ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP)

Revised: January 2019
The Housing Authority of the City of East St. Louis www.eslha.org
Chapter 1 Overview and Purpose of the Policy

1.1 Introduction

The Public Housing program provides rental assistance to qualified low-income families and is a federally funded program overseen by the U.S. Department of Housing and Urban Development (HUD). The Housing Authority of the City of East St. Louis (ESLHA) is a municipal corporation organized and existing under state law to develop and operate housing and housing programs for low-income families. To administer the program ESLHA enters into an Annual Contributions Contract (ACC) with HUD. ESLHA must operate the program in compliance with federal laws and regulations that govern the program. The purpose of this Admissions and Continued Occupancy Policy (ACOP) is to provide guidance, clarify federal requirements and ensure consistency in program operation. The terms “ESLHA,” “ESLHA staff” and “Housing Authority” are used interchangeably in this Policy to refer to both ESLHA and/or its management agents.

1.2 Mission Statement

The mission of the Housing Authority of the City of East St. Louis is to provide quality and affordable housing through collaboration with residents and public and private entities to enhance the quality of life and foster economic self-sufficiency for our residents.

In support of this Mission Statement, we recognize our residents as our ultimate customers and the foundation to enhance better neighborhoods within the City of East St. Louis.

1.3 Program Objectives

ESLHA will operate the Public Housing program using the following objectives as guidance:

- Provide decent, safe, and sanitary housing in compliance with program Uniform Physical Condition Standards for low-income families
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities that address educational, socio-economic, recreational and other human service needs
- Achieve a healthy mix of incomes in public housing developments by attracting and retaining higher income families and by working toward deconcentration of poverty goals
- Promote fair housing and the opportunity for low-income families of all ethnic backgrounds
- Promote a housing program that maintains quality service and integrity. Create positive public awareness and expand the level of family and community support in accomplishing ESLHA’s mission
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components
- Administer an efficient, high-performing agency through continuous improvement of ESLHA’s support systems
- Ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so that the admissions and continued occupancy are conduct without regard to race, color, religion, creed, sex, national origin, disability, sexual orientation or familiar status.
1.4 Roles and Responsibilities of Key Public Housing Program Players

The key players in the Public Housing program are HUD, ESLHA, management, management agents and the family. Contractual agreements (Management Agreement, Dwelling Lease and Annual Contribution Contract) between the key players and federal regulations define the roles and responsibilities of HUD, ESLHA, management, management agents and residents.

A. Role of HUD

- Is to develop policies, regulations, notices, and guidance to implement housing legislation; allocating operating subsidy and capital funds; providing technical assistance and training and monitor ESLHA’s compliance and performance requirements.

B. Role of ESLHA and Management Agents

ESLHA owns public housing developments and manages them through its employees and management agreements with private management agents. ESLHA under contract with HUD and through its management staff and management agreements with private management agents and through its Regulatory and Operating Agreements have the following major responsibilities:

- Establish local policies
- Review applications from interested applicant families to determine whether applicants are eligible for the program
- Maintain waiting list and select families for admission
- Maintain housing units by making any necessary repairs in a timely manner
- Screen families who apply for tenancy, to determine if they will be good renters
- Offer units to families (minimize vacancies without overcrowding)
- Maintain properties to the standard of decent, safe, sanitary, and in good repair including assuring compliance with Uniform Physical Conditions Standards (UPCS)
- Ensure that families continue to qualify under the program
- Collect rent due from the assisted family, comply with and enforce provisions of the lease
- Ensure that families comply with program rules
- Provide families with prompt and professional service
- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, ESLHA’s ACOP and other applicable federal, state and local laws

C. Role of the Resident

The resident’s responsibilities are set forth in the public housing dwelling lease. The resident has the following responsibilities:

- Comply with the terms of the lease
- Provide ESLHA with complete and accurate information determined by ESLHA or its management agent to be necessary for administration of the program
- Cooperate in attending all appointments scheduled by ESLHA or its management agent
- Allow ESLHA or its management agent to inspect the unit at reasonable times and after reasonable notice
- Take responsibility for care of the housing unit, including any violations of UPCS caused by the family and/or guest
- Not engage in drug-related or violent criminal activity
- Notify the management agent before moving or termination of the lease
1.5 Purpose of the Policy

The purpose of the Admissions and Continued Occupancy (ACOP) is to establish guidelines for ESLHA’s staff to follow in determining eligibility for admission to and continue occupancy. The ACOP is required by HUD and is available for public review [CFR 24 Part 903]. The ACOP also contains policies that support the objectives contained in ESLHA’s Agency Plan. All issues related to public housing not addressed in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local laws. The policies in this ACOP are designed to ensure compliance with the ACC. ESLHA is responsible for complying with all changes in HUD regulations pertaining to public housing. If such changes conflict with this policy, HUD regulations will have precedence.

1.6 Contents of the Policy

HUD regulations require ESLHA to incorporate certain items into a written policy. Those policies are as follows:

- Selection and admission of applicants from the waiting list, including any admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the waiting list (Chapters 5 and 6)
- Standards for determining eligibility, suitability for tenancy, and the size and type of the unit needed (Chapters 8, 9 and 15)
- Procedures for verifying the information the family has provided (Chapters 7, 9, 12 and 14)
- Policies for rent determination including annual and interim redeterminations of family income and composition (Chapter 8, 11, 18 and 20)
- Guidelines for conducting inspections (Chapter 17)
- Transfer policies and the circumstances under which a transfer would take precedence over an admission (Chapter 21)
- Grievance procedures (Chapter 23)
- Policies concerning payment by a family to ESLHA of amounts the family owes ESLHA (Chapter 4)
- Policies on assisting families claiming illegal discrimination (Chapter 2)
- Policies regarding the Violence Against Women Act (Chapter 4)
- Policies regarding community service requirements; (Chapter 24)
- Policies and rules about safety and ownership of pets in public housing (Chapter 25).

1.7 Organization of the Policy

This Policy is in topic specific chapters so that the users, ESLHA staff and public housing participants can find the information they need quickly. Where the Policy uses the words “shall,” “must” or “will” the action is mandatory. Where the Policy uses the words “may” or “should,” the action is discretionary.
Chapter 2 Fair Housing and Equal Opportunity

2.1 Nondiscrimination

The ESLHA shall not discriminate based on race, color, sex, age, familial status, religion, disability, national origin, ancestry, sexual orientation (including gender identity), marital status, housing status, order of protection status, military discharge status or source of income be excluded from participation in, or denied the benefits of, or be otherwise subjected to discrimination under ESLHA’s public housing program.

OVERVIEW

It is the policy of the ESLHA to fully comply with all equal opportunity requirements and nondiscrimination laws, rules, ordinances, and regulations set forth by local, state, and federal governments including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968, as amended by the 1974 Housing and Community Development Act and the Fair Housing Amendments Act of 1988 (“Fair Housing Act”)
- Executive Order 11063
- Executive Order 13166 on improving access to services for persons with limited English proficiency
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act and the Americans with Disabilities Amendment Act
- Violence Against Women Reauthorization Act of 2013 (VAWA)
- All applicable state laws and local ordinances

A. Providing Information to Public Housing Residents

ESLHA will take steps to inform public housing residents of all applicable civil rights laws regarding discrimination and any recourse available to them if they believe they may be a victim of discrimination. As part of the public housing orientation process, ESLHA will provide information to public housing applicants about civil rights requirements.

B. Discrimination Complaints

If an applicant or resident advises ESLHA that they believe that any family member has been discriminated against, ESLHA will provide a copy of a discrimination complaint form to the complainant and provide the family with information on how to complete and submit the form to HUD’s Office of Fair Housing and Equal Opportunity (FHEO).

2.2 Reasonable Accommodations

ESLHA shall ensure that persons with disabilities have full access to programs and services by making reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program. Such accommodations will begin with the first inquiry of an interested family and continues through every programmatic area of the
A. Definition of Reasonable Accommodation

Reasonable accommodations mean changes, exceptions or adjustments to a rule, policy, practice or service to ensure access to services and programs. Accommodations are reasonable if they do not create an undue financial and administrative burden for, or result in a fundamental alteration in the nature, of the program or service offered. A fundamental alteration is a modification that alters the essential nature of the operation.

B. Types of Reasonable Accommodations

When it is reasonable (see definition above and Section 2.2.6), ESLHA shall accommodate the needs of a person with disabilities. Examples include, but are not limited to:

- Conducting home visits
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing visual fire alarms for hearing impaired persons
- Allowing an ESLHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities and would not be otherwise living in the unit
- Permitting an authorized designee or advocate to participate in the application or recertification process and any other meetings with ESLHA staff
- If more than one accommodation is equally effective in providing access to the ESLHA’s programs and services, the ESLHA retains the right to select the most efficient or economical choice.
- Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

C. Request for an Accommodation

If an applicant or resident indicates that they need an exception, change or adjustment to a rule, policy, practice, or service because of a disability, ESLHA shall treat the information as a request for a reasonable accommodation. ESLHA will encourage the family to make its request in writing. However, ESLHA will consider the accommodation anytime the family indicates that it needs an accommodation, whether or not the family submits a formal written request.

The family must explain the type of accommodation it needs to provide the person with the disability full access to ESLHA programs and services. If the need for the accommodation is not readily apparent or known to ESLHA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability.
D. Verification of Disability

The definition of a person with a disability for obtaining a reasonable accommodation is much broader than the definition of disability for waiting list preferences and income allowances. Before providing an accommodation, ESLHA must determine that the person meets the definition of a person with a disability for reasonable accommodation, and that the accommodation will enhance the family’s access to ESLHA programs and services.

If a person’s disability is obvious, or otherwise known to ESLHA, and if the need for the requested accommodation is readily apparent or known, no further verification is required. If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to ESLHA, ESLHA must verify that the person meets the definition of a person with a disability for reasonable accommodations, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, ESLHA shall follow the general verification requirements in Chapter 7. All information related to a person’s disability is confidential and shall comply with confidentiality requirements outlined in Chapter 4. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability for reasonable accommodations:

1. To verify that an applicant or participant is a person with a disability, ESLHA will first check to see whether the applicant or participant is under age 62 and receives either Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) income. Receipt of such disability income is sufficient verification that an individual qualifies as a person with a disability for reasonable accommodations
   ▪ However, individuals with disabilities who do not receive SSI or SSDI may still qualify as a person with a disability
   ▪ In these cases, the individual with a disability may need to provide supporting documentation
2. ESLHA must obtain third party verification from an individual identified by the family who is competent to make the determination
   a. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual’s disability may provide verification of a disability
3. ESLHA must request only information that is necessary to evaluate the disability related need for the accommodation
   a. ESLHA will not inquire about the nature or extent of any disability
4. Medical records will not be accepted or retained in the applicant’s or participant’s file
5. In the event that ESLHA does receive confidential information about a person’s specific diagnosis, treatment or the nature or severity of the disability, ESLHA will dispose of it
   a. In place of the information, ESLHA will note in the file the verification of the disability and other requested information, the date the verification was received, and the name and address of the knowledgeable professional who sent the information
E. Approval/Denial of a Request for Reasonable Accommodations [Notice PIH 2010-26]

ESLHA shall approve a request for a reasonable accommodation if the following three conditions are met:

- The request is made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on ESLHA, or fundamentally alter the nature of SLHA’s public housing operations (including the obligation to comply with HUD requirements and regulations).

Before making a determination whether to approve the request, ESLHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that ESLHA may verify the need for the requested accommodation. ESLHA will respond in writing to a request for an accommodation within 10 business days.

If ESLHA denies a request for an accommodation because it is not reasonable, ESLHA will discuss with the family whether an alternative accommodation could effectively address the family’s disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.

If the family is unable to identify a reasonable alternative accommodation after interactive discussion and negotiation, ESLHA will notify the family of its determination within 10 business days from the date of the most recent discussion or communication with the family.

