a transfer to the Executive Director, or his or her designee, whose office is at **304 West Bay Street East Tawas, MI 48730**. The ETHC will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer must 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 the ETHC'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 ETHC will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the ETHC 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 the ETHC'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**

The ETHC cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The ETHC 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. The ETHC may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the ETHC has no safe and available units for which a tenant who needs an emergency is eligible, the ETHC 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, the ETHC 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. If a unit or voucher is not immediately available, the person requesting the transfer shall be placed at the top of the waiting list, or the emergency waiting list if one exists, as long as they are eligible for the program.

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

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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>.