2.3 Accessibility for Persons with Hearing or Vision Impairments [24 CFR 8.6]

ESLHA will ensure that persons with disabilities related to hearing and vision have reasonable access to ESLHA programs and services. At the initial point of contact with each applicant, ESLHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication are available. To meet the needs of persons with vision impairments, ESLHA will orally explain the materials and will provide one-on-one assistance in meetings upon request.

In additional, ESLHA will use the interpretative services of local agencies upon request and will encourage the use of a third-party representative (a friend, relative or advocate, named by the family) to receive, interpret and explain housing materials and be present at all meetings.
2.4 Access to Services for Persons with Limited English Proficiency (LEP)

Overview

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program.

ESLHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons are referred to as Persons with Limited English Proficiency (LEP). The definition of LEP is persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this ACOP, LEP persons are public housing applicants, residents, and parents and family members of applicants and residents.

Oral Interpretation

ESLHA offers the family competent interpretation services, free of charge, to the LEP person upon request. If the LEP person desires, they may use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by ESLHA. The interpreter may be a family member or friend.

Written Translation

ESLHA will provide written translations in the following circumstances:

- Written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, ESLHA will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2.5 Allowing the use of Medical Marijuana as a Reasonable Accommodation

a. Reasonable Accommodation (§5.403) (HUD General Counsel Opinion on Medical Marijuana, 1/20/2011): Federal and state nondiscrimination laws do not require housing authorities to accommodate requests by current or prospective residents with disabilities to use medical marijuana. The PHA may not permit the use of medical marijuana as a reasonable accommodation because such accommodations are not reasonable under the Fair Housing Act and would constitute a fundamental alteration in the nature of the operations of the program (HUD General Counsel Opinion on Medical Marijuana, 1/20/2011, pages 1-2).

b. Medical Marijuana Use as a Reasonable Accommodation: Person(s) seeking a reasonable accommodations to allow the use of medical marijuana are not “individuals with a disability”
under Section 504 or the ADA and therefore do not qualify for a reasonable accommodation
to allow the use of medical marijuana. Furthermore, because such requests are tantamount
to requests to become an illegal drug user, ESLHA is prohibited from granting such a request
(HUD General Counsel Opinion on Medical Marijuana, 1/20/2011, page 6).

c. Medical Marijuana: The use of medical marijuana is strictly prohibited at all public
housing properties owned by The Housing Authority of the City of East St. Louis. The use of
medical marijuana by public housing residents and/or their guests will result in the
termination of the participant from the public housing program regardless of the date of
entry into the program.

2.6. Affirmatively Furthering Fair Housing

A. The ESLHA is committed to developing and implementing initiatives to affirmatively
further fair housing as mandated by the Fair Housing Act.

B. The ESLHA will use federal financial assistance and other program resources to overcome
barriers to fair housing for public housing applicants and residents, including but not
limited to:
1. Development of an analysis of impediments
2. Action planning and implementation
3. Recordkeeping and assessment

C. The ESLHA will display the Fair Housing poster at the main office and all property
management offices. 24 CFR § 110

D. The ESLHA will include the Fair Housing advertising and logo on all documents distributed
to applicants and residents and any advertising materials.

E. The ESLHA will comply with all data collection requirements for recipients based on race,
color, religion, sex, national origin, age, handicap, sexual orientation and family
characteristics. 24 CFR §121.

F. The ESLHA will utilize HUD’s Fair Housing Planning Guide when making decisions regarding
fair housing policy.

2.7 Outreach
The ESLHA will publicized the availability of the public housing program in a newspaper of local
circulation, media outlet, website and other suitable means.

2.8 Right to Privacy
All adult household members of both, applicant and public housing residents are required to sign
HUD Form 9886, Authorization for the Release of Information and Privacy Act Notice.

2.9 Required Postings
The ESLHA will post in the management offices and conspicuous place and at a height easily read
by all persons.
Chapter 3 Program Integrity

3.1 Preventing Errors and Program Abuse

ESLHA is committed to maintaining integrity in its Public Housing program and ensuring the program is administered effectively and according to the highest ethical and legal standards. ESLHA will utilize the Enterprise Income Verification (EIV) system and the following techniques to ensure that both errors and intentional program abuse are rare.

- Provide applicants and residents with form HUD-52675, “Debts Owed to PHAs and Terminations “and require the signature of all adult family members of an applicant or resident to acknowledge the receipt. The HUD-52675 form will be retained in the family file
- Discuss the program compliance and integrity issues during the interview sessions.
- Provide each applicant and resident with a copy of “Is Fraud Worth It?” (Form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse.
- Provide each applicant and resident with a copy of “What You Should Know about EIV,” a guide to the Enterprise Income Verification system published by HUD. In addition, ESLHA will require the head of each household to acknowledge receipt of the guide by signing a copy for retention in the family file
- Place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key ESLHA forms and form letters that request information from a family.
- ESLHA or management agent’s staff will review and explain the contents of all HUD and ESLHA required forms prior to requesting family member signatures
- Provide necessary training on program rules and the organization’s standards of conduct and ethics

3.2 Detecting Errors and Program Abuse

In addition to taking steps to prevent errors and program abuse, ESLHA will use a variety of activities to detect errors and program abuse.

A. Quality Control Reviews

ESLHA will review a random sample of resident records at least annually to determine if the records conform to program requirements. ESLHA may also conduct periodic quality control reviews to ensure program compliance and conduct quality control inspections of a sample of units to ensure UPCS compliance.

B. Analysis of Data

ESLHA will use data gathered in administration of the program to assist in the detection of errors and program abuse. Data analysis will include the following:

- Utilize HUD’s EIV system to compare family information provided.
- Comparison of current information provided by the family to information provided at the last annual reexamination to identify inconsistencies and incomplete information.
• Comparison of family-reported income and expenditures to detect possible unreported income

C. Individual Reporting of Possible Errors and Program Abuse
ESLHA will encourage residents, and the public to report suspected program abuse. The ESLHA will require staff to report fraud and abuse.

3.3 Investigating Errors and Program Abuse
A. Conducting Investigations
ESLHA will review all referrals, specific allegations, complaints and tips from any source including other agencies, companies and individuals to determine if they warrant investigation. In order for ESLHA to investigate, the allegation must contain at least one independently verifiable item of information, such as the name of an employer or the name of an unauthorized household member. ESLHA may investigate possible instances of error or abuse using all available ESLHA and public records. If necessary, ESLHA will require residents to give consent to the release of additional information.

B. Analysis and Findings
For each investigation, a determination will be made whether an error or program abuse has occurred, whether any amount of money is owed, and what corrective measures or penalties will be assessed. A determination of outcome will be made based on each investigation and the evidence collected during the investigation.

3.4 Corrective Actions for Program Error and Abuse
A. General Considerations
ESLHA shall correct all errors and instances of program abuse once the determination of the error or abuse is complete. Whether ESLHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

In the case of resident-caused errors or program abuse, ESLHA will take into consideration the seriousness of the offense and the extent of participation or culpability of individual family members, any special circumstances surrounding the case, any mitigating circumstances related to the disability of a family member, and the effects of a particular remedy on family members who were not involved in the offense, when determining additional corrective action.

B. Resident Caused Errors and Program Abuse
An incorrect rent determination caused by a resident generally is the result of incorrect reporting of family composition, income, assets, or expenses, but also includes instances in which the resident knowingly allows ESLHA to use incorrect information provided by a third party.
C. **Prohibited Actions**

An applicant or resident in the Public Housing program must not knowingly:

- Make a false statement to ESLHA [Title 18 U.S.C. Section 1001]
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.552(c)(iv)]
- Offer bribes or illegal gratuities to ESLHA Board of Commissioners, employees, contractors or other ESLHA representatives
- Offer payments or other incentives to the staff or a third party as an inducement for the third party to make false or misleading statements to ESLHA on the resident’s behalf
- Use a false name or the use of falsified, forged or altered documents
- Misreport family information or circumstances (e.g. income, family composition)

D. **Program Abuse**

In the case of program abuse, caused by a resident, ESLHA may impose any of the following remedies:

- Require the resident to pay any amounts owed to the program
- Require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit
- Deny admission or terminate the resident’s lease
- Refer the resident for state or federal criminal prosecution

1. **Resident Reimbursement to ESLHA**

   In the case of resident-caused errors or program abuse, ESLHA shall require the resident to repay any excess subsidy received. ESLHA may, offer the resident a repayment agreement. If the resident fails to repay the excess subsidy, ESLHA will terminate the resident’s lease in accordance with the policies in Chapter 22.

2. **ESLHA Reimbursement to Resident**

   ESLHA will not reimburse the resident for any underpayment of assistance when the resident causes the underpayment.

E. **ESLHA Caused Errors or Program Abuse**

An incorrect rent determination caused by ESLHA as the result of an error incorrectly recording or processing information from the resident or an omission in acquiring all the necessary information from the resident. Program abuse occurs when a staff member willfully intends to deceive or mislead.

The following activities constitute program abuse by ESLHA or management agent staff:

- Fail to comply with any public housing program requirements for personal gain
- Fail to comply with any public housing program requirements as a result of a conflict of interest relationship with any applicant, or resident
• Seek or accept anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to ESLHA
• Improperly disclose confidential or proprietary information to outside parties
• Gain profit as a result of insider knowledge of ESLHA activities, policies or practices
• Misappropriate or misuse public housing funds
• Destroy, conceal, remove or inappropriately use any records related to the public housing program
• Commit any other corrupt or criminal act in connection with any federal housing program

F. ESLHA Penalties
   ESLHA or its management agent will take all appropriate disciplinary actions, including termination, outlined in the Personnel Policy or the agent’s Management Agreement when it determines that a staff member has committed program abuse.

   1. **ESLHA Reimbursement to Resident**
      ESLHA shall credit the resident’s account for any overpayment of rent that is the result of staff error or staff program abuse.

G. **Timing of Subsidy Under- or Overpayments**
   Whether the incorrect rent determination is an overpayment or underpayment of subsidy, ESLHA must promptly correct the rent and any utility reimbursement. Increases in the rent will be implemented only after the resident has received 30 days notice. Any decreases in rent will become effective the first of the month following the discovery of the error.

H. **Criminal Prosecution**
   When ESLHA determines that program abuse or other serious criminal activity by a resident or management agent’s staff member has occurred, ESLHA may refer the matter to the appropriate law enforcement authority for prosecution. When the amount of underpaid rent meets or exceeds $10,000, the case will also be referred to the HUD Office of Inspector General (OIG).
Chapter 4 Program Administration

4.1 Utility Allowances [24 CFR 982.517]

Overview
ESLHA will maintain utility allowance schedules for all resident-paid utilities by development. The utility allowance schedules shall be based on the typical cost of utilities and services paid by energy conservative households that occupy housing of similar size and type. To determine the schedule, the estimated usage for electric and gas service based on structure type and bedroom size will be used. The most current utility rate is applied to determine the monthly cost of the utility service. Costs for telephone, cable/satellite television and internet services are not included in the utility allowance schedule.

A. Utility Allowance Revisions
ESLHA will review its schedule of utility allowances each year, and will revise the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised. ESLHA will maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.

4.2 Flat Rents

A. Establishing Flat Rents [24 CFR 960.253(b)]
Flat rents for public housing units are based on the market rate rent charged for comparable units in the private unassisted rental market. The flat rent should be equal to the estimated rent for which ESLHA could lease the public housing unit. The flat rent must be set at no less than 80 percent of the applicable Fair Market Rent (FMR) established by HUD or the SAFMR, or exception Flat Rent, if approved by HUD.

1. Utility Payments Adjusted
In developments in which families are responsible for making direct payments to the utility company, ESLHA will first determine 80 percent of FMR or SAFMR for each bedroom-size, and then reduce the amount by the tenant-paid utility allowance.

B. Review of Flat Rents
ESLHA will review flat rents, on an annual basis no later than 90 days from when HUD issues new FMRs and set flat rents at no less than 80 percent of the FMR or SAFMR, subject to the utilities adjustment. If the FMR has decreased during the preceding year, no adjustment will be made and the flat rents will remain the same.

C. Documentation of Flat Rents
ESLHA will maintain records used to determine and show how flat rents were determined.
4.3 Repayment of Family Debts

Overview
ESLHA will hold the family liable to return any overpayments of housing assistance as a result of the family’s action and in action. ESLHA may enter into repayment agreements in these instances. When the family refuses to repay monies owed to ESLHA, ESLHA may utilize other available collection alternatives.

A. Methods of Collection
ESLHA will make every effort to collect money owed by families. A variety of tools will be used to recover debts including, but not limited to:
- Demands for lump sum payments
- Repayment agreements
- Civil suits
- Collection agencies
- Report of debt to credit bureaus

B. Family Debts to ESLHA
Any amount owed to ESLHA by a public housing family must be repaid by the family. If the family is unable to repay the debt within 30 days, ESLHA may offer to enter into a repayment agreement in accordance with the policies below. If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, ESLHA will terminate the tenancy in accordance with Chapter 22 and may pursue other modes of collection.

C. Repayment Agreement
The term repayment agreement refers to a formal written document signed by the family and provided to ESLHA in which the family acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods. There are some circumstances in which ESLHA may not enter into a repayment agreement. They are:
- If the family already has a repayment agreement in place.
- If ESLHA determines that the family committed program fraud.
- If ESLHA determines that the debt amount is larger than can be paid back by the family within 12 months.

D. General Repayment Agreement Terms and Guidelines for Families

1. Down Payment Requirement
ESLHA will require a down payment of 10% of the total amount due before executing a repayment agreement with a family. If the family can provide evidence satisfactory to ESLHA that a hardship exists if a 10% down payment is paid, ESLHA may, at its sole discretion, require a lesser percentage or waive the requirement.

2. Term of the Agreement
The terms of the agreement shall not exceed 12 months. The Executive Director or his/her designee may extend the duration of the repayment agreement in cases of extreme hardship.
3. Due Dates
All payments are due on or before the close of the first business day of the month along with the rent.

4. Late or Missed Payments
If resident fail to make the payment by the due date and prior approval for the missed payment was not requested and/or given by ESLHA, the family will be forwarded a demand notice giving the family 14 days to make the late payment. If the payment is not received by the due date, the agreement will be considered breached and ESLHA will terminate the tenancy in accordance with Chapter 22.

5. No Offer of Repayment Agreement
ESLHA will not enter into more than one repayment agreement with the family. If a family already has a repayment agreement in place, any new debts must be paid in full or ESLHA will terminate the tenancy.

6. Repayment Agreements Involving Improper Payments
ESLHA will include the following provisions in any repayment agreement owed by a family due to underreported or failed to report income:

- A reference to the paragraph of the dwelling lease referencing the whereby the resident is in non-compliance and may be subject to termination of tenancy.
- A statement clarifying the monthly amount the family must pay including monthly rent to ESLHA.
- A statement allowing the terms of the repayment agreement to be revised if the family’s income decreases or increases.
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of the tenancy.

E. Program Fraud
Residents who owe money to ESLHA due to the family’s failure to report increases in income will be required to repay in accordance with the guidelines of the repayment agreement. If the family owes an amount, which equals or exceeds $10,000 as a result of program fraud, the case will be referred to the Inspector General. ESLHA will refer the case for criminal prosecution when appropriate, and will not enter into any repayment agreement when fraud has been reported to the Inspector General.

4.4 Public Housing Assessment System (PHAS)

Overview
The Public Housing Assessment System (PHAS) is a tool HUD uses to measure a PHA’s performance in key areas to ensure program integrity and accountability. PHAS scores translate into a rating of high performer, standard performer or troubled agency.

A. PHAS Indicators [24 CFR 902 Subparts A, B, C, D, and E]
The PHAS indicators are as follows:

- Indicator 1: Physical condition
  The objective of this indicator is to determine the level to which ESLHA is maintaining its
public housing in accordance with the standard of decent, safe, sanitary, and in good
repair. To determine the physical condition of ESLHA’s projects, inspections are performed
of the following five major areas of each public housing project: site, building exterior,
building systems, dwelling units and common areas. The inspections are performed by an
independent inspector arranged by HUD, and include a statistically valid sample of the
units in each project in the PHA’s public housing portfolio.

- **Indicator 2: Financial condition**
The objective of this indicator is to measure the financial condition of ESLHA’s public
housing projects for the purpose of evaluating whether ESLHA has sufficient financial
resources and is capable of managing those financial resources effectively to support the
 provision of housing that is decent, safe, sanitary, and in good repair. ESLHA’s financial
condition is determined by measuring each public housing project’s performance in each of the following sub-indicators: quick ratio, month’s expendable net
assets ratio, and debt service coverage ratio.

- **Indicator 3: Management operations**
The objective of this indicator is to measure certain key management operations and
responsibilities of ESLHA’s projects for the purpose of assessing ESLHA’s management
operations capabilities. Each project’s management operations are assessed based on
the following sub-indicators: occupancy, tenant accounts receivable, and accounts
payable.

- **Indicator 4: Capital Fund**
The objective of this indicator is to measure how long it takes ESLHA to obligate capital
funds and to occupy units. ESLHA’s score for this indicator is measured at the PHA
level and is based on the following sub-indicators: timeliness of fund obligation and
occupancy rate.

4.5 Record Keeping

**Overview**
ESLHA will maintain complete and accurate accounts and other records for the program in
accordance with HUD requirements. ESLHA will ensure that all applicant and resident files are
maintained in a way that protects an individual’s privacy rights.

**A. Record Retention**
ESLHA will maintain the last three years of the Form HUD-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 (EOP) date.

During the term of each public housing tenancy, and for at least three years thereafter, ESLHA
will keep all documents related to a family’s eligibility, tenancy and termination. In addition,
ESLHA will keep the following records for at least three years:

- An application from each ineligible family and notice that the applicant is not eligible
- Supporting documentation of the establishment of flat rents
• Supporting documentation of the establishment of utility allowances
• Documentation related to PHAS
• Accounts and other records supporting ESLHA budget and financial statements for the program
• Other records as determined by ESLHA or as required by HUD

ESLHA will maintain documentation of family debts to ESLHA in family’s file.

B. Records Management
All applicant and resident information will be kept in a secure location and access will be limited to authorized ESLHA staff. ESLHA staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

C. Privacy Act Requirements
The collection, maintenance, use and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers and income information of applicants and participants will be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law. Applicants and residents, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or ESLHA may release the information collected.

D. Up-Front Income Verification (UIV) Records
ESLHA will maintain EIV security procedures as required by HUD.

E. Criminal Records
ESLHA may only disclose the criminal conviction records, which ESLHA receives from a law enforcement agency to officers or employees of ESLHA, or to authorized representatives of ESLHA who have a job-related need to have access to the information. ESLHA will ensure that any criminal record received by ESLHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to ESLHA action without institution of a challenge or final disposition of any such litigation.

F. Medical/Disability Records
ESLHA will not inquire about the nature or extent of a person’s disability or about a person’s diagnosis or details of treatment for a disability or medical condition. If ESLHA receives a verification document that provides such information, ESLHA will not place this information in the resident file. ESLHA will destroy the document.
4.6 Violence Against Women Act (VAWA): Notification, Documentation, Confidentiality

Overview
The Violence Against Women Act (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault or stalking who are applying for or receiving assistance under the public housing program.

A. Definitions [24 CFR 5.2003]
As used in VAWA:

- **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

- **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 cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

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

- **Stalking** means:
  - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
  - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
  - In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

- The term **sexual assault** means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
B. Notification [24 CFR 5.2305(a)]

1. Notification to Public
   ESLHA will post in its offices and on its website a summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, sexual assault or stalking.

2. Notification to Applicants and Residents
   ESLHA will provide all residents with information about VAWA at the time of admission and at annual reexamination.

C. Documentation

Overview
   When ESLHA is presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, stalking, sexual assault or criminal activity related to any of these forms of abuse, it may request that the individual making the claim document the abuse. If there is fear of reprisal from the perpetrator, then the victim does not have the name the perpetrator. Any request for documentation will be in writing, and the individual will be allowed at least 14 business days after receipt of the request to submit the documentation. The individual may satisfy ESLHA’s request by providing any one of the following three forms of documentation:

- A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which will include the name of the perpetrator
- A federal, state or local police report or court record
- Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent or volunteer of a victim service provider, an attorney or a medical professional. The person signing the documentation will attest under penalty of perjury to the person’s belief that the incidents in question are bona fide incidents of abuse. The victim will also sign the documentation. ESLHA will not require third party documentation in addition to certification, except as specified. All requests for documentation of VAWA issues specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation will be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline. ESLHA may extend the deadline upon request.

4. Conflicting Documentation [24 CFR 5.2007(e)]
   If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, ESLHA will attempt to determine which the true victim is by requiring each of them to provide third party
documentation. ESLHA will honor any court orders issued to protect the victim or to address the distribution of property.

5. Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

ESLHA may provide benefits to an individual based solely on the individual’s statement or other corroborating evidence—i.e., without requiring formal documentation of abuse. If ESLHA accepts an individual’s statement or other corroborating evidence of domestic violence, dating violence, sexual assault, or stalking, ESLHA will document acceptance of the statement or evidence in the individual’s file.

6. Failure to Provide Documentation [24 CFR 5.2007(c)]

In order to deny relief for protection under VAWA, ESLHA will provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as ESLHA may allow, ESLHA may deny relief for protection under VAWA. ESLHA may grant an extension for circumstances beyond the control of the victim.

D. Confidentiality [24 CFR 5.2007(b) (4)]

All information provided to ESLHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence or stalking, will be retained in confidence. ESLHA will not enter the information into any shared database, will not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and will not provide the information to any other entity or individual, except to the extent that the disclosure is requested or consented to by the individual in writing, required for use in an eviction proceeding, or otherwise required by applicable law. If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, ESLHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.
Chapter 5 Applying for Admission and Waiting Lists

Introduction
When a family desires to reside in public housing, the family must submit an application that provides ESLHA with the information needed to determine the family’s eligibility. ESLHA will place all eligible families that apply for the public housing program on a waiting list. When a unit becomes available, ESLHA will select families from the waiting list in accordance with the requirements of this policy. This chapter describes ESLHA’s policies for taking applications and managing the waiting list.

ESLHA’s policies for selecting families from the waiting list, assigning unit size and making unit offers are contained in Chapter 6, 15 and 16. Together, Chapters 6, 15 and 16 of the policy comprise ESLHA’s Tenant Selection Policy.

5.1 Opening and Closing the Waiting List

A. Opening the Waiting List
ESLHA utilizes site-based waiting lists. The applicant may apply for applicant sites. A description of the site-based waiting list and the developments included on each site-based list are outlined in Attachment Site-Based Waiting Lists. When the waiting list for a particular AMP/development is opened ESLHA will advertise with a Public Notice. The Public Notice of waiting list opening will specify the following:

- The AMP/developments for which the waiting list is open
- Bedroom size
- Type of AMP/development (Elderly only or General Occupancy)
- Dates and times applications will be accepted
- Date and time the waiting list will open and close (if known)

Public Notices announcing the opening of the waiting list will be advertised in a newspaper of general circulation and a minority newspaper, on ESLHA’s website and through various media outlets or community groups. ESLHA may send notices to organizations that serve families that are likely to be eligible for assistance. The notice shall comply with fair housing requirements and will contain any limitations on applications, such as bedroom size or preference type.

Depending upon the composition of the waiting list with regard to family types and preferences, ESLHA may only accept an application from families claiming one or more preferences or a specific bedroom size.

ESLHA will not deny anyone the opportunity to submit an application. All applications will be ranked in the order received. ESLHA will make applications available in an accessible format upon request from a person with a disability.

Current residents may apply for a new development when that development’s waiting list opens.
B. Closing the Waiting List

ESLHA or its agents will close the waiting list for an AMP that grown unreasonably long. If ESLHA determines the demand for applications will be high, ESLHA may advertise the waiting list closing date in the same notice that announces the waiting list opening date.

C. Family Outreach

ESLHA may conduct the necessary outreach to ensure that a sufficient number of applicants are on the development’s list. ESLHA is required to serve a specified percentage of extremely low income families and may need to conduct special outreach to ensure that an adequate number of such families apply for assistance.

The ESLHA will publicized the availability of the public housing program in

- Newspaper of local circulation and/or media outlets, website and other suitable means
- Developing informational materials and flyers to distribute to other agencies

5.2 Maintaining the Waiting Lists

A. Wait List Contents

Each site based waiting list should contain the following information for each applicant listed:

- Name of head of household
- Unit size required (number of family members)
- Accessibility requirements, if any
- Date and time of application
- Household type (family, elderly, disabled)
- Admission preference points, if any
- Race and ethnicity of the head of household

B. Refreshing a Site-Based Waiting List

As ESLHA and/or its managing agents select applicants from the waiting lists, status of various applicants’ changes. To insure that families are selected in the correct order, management agents will refresh and maintain each waiting list monthly except in the cases where the management agent has recently received new applications. In those cases, the management agent shall enter all the new applications before the waiting list is refreshed.

C. Purging a Site-Based Waiting List

ESLHA and/or its managing agents will periodically purge the site-based waiting list to ensure that the site-based waiting list is current and accurate. To purge the site-based waiting list, ESLHA’s and/or managing agent will mail each applicant on the list an update request to confirm his or her continued interest. The update request will be sent to the last address ESLHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant’s name being removed from the site-based waiting list. The applicant’s response must be in writing and may be delivered in person, by mail, by fax or by e-mail. If the applicant fails to respond by the deadline contained in the update request, the applicant’s name will be withdrawn from the site-based waiting lists. An extension of 10 days to respond will be granted if requested and
needed as a reasonable accommodation for a person with a disability.

If a letter is returned by the Post Office, the applicant will be removed from the site-based waiting lists without further notice and the envelope and letter will be maintained in the file. *If an applicant is removed from the site-based waiting list for failure to respond, they will not be entitled to reinstatement unless ESLHA determines there were circumstances beyond the person’s control.*

D. Applicant’s Request to Withdraw from a Waiting List
An applicant may request to withdraw their application at any time by submitting a written or verbal request to be withdrawn. Withdrawn applications will not be reactivated. An applicant who has withdrawn an application must reapply when a waiting list is open.

5.3 Applying for Assistance

A. Overview
The application process is in two phases. The first is the "initial" application for assistance. In the first phase, ESLHA will require families to provide 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 second phase is the final determination of eligibility. This process takes place when the family is close to the top of the waiting list. When the family is close to the top of the waiting list ESLHA will verify all eligibility factors, including verification of any claimed preference, in order to determine the family's eligibility for assistance.

B. Application Process [24 CFR 960.200]
Families who wish to apply for ESLHA's Public Housing program must complete a pre-application form when a waiting list is open. ESLHA will make applications available in an accessible format upon request from a person with a disability. Applications must be complete in order to be accepted by ESLHA for processing. Applications may be made online @www.eslha.org or in person:

East St. Louis Housing Authority
700 North 20th Street
E. St. Louis, Illinois 62205

*Once the on-line application is submitted it will be automatically dated and time stamped. In order for the application to be completed and accepted, the public housing certification documents must be returned to the main at the above address within five (5) business days.*

Persons with disabilities who require a reasonable accommodation in completing an application may call the ESLHA to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is 800-545-1833, ext. 471.

The application process will involve two (2) phases

- Phase one (1) is the initial application for housing assistance or the pre-application.
The pre-application requires the family to provide limited basic information establishing any preferences to which they may be entitled. This first phase results in the family’s placement on the waiting list.

Upon receipt of the family’s pre-application, ESLHA will make a preliminary determination of eligibility and will notify the family in writing of their eligibility along with information to check their status on the waiting list. If ESLHA determines the family to be ineligible for all waiting list applied for, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The family may also add or remove sites from the waiting lists. The ESLHA will annotate the applicant’s file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

- Phase two (2) is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. The ESLHA will ensure that verification of all preferences, eligibility, suitability and selection factors are current in order to determine the family’s final eligibility for admission into the Public Housing Program.

Applicants do not require an interview. Submission of a complete application form establishes the family’s date and time of application for placement order on the waiting list. The application requires the provision of the following information:

- Names of all family members and date of births
- Sex and relationship of all members
- Mailing address and phone numbers
- Amount(s) and source(s) of income received by all household members
- Information related to qualification for preference or special admissions
- Social Security Numbers
- Citizenship/eligible immigration status
- Request for special features needed in the unit
- Release for a criminal background check

Completed applications must be submitted to ESLHA or management agent. Applications will be system-dated, time-stamped. Applicants will be determined ineligible if false information is placed on the application. (etc. social security Numbers) Duplicate applications, including applications from a segment of an applicant household, will not be accepted.
5.4 Placement on Waiting List

A. General Placement on a Waiting List

The date and time of receipt of the application determines the position on the waiting lists, except for applicants eligible for local preferences (see Chapter 6). ESLHA will assign families on a waiting list according to the preference, date, time and bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 15). Placement on a waiting list does not indicate that the family is, in fact, eligible for admission. Each apparently eligible applicant will be advised, in writing, of his/her status on the waiting list.

If the waiting list is open, ESLHA will accept applications from eligible families unless there is good cause for not accepting the application, such as the applicant does not qualify for the development type, unit size or preference for which the list is open or the applicant engages in threatening or abusive behavior during the application process. No applicant has a right or entitlement to be listed on a waiting list, or to any particular position on a waiting list.

B. Ineligibility for Placement on the Site-Based Waiting List

If ESLHA determines from the information provided that an applicant is ineligible, the family will not be placed on a waiting list. Where an applicant is determined to be ineligible, ESLHA’s and/or its managing agent will send written notification of the ineligibility determination as soon as practicable after receiving a complete application. The notice will specify the reasons for ineligibility, and will inform the applicant of the right to request an informal hearing and explain to request an informal hearing.

C. Eligible for Placement on the Site-Based Waiting List

If the information on the application does not indicate that the applicant is ineligible, the applicant will be placed on the site-based waiting list for which they applied. The placement on the waiting list does not indicate that the applicant is eligible for assistance. A final determination of eligibility will be made when the applicant is selected from a site-based waiting list.

5.5 Applicant Status While on the Waiting List

Changes in an applicant’s circumstances while on a site-based waiting list may affect the family’s entitlement to a preference. Applicants are required to notify ESLHA and/or the managing agent in writing when their circumstances change. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

In addition, while the family is on a site-based waiting list, the family must immediately inform ESLHA or its managing agent of changes in contact information, including current residence, family composition, mailing address, and phone number. The changes must be submitted in writing.

Reported changes may affect applicant’s position on the waiting list even if an applicant had been screened and approved. Applicant may be placed back on the waiting list.
Chapter 6 Tenant Selection

Overview
As dwelling units become available, ESLHA and/or the managing agent will select applicants from the AMP’s waiting list. The order in which applicant will be selected is based on the vacant unit size and the applicant’s ranking on the waiting list based on the applicant’s preference, date and time of original application submittal date.

6.1 Income Targeting [24 CFR 960.202(b)]
At a minimum, 40 percent of all new admissions on an annual basis will be families with incomes at or below 30 percent, extremely low-income, of the local area median income.

ESLHA may select a family that qualifies as extremely low income over other eligible families in order to meet the income targeting requirement. These offers of assistance will be made without discrimination based on race, color, religion, sex, national origin, age, disability or familial status.

6.2 Units Designated for Elderly Families [24 CFR 945]
A specific preference (age) applies for public housing developments operated by ESLHA that have been designated for elderly families only. If there are not enough elderly families to occupy the units in the designated development, near-elderly families will be allowed to occupy the units. Near-elderly family means a family whose head, spouse, life partner or co-head is at least 50 years of age, but is less than 62.

The elderly family’s decision not to occupy and/or accept occupancy in designated housing will not have an adverse effect on their admission or continued occupancy in public housing or their position on or placement on any other site-based waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, sex, age, familial status, religion, disability, national origin, ancestry, sexual orientation (including gender identity), marital status, of the occupants of the designated housing or the surrounding area.

6.3 Deconcentration of Poverty and Income Mixing [24 CFR 903.1 and 903.2]
ESLHA must provide for deconcentration of poverty and income mixing by bringing higher income residents into lower income developments and lower income residents into higher income developments. Developments subject to the deconcentration requirement are referred to as covered developments and include general occupancy (family) public housing developments. Developments that are designated specifically for elderly; developments operated with fewer than 100 public housing units; developments approved for demolition or for conversion to tenant based public housing; and approved mixed-finance developments using HOPE VI or public housing funds are not subject to deconcentration.

ESLHA will determine the average income of all families in all covered developments on an annual basis. ESLHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85 percent to 115 percent of the average family income. If covered developments have an average incomes outside the EIR, ESLHA will then determine whether or not these developments are consistent with its local goals and annual plan.
If the development is not consistent with local goals ESLHA may skip a family on the waiting list to reach another family in an effort that would further the goals of deconcentration.

### 6.4 Waiting List Preferences

ESLHA has established a preference system for admission to its public housing program. ESLHA uses the following local preference system:

- Employed, elderly or disabled
- Veteran
- Local Preference
- Enrolled in or recently graduated from a job training or educational program

#### A. Employed, Elderly, Disabled, or Veteran or Preference

An applicant qualifies for this preference if the family meets the definitions below. ESLHA will only apply the preference points once to each family if the applicant family meets more than one definition under this preference.

1. **Employed**
   An applicant qualifies for this preference if the head of household or spouse, life partner of the applicant family is employed. For the purpose of this preference, an applicant is considered employed if they work at least 20 hours per week.

2. **Elderly**
   An applicant qualifies for this preference if the head of household, spouse or life partner of the applicant family is 62 years old or older.

3. **Disabled**
   An applicant qualifies for this preference if the head of household, spouse, life partner or sole member is a person with disabilities; or two or more adult persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. A person who is under a disability, as defined in Section 233 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 (7)). People who are diagnosed with alcoholism or drug abuse are not part of the definition of disabled. ESLHA does recognize an applicant, family, or spouse, life partner with HIV as a disabled person.

4. **Veteran**
   An applicant qualifies for this preference if the head of household, spouse or life partner of the applicant is a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable.

5. **Enrolled In or Recently Graduated from a Job Training or Educational Program**
   An applicant qualifies for this preference if the head of household or spouse, life partner of the applicant family is currently enrolled in or within the last 12 months has graduated from a job training or educational program.

ESLHA defines a job training program as a learning process with goals and objectives,
generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency and it enhances the individual’s ability to obtain employment.

ESLHA defines an educational program as a GED program or an institution of higher learning. To qualify, the applicant must be regularly attending a GED program and making progress toward attainment of a GED or they must be taking at least six credit hours at an institution of higher learning.

An applicant remains qualified for the preference if the applicant completed the job training program, obtained a GED or graduated from the institution of higher learning within the past 12 months.

B. Residency

1. An applicant or family head or spouse that’s living, working or has been notified that they have been hired to work in East St. Louis (IL) will qualify for a preference. Proof in the form of a letter extending offer of employment will be required.

Preferences Point Value assignments

The ESLHA will assign point values to each applicant who qualifies for a preference as outlined below so that it can select the most appropriate applicant for its dwelling units among all of the applicants in the preferences selection pool of the waiting lists. Points will be assigned as follows:

6.5 Order of Selection [24 CFR 960.206(e)]

Families will be selected from the waiting list based on preference. Each preference will receive an allocation of points. If an applicant qualifies for more than one preference, the points for each preference are added together to determine the ranking on the waiting list. Among applicants with equal preference status, the waiting list ranking is determined by date and time of receipt of the application. Applicants that do not qualify for any preferences will be placed on the waiting list based on time and date of application. Points will be assigned as follows:

<table>
<thead>
<tr>
<th>Point Value Assigned</th>
<th>Criteria</th>
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<tbody>
<tr>
<td>20</td>
<td>Employed, Elderly or Disabled</td>
</tr>
<tr>
<td>5</td>
<td>Enrolled in or recently graduated from a job training or educational program</td>
</tr>
<tr>
<td>3</td>
<td>Applicants who live, work or who have a bona fide offer to work in ESLHA’s jurisdiction.</td>
</tr>
<tr>
<td>5</td>
<td>Veteran Status-Applicant who are a Veteran or survivor of Veteran who actively served in a branch of the US Armed Services. (The term Survivor includes the spouse or window of a veteran)</td>
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</tbody>
</table>
When selecting applicants from the waiting list ESLHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. ESLHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features. By matching unit and family characteristics, it is possible that families who have a lower ranking on the site-based waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference points. In addition, families may be selected to satisfy deconcentration or income mixing and income targeting requirements. This may also result in families with a lower ranking on the site-based waiting list, receiving an offer of housing ahead of families with an earlier date and time of application or higher preference points.

6.6 Verification of Local Preference
An applicant's entitlement to a local preference will be accepted without verification at the initial application. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified. Applicants that cannot verify the preferences claimed will be denied the preference placed on the waiting list without the preference points and re-ranked based on the date and time of the application. If, at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family could not verify their eligibility for the preference as of the date of application, the family will be removed from the list. All preferences will be verified in accordance with the verification procedures outlined in Chapter 9.

6.7 Preference Denial
If ESLHA denies a preference, ESLHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. If the preference denial is upheld, as a result of the review or the applicant does not request a review, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against. If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waiting list.

6.8 Notification of Selection
ESLHA will notify the family by first class mail or email when it is selected from the waiting list at least seven (7) days prior to appointment. The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview
- Who is required to attend the interview
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation
- Documents that must be provided at the interview to document eligibility for a preference, if applicable
- Other documents and information that should be brought to the interview
Applicants who fail to attend two (2) scheduled interviews, without the prior approval of ESLHA, will be denied assistance and removed from the site-based waiting list.

If a notification letter is returned from the Post Office, the applicant will have fifteen (15) days to notify ESLHA or the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents ESLHA from making an eligibility determination; therefore, no informal hearing will be offered.

6.9 Applicant Interview

Families selected from the waiting list are required to participate in an eligibility interview. The head of household and the spouse, life partner or co-head are required to attend.

A. Eligibility Interview

Families selected from the waiting list are required to participate in an eligibility interview. The head of household and all adult household members 18 or over are required to attend the interview. The interview will be conducted only if the head of household, spouse, life partner or co-head provides appropriate documentation of legal identity. The family must provide the information necessary to establish the family’s eligibility and determine the appropriate level of assistance, as well as complete required forms, provide required signatures, and submit required documentation.

ESLHA will provide translation services at ESLHA’s expense upon request. Interviews will be conducted in English for limited English proficient (LEP) applicants.

If any materials are missing, ESLHA will provide the family with a written list of items that must be submitted. If all adult members do not attend the interview, verification of information pertaining to adult members not present will not begin until the family members sign the release forms at ESLHA. Any required documents or information that the family is unable to provide at the interview must be provided seven (7) days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and family information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial.
Chapter 7 General Verification Requirements
[24 CFR 960.259 (c)]

Overview
ESLHA shall obtain the family’s consent to collect and verify all information used to establish the family’s eligibility. Applicants and residents must provide true and correct information and cooperate with the verification process as a condition of receiving assistance. ESLHA’s verification requirements are designed to maintain program integrity.

ESLHA’s verification requirements are designed to maintain program integrity. This Chapter explains ESLHA’s general verification hierarchy for verifying all factors related to a family’s participation in the public housing program. Detailed information on verifying eligibility, annual income and adjustments to annual income are provided in Chapters 9, 12 and 14, which provide specific verification information for each area.

Streamlining Verification of Assets
The ESLHA has elected to use the streamlining verification of assets. For a family with net assets equal to or less than $5,000, the ESLHA may accept, for purposes of recertification of income, a family’s declaration that it has net assets equal to or less than $5,000, 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 must be included in the family’s income.
- The ESLHA must obtain third-party verification of all family assets every 3 years.

Streamlining Verification of Income
ESLHA has elected to use the streamlining verification of income. For any family member with a fixed source of income, the ESLHA may elect to determine that family member’s income by means of a streamlined income determination. A streamlined income determination must be conducted by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

The “Family member with a fixed source of income” is defined as a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:

- Social Security, Supplemental Security Income, Supplemental Disability Insurance;
- Federal, state, local, or private pension plans;
- Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or
- Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.
In using the streamlining, the ESLHA must use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount. The ESLHA must verify the appropriate COLA or current rate of interest from a public source or through tenant-provided, third party–generated documentation. If no such verification is available, then the ESLHA must obtain third-party verification of income amounts in order to calculate the change in income for the source.

For any family member whose income is determined pursuant to a streamlined income determination, the ESLHA must obtain third-party verification of all income amounts every 3 years.

**Verification of Excluded Income**

The ESLHA will not verify nor report fully excluded income. The ESLHA will verify and report partially included/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 ESLHA is **not required** to:

- Verify the income in accordance with the HUD-prescribed verification hierarchy;
- Document in the tenant file why third party verification was not available as required by 24 CFR 960.259(c)(i) and 24 CFR 982.516(a)(2); and
- Report the income in Section 7 of the form HUD-50058.

ESLHA may accept an applicant or participant’s self-certification as verification of fully excluded income. The ESLHA’s application and reexamination documentation, which is signed by all adult family members, may serve as the self-certification of the fully excluded income. ESLHA has the option of elevating 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 are:

- Supplemental Nutrition Assistance Program (SNAP) benefits, formerly known as food stamps.
- Income from a live-in aide.

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

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,

ESLHA 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 form HUD-50058.
Examples of partially excluded income that are subject to regular verification requirements include:

- The Department of Veterans Affairs “Aid and Attendance” benefits – in accordance with 24 CFR 5.609(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 any 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 ESLHA 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 ESLHA when determining the family’s annual income.

- Earnings in excess of $480 for full-time students 18 years old 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 ESLHA must verify the amount of employment income for these family members.

7.1 Methods of Income and Adjustments to Income Verification

A. Verification Hierarchy

ESLHA will use the most reliable form of verification that is available and will document the reasons when ESLHA uses a lesser form of verification. In order of priority, ESLHA will use the following forms of verification:

1. Up-front Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system (only available for residents)
2. Up-front Income Verification (UIV) using a non-HUD system
3. Written Third Party Verification (may be provided by applicant or residents)
4. Written Third Party Verification Form
5. Oral Third-Party Verification
6. Self-Certification/Self-Declaration

B. Timing of Verification

ESLHA will allow seven (7) days for the return of third-party verifications and seven (7) days to obtain other types of verifications before going to the next method.

For applicants, verifications may not be more than 120 days old at the time of the interview. For residents, verifications are valid for 120 consecutive days from date of receipt.

C. EIV Verification

EIV is the verification of income, before or during a family re-examination and after move-in, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals. Users are allowed to search for income records by head of household’s social security number, program type and/or by annual re-examination. The use of EIV is the mandatory income verification
method if the information is available on the system.

D. **Up-Front Income Verification (UIV) using a Non-HUD System**

Up-front income verification (UIV) refers to ESLHA’s use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to ESLHA. Examples of such sources are the Child Support Enforcement Agency, State Welfare Agency systems and Unemployment Compensation systems.

E. **Written Third Party Verification**

Written third party verification consists of documents generated by a third-party source, which may be received directly from a third-party source or provided by the family. Written third party verification documents must be authentic and may be supplied by the family or received from a third-party source. Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. ESLHA requires at a minimum, at least two current and consecutive pay stubs for determining annual income from wages covering the 60-day period prior to ESLHA’s request. ESLHA may reject documentation provided by the family if the document appears to be forged, or if the document is altered, mutilated or illegible. Third party documents provided by the family must be dated within 60 days of ESLHA request date.

F. **Written Third Party Verification Form**

When up-front verification is not available and the family is unable to provide written third-party documents, ESLHA must request a written third-party verification form. A written third-party verification form is mandatory when there is an unreported source of income or a substantial difference in reported income and there is no UIV or tenant-provided documentation to support the income discrepancy.

A standardized third-party verification form will be sent when third party verification documents are rejected by ESLHA or ESLHA has been unable to verify the income information with a more reliable method. ESLHA will mail, fax, or e-mail third party written verification form requests to directly third-party sources.

G. **Oral Third-Party Verification**

Oral third-party verification will be used when written third party verification is not returned in seven (7) days or third party written verification is not possible. When third party oral verification is used, ESLHA will complete a certification of document viewed or telephone verification form noting, the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used and the facts provided. When any source responds verbally to the initial written request for verification, ESLHA will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

H. **Self-Certification/Self-Declaration**

Self-certification, or self-declaration, is used as a last resort when ESLHA is unable to obtain third party verification. When information cannot be verified by a third party or by review
of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to ESLHA. A self-certification is a written statement made under penalty of perjury.

7.2 Verification of Non-Financial Items

ESLHA will use the most reliable form of verification that is available. For non-financial issues, the most reliable form of verification is written third party verification in the form of documents generated by a third-party source, which may be received directly from a third-party source or provided by the family.

If third party documents cannot be obtained or the documents are not authentic, ESLHA will request a written third-party verification form. A standardized third-party verification form will be used when there is a third-party source to verify non-financial items. ESLHA will mail, fax, or e-mail third party written verification form requests directly to third party sources.

If third party written verification cannot be obtained in 7 days, ESLHA may use oral verification for some non-financial items. ESLHA will complete a Certification of Document Viewed or Telephone Verification form noting, the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used and the facts provided. When any source responds verbally to the initial written request for verification ESLHA will accept the verbal response as oral verification, but will also request that the source complete and return any verification forms that were provided.

ESLHA may use a self-certification, or self-declaration, as a last resort, for verification of non-financial items when third party verification is unobtainable. A self-certification is a written statement made under penalty of perjury.

7.3 Items to Be Verified

The items that need to be verified include:

- Identity
- All income
- Zero-income status of household
- Full-time student status including high school students who are 18 or over
- Current assets including assets disposed of for less than fair market value in the preceding two years
- Childcare expenses where it allows an adult family member to be employed or to further his/her education. Only reasonable child care costs can be deducted.
- Total medical expenses of all family members in households whose head, spouse or life partner is elderly or disabled
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed
- Disability for determination of preferences, allowances or deductions
- U.S. citizenship/eligible immigrant status
- Social Security numbers for all family members.
- Preference status
- Marital status when needed for head or spouse definition
• Verification of reduction in benefits for noncompliance
• Suitability for tenancy
• Status of utility service to ensure services are on

ALLOWABLE TYPE OF CHILD CARE:
The type of care to be provided is determined by the family, but must fall within certain guidelines.

• ESLHA will verify that the type of child care selected by the family is allowable.
• ESLHA will verify that the fees paid to the child care provider cover only child care costs (e.g. no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g. prorate costs if some of the care is provided for ineligible family members).
• ESLHA will verify that the child provider is not an assisted family member. Verification will be made through the head of household’s declaration of family members who are expected to reside in the unit.

ALLOWABLE MEDICAL EXPENSES:
• Total medical expenses of all family members in households whose head, spouse or co-head is elderly or disabled.

ALLOWABLE DISABILITY EXPENSES:
• Disability assistance expenses to include only those costs associated with attendant care or out of pocket disability expenses that allow an adult member to be employed.
Chapter 8 Eligibility for Admissions

8.1 Overview

This chapter defines the criteria for eligibility in ESLHA’s public housing program. ESLHA is responsible for ensuring that every individual and family admitted to the Public Housing program meets all program eligibility requirements. The eligibility criteria also apply to any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by ESLHA to confirm eligibility and determine the level of the family’s assistance.

ESLHA will review all information provided by the family carefully and without regard to factors other than those defined in this chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by ESLHA or its managing agent pertaining to their eligibility.

8.2 Eligibility Factors

ESLHA and its managing agent accepts applications only from families whose head of household, spouse or life partner is at least 18 years of age or an emancipated minor.

To be eligible for the Public Housing program the applicant family must:

- Qualify as a family
- Have income at or below the specified income limits
- Qualify on the basis of citizenship or the eligible immigrant status of family members
- Provide a Social Security number for each eligible family member
- Consent to ESLHA’s collection and use of family information as provided for in ESLHA-provided consent forms
- Not have a household member with a history of behavior that would prevent program participation
- Meet criteria for suitability of tenancy
- Birth Certificate

8.3 Family and Household [24 CFR 5.403]

A. Family

The applicant must qualify as a Family. A family may be a single person or a group of persons. Discrimination on the basis of familial status or sexual orientation is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law. For occupancy standards purposes, the applicant may claim a spousal relationship.

A group of persons is defined by ESLHA as two or more persons who intend to share residency, and whose income and resources are available to meet the family's needs, and will live together in ESLHA housing.

The term “family” includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
2. A group of persons residing together and such group includes, but is not limited to:
   - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
   - An elderly family;
   - A near-elderly family;
   - A disabled family;
   - A displaced family; and
   - The remaining member of a tenant family.

Sexual orientation means homosexuality, heterosexuality or bisexuality.
Gender identity means actual or perceived gender-related characteristics.
The temporary absence of a child from the home due to placement in foster care shall be considered in determining the family composition and family size.

B. Household
   Household includes additional people who, with ESLHA’s permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

C. Family Breakup
   Except under the following conditions, ESLHA has discretion to determine which member(s) of a family will continue to receive assistance if the family breaks up:

   - If the family breakup results from an occurrence of domestic violence, dating violence or stalking, the victim will retain assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault or stalking, see Chapter 10 of this policy.)
   - If a court determines the disposition of property between members of the family in a divorce or separation decree, ESLHA is bound by the court’s determination of which family members shall continue to receive assistance.

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open. If a family breaks up into two otherwise eligible families while living in a public housing unit, only one of the new families will continue to be assisted.

In the absence of a judicial decision, or an agreement among the original family members, ESLHA will determine which family retains their placement on the waiting list, or will continue living in the public housing unit. In making its determination, ESLHA will take into consideration the following factors: the interest of any minor children, including custody arrangements, the interest of any ill, elderly, or disabled family members, the interest of any family member who is the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse; any possible risks to family members as a result of domestic violence or criminal activity; and the recommendations of
social service professionals.

D. **Head of Household [24 CFR 5.504(b)]**

Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head, spouse or life partner. The family may designate any qualified family member as the head of household. The head of household must have the legal capacity to enter into a lease under state and local law.

E. **Spouse, Life Partner, Co-Head, and Other Adult**

A family may have a spouse (or life partner) or co-head, but not both. [HUD-50058 IB, p. 13]. Spouse means the marriage partner of the head of household. The term spouse does not apply to friends, roommates, or significant others who are not marriage partners. A co-head is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse or life partner. A family can have only one co-head. Minors who are emancipated under state law may be designated as a spouse, life partner or co-head. Other adult means a family member, other than the head, spouse, life partner, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

F. **Dependent [24 CFR 5.603]**

A dependent is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student. The head of household, spouse, life partner, co-head, foster children/adults and live-in aides can never be dependents.

1. **Joint Custody of Dependents**

Dependents that are subject to a joint custody arrangement are a member of the family, if they live with the applicant or resident 50 percent or more of the time. When more than one applicant or resident is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, ESLHA will make the determination based on available documents such as court orders, or tax returns showing which family has claimed the child for income tax purposes.

G. **Full-Time Student [24 CFR 5.603;]**

A full-time student (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

H. **Elderly and Near-Elderly Persons, and Elderly Family [24 CFR 5.100 and 5.403]**

1. **Elderly Persons**

An elderly person is a person who is at least 62 years of age.

2. **Near-Elderly Persons**

A near-elderly person is a person who is 50-61 years of age.
3. Elderly Family
An elderly family is one in which the head, spouse, life partner, co-head, or sole member is an elderly person.

I. Persons with Disabilities and Disabled Family [24 CFR 5.403]

1. Persons with Disabilities
Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, life partner or co-head is a person with disabilities. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

2. Disabled Family
A disabled family is one in which the head, spouse, life partner, or co-head is a person with disabilities.

J. Guests [24 CFR 5.100]
A guest is a person temporarily staying in the unit with the consent of a member of the household who has authority to do so. Residents are not to provide accommodations to boarders, lodgers or permit unauthorized guest(s) to live in the unit. Residents shall be allowed to permit guest(s) to remain in the unit for a period not to exceed 10 days within a six-month period without written approval.

Families who have extenuating circumstances, such as hospitalization, surgery, or a family emergency, must submit a written request to ESLHA and/or the managing agent for approval of extended stays. Such requests will be considered on a case-by-case basis. Residents are not permitted to invite persons to the property who have been placed on the Non-Resident Bar and Ban List.

K. Foster Children and Foster Adults
Foster adults are usually persons with disabilities, unrelated to the family, who are unable to live alone. A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under a short-term or long-term foster care arrangement with the custodial agency.

A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of occupancy standards. Foster child will be included in determining unit size only if he or she is expected to be in the unit for more than six months.

Foster children and foster adults who are living with an applicant or resident are considered household members but not family members. The income of foster children/adults is not counted in family annual income, and foster children/adults do not qualify for a dependent deduction.

L. Absent Family Members
Individuals may be absent from the family, either temporarily or permanently, for a variety
of reasons including educational activities, placement in foster care, employment, illness, incarceration, and court order.

1. Definitions of Temporarily and Permanently Absent

Generally, an individual who is or is expected to be absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

2. Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to ESLHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

3. Absences Due to Placement in Foster Care

Children temporarily absent from the home because of placement in foster care are considered members of the family. If a child has been placed in foster care, ESLHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

4. Absent Head, Spouse, Life Partner, or Co-head

An employed head, spouse, life partner or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member. A head, spouse, life partner or co-head who is deployed on active military duty and is absent from the unit more than 180 consecutive days will continue to be considered a family member.

5. Family Members Permanently Confined for Medical Reasons

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted. ESLHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

M. Live-In Aide

Live-in aide means a person, who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: is determined to be essential to the care and well-being of the persons, is not obligated for the support of the persons and would not be living in the unit except to provide the necessary supportive services. ESLHA will approve a live-in aide, if needed, as a reasonable accommodation to make the program accessible to and usable by the family member with disabilities.

A live-in aide is a member of the household, not the family, and the income of the aide is
not considered in income calculations. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

A family’s request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is not obligated for the support of the person(s) needing the care, and would not be living in the unit except to provide the necessary supportive services.

ESLHA will not approve an individual to be a live-in aide, and may withdraw such approval if:

- The person has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- The person has committed drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug
- The person has committed violent criminal activity, defined as 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
- The person has committed criminal activity that may threaten the health, safety, or welfare of other residents
- The person has committed criminal activity that may threaten the health or safety of ESLHA staff, contractors, subcontractors or agents
- The person has committed criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse or
- The person currently owes rent or other amounts to ESLHA or to another PHA.

ESLHA will notify a family of its decisions within ten (10) days of receiving a request for a live-in aide, including all required documentation related to the request.

A live-in aide or the live-in aide’s family members can never be considered a residual member of the family in the unit they are residing and have no rights to the unit.

While a live-in aide or caretaker who resides in the unit may be a lawful occupant, nonetheless such individual is not a tenant and the protections of VAWA would not apply, except the live-in aide or caretaker cannot be denied assistance if he or she is a victim and independently applies for assistance.
Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

Family members of a live-in aide may also reside in the unit, providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member(s) does not overcrowd the unit. The family will be eligible to increase the bedroom size by one bedroom to accommodate the live-in aide status.

8.4 Income Eligibility

Income limits that determine the eligibility of applicants for the public housing program are published annually and are based on estimates of median family income in a particular area or county, with adjustments for family size. Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income eligible, a family must be one of the following:

- A low-income family whose annual income does not exceed 80 percent of the area median income for the area
- A very low-income family whose annual income does not exceed 50 percent of the area median income for the area, or the poverty rate for the area
- An extremely low-income family whose annual income does not exceed 30 percent of the area median income for the area

ESLHA shall follow the statutory requirement that at least Income limits apply only at admission and are not applicable for continued occupancy.

Income limit restrictions do not apply to families transferring within our Public Housing Program.

8.5 Citizenship or Eligible Immigration Status [24 CFR 5, Subpart E]

Only individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status are eligible for the public housing program. At least one family member must be a citizen, national or noncitizen with eligible immigration status in order for the family to qualify.

A. Declaration [24 CFR 5.508]

Each family member must declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, life partner, co-head and any other family member 18 or older, and by a parent or guardian for minors. The family must identify, in writing, any family members who elect not to contend their immigration status. No declaration is required for live-in aides, foster children or foster adults.

1. Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family members listing, signed by the head,
spouse, life partner, or co-head (regardless of citizenship status), indicating their ineligible immigration status. ESLHA is not required to verify a family member’s ineligible status and is not required to report an individual’s unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Noncitizen students are prohibited from participating in the public housing program. This prohibition extends to the noncitizen spouse or life partner of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse or life partner of a noncitizen student or to the children of the citizen spouse or life partner and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

B. Mixed Families
A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered mixed families. Such families will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination. See Chapter 18 for a discussion of how rents are prorated, and Chapter 23 for a discussion of informal hearing procedures.

C. Ineligible Families [24 CFR 5.514(d), (e), and (f)]
When ESLHA determines that an applicant family does not include any citizens, nationals or eligible noncitizens, following the verification process, the family will be sent a written notice of the determination. The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the USCIS, or to request an informal hearing with ESLHA. The informal hearing with ESLHA and/or management agent may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. Informal hearing procedures are contained in Chapter 23.

D. Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]
For new occupants joining the assisted family, ESLHA will verify status at the first interim or regular reexamination following the person’s occupancy, whichever comes first. Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

8.6 Social Security Numbers [24 CFR 5.216 and 5.218]
Each applicant and all members of the applicant’s household must disclose the complete and accurate Social Security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. These requirements do not apply to noncitizens who do not contend eligible immigration status. ESLHA will deny admission to an applicant family if they do not meet the SSN disclosure and documentation requirements.

Social Security Number Documentation:
To be eligible, all family members declaring eligibility must provide a Social Security number or certify that they do not have one if they are not declaring eligibility. If a child under 6 years was added to the assistance applicant within the 6-month period prior to the household’s date of
admission, the assistance applicant may become a participant in the program, provided they provide verification of the SSN within 90 calendar days from the date of admission into the program. The ESLHA may also grant an additional 90 calendar days due to extenuating circumstances beyond the control of the family.

8.7 Family Consent to Release of Information [24 CFR 5.230]

Each adult family member, and the head of household, spouse, life partner, or co-head, regardless of age, must sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family’s eligibility and level of assistance. ESLHA and/or managing agent will deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information.

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. The consent form must contain at a minimum, the following:

1. A provision authorizing ESLHA and/or management agent to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and

   a. A provision authorizing ESLHA and/or management agent to verify with previous or current employers income information pertinent to the family’s eligibility for or level of assistance;

   b. A provision authorizing ESLHA and/or management agent to request income information from the IRS and the Social Security Administration (SSA) for the sole purpose of verifying income information pertinent to the family’s eligibility or level of benefits; and

   c. 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.

8.8 Current and Past Behavior

ESLHA will deny admission to the program on any of the following grounds:

- If the family has committed any serious lease violations or its lease has been terminated during a previous participation in the public housing program for three years from the date of move out
- If the family owes rent or other amount to ESLHA or another PHA in connection with Housing Choice Voucher or public housing assistance - all monies owed to ESLHA or other PHA must
be paid in full before the family is eligible to be placed on the waiting list
• If any member of the family has been evicted from federally assisted housing in the past three years
• If any member of the family has committed fraud, bribery or other corrupt or criminal act in connection with any Federal housing program
• If the family has engaged in or threatened abusive or violent behavior toward ESLHA or its management agent personnel
• If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established
• If any member of the family has engaged in drug-related or violent activity or that any family member’s activity that shows a pattern of abuse of alcohol may also result in the denial of assistance to the family. ESLHA may deny assistance if the preponderance of the evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted
  ▪ Evidence of this activity may include, but is not limited to, arrest records, police reports, conviction records, and personal testimony
  ▪ ESLHA may waive the requirement to deny admission to the family only if the person can demonstrate to ESLHA’s satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:
    - Has successfully completed a supervised drug or alcohol rehabilitation program
    - Has otherwise been rehabilitated successfully
    - Is participating in a supervised drug or alcohol rehabilitation program certified by the State
    - The family members must comply with ESLHA or HUD requests to provide documentation or release to obtain documentation
• If any family member has been evicted from public housing, Indian Housing, or any Housing Choice Voucher program because of drug-related criminal activity they are ineligible for admission to public housing programs for a three-year period
• If any member of the household is subject to a lifetime registration under a state sex offender registration program
• If any member of the household has ever been convicted of the manufacture or distribution of methamphetamine on the premises of federally-assisted housing

8.9 Suitability for Tenancy
ESLHA is responsible for the screening and selection of families to occupy public housing units. ESLHA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations. ESLHA will consider the family’s history with respect to the following factors:
• Payment of rent
• Ability to obtain and maintain utilities
• Caring for a unit and premises
• Respecting the rights of other residents to the peaceful enjoyment of their housing
• Criminal activity that is a threat to the health, safety, or property of others
• Compliance with any other essential conditions of tenancy
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. ESLHA 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 and other residents, otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

B. The ESLHA will consider objective and reasonable aspects of the family's background, including the following:

1. History of meeting financial obligations, especially rent and utilities;

2. Ability to obtain and to maintain (or with assistance would have the ability to maintain) their housing in a decent, sanitary and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other residents;

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 well being of other residents 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 in a way that may interfere with the health, safety, or the right to peaceful enjoyment by others.
Chapter 9 Verifying Eligibility

9.1 Verifying Family Information

A. Verification of Legal Identity

ESLHA requires applicants to furnish verification of legal identity for all family members. The table below lists the preferred documents for verification of legal identity for adults and minors and a list of documents that can be used if the preferred documents are not available. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

<table>
<thead>
<tr>
<th>Factor to be Verified</th>
<th>Preferred Document(s)</th>
<th>Alternate Document(s)</th>
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<tbody>
<tr>
<td>Identity-Adult</td>
<td>• Current valid Government Issued Picture ID</td>
<td>• Certificate of Birth</td>
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<tr>
<td></td>
<td>• US Passport</td>
<td>• Certificate of U.S. Citizenship</td>
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<td>• Certificate of Naturalization</td>
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<td>• U.S. military discharge (DD 214)</td>
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<td>• Voter’s registration</td>
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<td>• Company/Agency Identification Card</td>
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<td>• Hospital records</td>
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<td>• School ID card with a photograph</td>
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<td></td>
<td>• Church issued baptismal certificate</td>
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<tr>
<td>Identity-Minor</td>
<td>• Birth Certificate</td>
<td>• Adoption papers</td>
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<td></td>
<td></td>
<td>• Court Awarded Custody agreement</td>
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<td>• Health and Human Services ID</td>
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<td>• School ID card with a photograph</td>
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<td></td>
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<td>• Church issued baptismal certificate</td>
</tr>
</tbody>
</table>

If none of these documents can be provided, then at ESLHA’s discretion, a third party who knows the person may attest to the person’s identity.

B. Verification of Age

The documents listed in this chapter are the preferred forms of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of Social Security retirement benefits is acceptable.

If an official record of birth or evidence of Social Security retirement benefits cannot be provided, ESLHA will require the family to provide a self-certification. Age must be verified only once during continuously assisted occupancy.

C. Family Relationships

Applicants are required to identify the relationship of each household member to the head of household. Family relationships are verified only to the extent necessary to determine a family’s eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.
1. **Marriage**

ESLHA may require the family to submit a marriage license to verify that a couple is married.

2. **Separation or Divorce**

ESLHA may require the family to document the divorce, or separation. A copy of a divorce decree may be required to document that a couple is divorced. A copy of a court-ordered maintenance or other court record may be required to document a separation. If no court document is available, other suitable documentation may be accepted.

D. **Verification of Disability**

ESLHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. ESLHA is not permitted to inquire about the nature or extent of a person’s disability. ESLHA may not inquire about a person’s diagnosis or details of treatment for a disability or medical condition. If ESLHA receives a verification document that provides such information, ESLHA will not place this information in the resident’s file. The ESLHA will redact the medical information, or return it, or destroy it. Under no circumstances will ESLHA request an applicant’s or resident’s medical record(s).

1. **Family Members Receiving SSA Disability Benefits**

Verification of the receipt of disability benefits from the Social Security Administration (SSA or SSI-Supplemental Security Income) is sufficient verification of disability payments under Section 223 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) for the purpose of qualifying for waiting list preferences, or certain income disallowances and deductions.

For applicant family members claiming disability who receive disability benefits from the SSA, ESLHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status.

2. **Family Members Not Receiving SSA Disability Benefits**

For family members claiming disability who do not receive disability benefits from the SSA, a knowledgeable professional must provide third party verification that the family member meets the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

E. **Verification of Foster Children and Foster Adults**

Third party verification from the state or local government agency responsible for the placement of the individual with the family is required to include the individual in the household.

F. **Verification of Absence of Family Member**

An applicant family may include an absent family member as part of the household in the circumstances outlined in Chapter 8 of this policy. To verify if the absent member qualifies for inclusion the circumstances will be verified as follows.

1. **Absent Students**

Verification of full-time student status includes:
• Written verification from the registrar's office or other school official
• School records indicating enrollment for a sufficient number of credits to be considered a full-time student by the educational institution

2. Absences due to Placement in Foster Care
Verification of absence due to placement in foster care includes:
• Written verification on the agency’s letterhead of the placement into foster care which includes, whether and when the child is expected to be returned home
• Completion of a written verification form by the agency

3. Absent Head, Spouse, Life Partner or Co-Head
Verification of absence due to employment includes:
• Written verification from the employer regarding the location and length of assignment
Verification of active military service includes:
• Copy of deployment orders
• Self-certification of remaining family members

4. Absence for Medical Reasons
Verification of absence for medical reasons includes:
• A written statement from a medical professional regarding the length of the absence

G. Verification for Live-In Aide
A family’s request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is not obligated for the support of the person(s) needing the care, and would not be living in the unit except to provide the necessary supportive services. The live-in aide will be subject to the criminal background verification provided in this section.

9.2 Verification of Income
Income to determine eligibility shall be calculated and verified in accordance with this policy.

9.3 Citizenship or Eligible Immigration Status [24 CFR 5.508]

Overview
Public housing is not available to persons who are not citizens, nationals or eligible immigrants. Prorated assistance is provided for mixed families containing both eligible and ineligible person.
A detailed discussion of eligibility requirements is in Chapter 8. This chapter discusses ESLHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit documentation. Once eligibility for admission has been verified for an individual, it need not be collected or verified again during continued occupancy.
A.  **U.S. Citizens and Nationals**

Each family member who claims to be a U.S. citizen or national must sign a declaration. The declaration must be signed personally by any family member 18 or older and/or by a parent or guardian for minors. ESLHA may request a birth certificate, United States passport or other appropriate documentation. Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless ESLHA receives information indicating that an individual’s declaration may not be accurate.

B.  **Eligible Immigrants Who Were Participants and 62 or Over on June 19, 1995**

Eligible immigrants who were residents and age 62 or over on June 19, 1995 are required to sign a declaration of eligible immigration status and provide proof of age.

C.  **Non-Citizens with Eligible Immigration Status**

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents listed below. The documents will be copied, front and back, and returned to the family. ESLHA must verify the status through the USCIS SAVE system. If this primary verification fails to verify status, ESLHA must request within ten days that the USCIS conduct a manual search.

- Form I-551 Alien Registration Receipt Card (for permanent resident aliens)
- Form I-94 Arrival-Departure Record annotated with one of the following:
  - “Admitted as a Refugee Pursuant to Section 207”
  - “Section 208” or “Asylum”
  - “Section 243(h)” or “Deportation stayed by Attorney General”
  - “Paroled Pursuant to Section 221 (d)(5) of the USCIS”
- Form I-688 Temporary Resident Card annotated “Section 245A” or Section 210”
- Form I-94 Arrival-Departure Record with no annotation accompanied by:
  - A final court decision granting asylum (but only if no appeal is taken)
  - A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90)
  - A court decision granting withholding of deportation; or
  - A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90)
- A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified
- A noncitizen in the 2014 Executive Order Granting Amnesty to Illegal Citizen

D.  **Ineligible Family Members**

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household, spouse or life partner.
E. Non-Citizen Students on Student Visas

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified. They do not sign a declaration, but are listed on the statement of ineligible members.

F. Failure to Provide

If an applicant family member fails to sign required declarations and consent forms or provide documents as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or their lease may be terminated for failure to provide required information.

9.4 Verification of Social Security Numbers [24 CFR 5.216 and Notice PIH 2010-3]

The family must provide documentation of a valid Social Security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing program participants who were at least 62 years of age as of January 31, 2010, and who had not previously disclosed an SSN. ESLHA will accept the following documentation as acceptable evidence of the Social Security number:

- An original SSN card issued by the Social Security Administration (SSA)
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual, along with other identifying information of the individual

ESLHA will reject documentation of an SSN provided by an applicant if the document is not an original document or if the original document is altered, mutilated, not legible, or if the document appears to be forged. ESLHA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to ESLHA within 90 days. ESLHA will grant one additional 90-day extension, if needed, for reasons beyond the resident’s control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family or other emergency.

Social Security numbers must be verified only once during continuously occupancy.

9.5 Criminal Background Verification

ESLHA will perform criminal background checks for each household member age 18 and over as a part of the admission and annual reexamination process to obtain criminal arrest and conviction records for the screening of applicants for admission. This process will assist ESLHA in complying with policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records, ESLHA will require every applicant family to submit a consent form signed by each adult household member. ESLHA also performs criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program.

If the check indicates a criminal information, the applicant may be rejected. If the applicant is rejected, they will be notified in writing that the ESLHA has information that would lead the ESLHA to denial. However, prior to the denial, the ESLHA will make the information available to the applicant for 10 days. Should the applicant fail to respond or verify that the criminal information is correct, then the ESLHA will issue a letter of denial. If assistance is denied, the applicant is entitled to a hearing. Failure to request a hearing will result in withdrawal from the waiting list.
9.6 Verification of Waiting List Preferences [24 CFR 5.410-5.430]

A. Employed, Disabled Person, or Elderly

1. Employment
To qualify for the preference for employment the applicant must provide one of the following:
- Three consecutive current paycheck stubs that documents that the applicant is currently employed and works at least 20 hours per week. The paycheck stub must have been issued to the working member within the last 60 days or ESLHA will accept a letter from the employer on the employer’s letterhead that states that applicant is employed at least 20 hours per week. ESLHA may also seek third party verification from the employer of the head, spouse, life partner, co-head or sole member of the family requesting a preference as a working family.

2. Disabled Person
To qualify for the disabled person preference the applicant must provide documentation.

3. Elderly
To qualify for the preference for elderly the applicant must provide the documentation outlined in section 9.1.2.

B. Enrolled In or Recently Graduated from a Job Training or Educational Program
An applicant qualifies for this preference if the head of household or spouse, life partner of the applicant family is currently enrolled in or within the last 12 months has graduated from a job training or educational program.

C. Veterans
To qualify for the veteran preference, the applicant must provide a DD Form 214.

D. Timing of Verification of Preferences
Preferences will be verified when the applicant reaches the top of the waiting list. If the preference cannot be verified the applicant will be placed on the waiting list without the claimed preference. If the applicant family intentionally falsifies the application, claiming preferences they do not have, the applicant may be removed from the waiting list.

9.7 Verification of Suitability of Tenancy
ESLHA and its management agent may conduct a tenancy suitability check through a private company or through reference checks of previous landlords for an applicant family. In addition, ESLHA or the management agent will verify the applicant’s ability to obtain utility service to be billed in the name of the applicant, spouse, life partner or co-head through the local utility company.

9.8 Final Determination and Notification of Eligibility
After the verification process is completed, ESLHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by ESLHA and the current eligibility criteria in effect. The family will be notified if they are determined to be in eligible.
Chapter 10 Denial of Admission

Overview
ESLHA will deny admission to an applicant who does not meet the eligibility criteria and they will be removed from all waiting list. In addition, ESLHA may deny admission based on certain types of current or past behaviors of family members. However, the Violence Against Women Act (VAWA) expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking.

ESLHA shall not deny admission based on any of the following criteria:
• Age, disability, race, color, religion, sex or national origin (see Chapter 2 for additional information about fair housing and equal opportunity requirements)
• Where a family lives prior to admission to the program
• Whether members of the family are unwed parents, recipients of public assistance or children born out of wedlock
• Whether the family includes children
• Whether a family decides to participate in a family self-sufficiency program
• Whether or not a qualified applicant is or has been a victim of domestic violence, dating violence or stalking if the applicant is otherwise qualified for assistance (see Chapter 4)

10.2 Required Denial of Admission [24 CFR 960.204]
ESLHA will deny assistance in the following cases:
• Any member of the household has been evicted from federally assisted housing in the last five (5) years for drug-related criminal activity. ESLHA will admit an otherwise eligible family who was evicted from federally-assisted housing within the past three years for drug-related criminal activity if ESLHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by ESLHA, or the person who committed the crime is no longer living in the household
• ESLHA determines that any household member is currently engaged in the use of illegal drugs. Drug means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. Currently engaged in the illegal use of a drug means a person has engaged in the use of illegal drugs during the previous twelve (12) months
• ESLHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety or right to peaceful enjoyment of the premises by other residents
• In determining reasonable cause, ESLHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. ESLHA will also consider evidence from treatment providers or community-based organizations providing services to household members
• Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing
• Any household member is subject to a lifetime registration requirement under a state sex offender registration program
• Any household member has been evicted from federally assisted housing for any lease violation
10.3 Other Permitted Reasons for Denial of Admission

ESLHA may deny admission for the following reasons:

A. Criminal Activity [24 CFR 960.203(c)]

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied admission:

- Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100]
- Violent criminal activity, defined as 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 [24 CFR 5.100]
- Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c)(3)]
- Criminal activity that may threaten the health or safety of ESLHA staff, contractors, subcontractors or agents
- Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse

Evidence of such criminal activity includes, but is not limited, to any record of convictions or arrests, within the past 5 years, in making its decision to deny assistance. Upon consideration of such factors, ESLHA may, on a case-by-case basis, decide not to deny admission.

B. Previous Behavior [960.203(c) and (d)]

ESLHA may deny admission to an applicant family if ESLHA determines that the family:

- Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past three years
- Has a pattern of lease violations including but not limited to disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past three years which may adversely affect the health, safety, or welfare of other tenants
- Has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances)
- Owes rent or other amounts to ESLHA or any other PHA in connection with any assisted housing program
- Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent
- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program
- Has engaged in or threatened violent or abusive behavior toward ESLHA personnel
- Abusive or violent behavior towards ESLHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior
- Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence
In making its decision to deny admission, ESLHA will consider the factors discussed in Section 10. Upon consideration of such factors, ESLHA may, on a case-by-case basis, decide not to deny admission. ESLHA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

10.4 Criteria for Deciding to Deny Admission

A. Evidence

ESLHA will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

- Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence

B. Consideration of Circumstances [24 CFR 960.203(c)(3) and (d)]

ESLHA will consider all relevant circumstances when deciding whether to deny admission based on a family’s history except in the situations for which denial of admission is mandated (see Section 10.3). In the event ESLHA receives unfavorable information with respect to an applicant, consideration must be given to the time, nature and extent of the applicant’s conduct (including the seriousness of the offense). In a manner consistent with its policies, ESLHA may give consideration to factors, which might indicate a reasonable probability of favorable future conduct.

ESLHA will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents
- The effects that denial of admission may have on other members of the family who were not involved in the action or failure
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor, a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking (as discussed further in Section 10.5)
- The length of time since the violation occurred, the family’s recent history and the likelihood of favorable conduct in the future
- Evidence of the applicant family’s participation in or willingness to participate in social service or other appropriate counseling service programs
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully
  - ESLHA will require the applicant to submit evidence of the household member’s current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully
C. Removal of a Family Member's Name from the Application [24 CFR 960.203(c)(3)(i)] As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the public housing unit. After admission to the program, the family must present evidence of the former family member’s current address upon ESLHA request.

D. Reasonable Accommodation

If the family includes a person with disabilities, ESLHA’s decision concerning denial of admission is subject to consideration of reasonable accommodation. If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, ESLHA will determine whether the behavior is related to the disability. If so, upon the family’s request, ESLHA will determine whether alternative measures are appropriate as a reasonable accommodation. ESLHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

10.5 Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking

A. Documentation


If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence, sexual assault or stalking, ESLHA will request in writing that the applicant provide documentation supporting the claim in accordance with Section 4.6 of this ACOP.

2. Perpetrator Documentation

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

- A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit
- Documentation that the perpetrator has successfully completed, or is successfully undergoing rehabilitation or treatment
  - The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse
  - The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully
  - The victim and perpetrator must also sign or attest to the documentation
10.6 Other Housing Assistance
A family, or members of the family, may not receive public housing assistance while receiving another housing subsidy for the same unit or for a different unit under any duplicative federal, state or local housing assistance program.

10.7 Missed Appointments and Deadlines
It is an applicant family’s obligation to supply information, documentation and certification, as needed, for ESLHA to fulfill its responsibilities. ESLHA schedules appointments and sets deadlines in order to obtain the required information. An applicant who fails to keep an appointment or to supply information required by a deadline without notifying ESLHA application may be withdrawn. The family will be given information about the requirement to keep appointments. No more than two opportunities will be given to reschedule without good cause. Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility Interview
- Verification Procedures
- Appeals

Acceptable reasons/good cause for missing appointments or failing to provide information by deadlines are:
- Medical emergency
- Family emergency
- Other valid reasons that are not the fault of the applicant

10.8 Notice to Applicants
If ESLHA determines that a family is not eligible for the program for any reason, the family will be removed from all waiting and will be notified of the decision to deny admission. The notice will describe:

- The reasons for which admission has been denied
- The family’s right to an informal hearing
- The process for obtaining the informal hearing (See Chapter 23 for informal hearing policies and procedures)
Chapter 11 Income Determination
[24 CFR Part 5, Subpart F]

Overview
A family’s income determines eligibility for admission and continued occupancy and is also used to calculate the family’s rent payment. ESLHA will use the methods described in this chapter to determine a family’s income at admission and at reexamination. Using these methods will also ensure that only eligible families receive assistance and that no family pays more or less than its obligation.

11.1 Anticipating Annual Income

A. General Requirements for Annual Income

Annual Income means all amounts, monetary or not, which:

- Go to, or on behalf of, the family head, spouse, life partner (even if temporarily absent) or to any other family member
- Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date
- Are not specifically excluded
- Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access

B. Basis of Annual Income Projection

ESLHA will count all income anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date. ESLHA generally will use current circumstances to determine anticipated income for the coming 12-month period ESLHA may use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected
- It is not feasible to anticipate a level of income over a 12-month period
- ESLHA believes that past income is the best available indicator of expected future income

1. Imminent Change in Income

If ESLHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period. The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases, ESLHA will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs.

2. Averaging Income When Anticipation is Infeasible

When ESLHA cannot readily anticipate annual income based upon current circumstances for a full 12 months, ESLHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. ESLHA may average known sources of income that vary to compute an annual income, or annualize current income and conduct an interim reexamination if income changes. If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used to
reduce the number of interim adjustments. The method used depends on the regularity, source and type of income.

3. Other Circumstances
Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases, the family may present information and documentation to ESLHA to show why the historic pattern represents the family’s anticipated income.

11.2 Income Included in Annual Income

A. Wages and Related Compensation
The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income.

B. Some Types of Military Pay
All regular pay, special pay and allowances of a member of the Armed Forces are included, except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

C. Business Income
Annual income includes the 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, based on straight line depreciation, as provided in Internal Revenue Service (IRS) regulations. 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.

1. Business Expenses
Net income is gross income less business expense. To determine business expenses that may be deducted from gross income, ESLHA will use current applicable IRS rules for determining allowable business expenses [see IRS Publication 535], unless a topic is described below.

2. Business Expansion
ESLHA will not deduct expenses for business expansion from gross income. Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

3. Capital Indebtedness
ESLHA will not deduct amortization of capital indebtedness from gross income. Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings and machinery. This means ESLHA will allow as a business expense for interest, but not principal, paid on capital indebtedness.
4. Negative Business Income
If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

5. Withdrawal of Cash or Assets from a Business
ESLHA will include the withdrawal of cash or assets from the operation of a business or profession in annual income, unless the withdrawal reimburses a family member for cash or assets invested in the business by the family. Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of an assisted family provided an up-front loan of $2,000 to help a business get started, ESLHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

6. Co-Owned Businesses
If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family’s share of the income is lower than its share of ownership, the family must document the reasons for the difference.

D. Assets
Annual income includes the interest, dividends and other net income of any kind from real or personal property. For most types of assets, ESLHA will determine the value of the asset in order to compute income from the asset. As is true for all sources of income, ESLHA will use other than current circumstances to anticipate income when an imminent change in circumstances is expected, it is not feasible to anticipate a level of income over 12 months, or ESLHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, ESLHA can take into consideration past rental income along with the prospects of obtaining a new tenant. Anytime current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. The family may present information and documentation to ESLHA to show why the asset income determination does not represent the family’s anticipated asset income.

1. Valuing Assets
The calculation of asset income sometimes requires ESLHA to make a distinction between an asset’s market value and its cash value. The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account). The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash. Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

2. Lump-Sum Receipts
Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a
savings or checking account). For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, See chapters 11 and 12.)

3. Imputing Income from Assets
When net family assets are $5,000 or less, ESLHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of $5,000, ESLHA will include in annual income the greater of the actual income derived from the assets or the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

4. Determining Actual Anticipated Income from Assets
If it is necessary to use the value of the asset to compute the anticipated income from an asset, ESLHA will use the market value of the asset. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property’s market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

5. Withdrawal of Cash or Liquidation of Investments
Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

6. Jointly Owned Assets
If an asset is owned by more than one person and any family member has unrestricted access to the asset, ESLHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners. If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, ESLHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, ESLHA will prorate the asset evenly among all owners.

7. Assets Disposed of for Less than Fair Market Value
Annual income includes as a current asset, any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

A. Minimum Threshold ESLHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than $5,000. Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.
B. Separation or Divorce
Assets disposed of as part of a separation or divorce settlement are not considered disposed of for less than fair market value. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation or court order.

C. Foreclosure or Bankruptcy
Assets disposed of as the result of a foreclosure or bankruptcy sale are not considered disposed of for less than fair market value.

8. Types of Assets

A. Checking and Savings Accounts
For regular checking accounts and savings accounts, cash value has the same meaning as market value. If a checking account does not bear interest, the anticipated income from the account is zero. In determining the value of a checking account, ESLHA will use the closing monthly balance for the most recent available statement. In determining the value of a savings account, ESLHA will use the current balance. In determining the anticipated income from an interest-bearing checking or savings account, ESLHA will multiply the value of the account by the current rate of interest paid on the account.

B. Investment Accounts such as Stocks, Bonds, Saving Certificates, and Money Market Funds Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash. In determining the market value of an investment account, ESLHA will use the value of the account on the most recent investment report. How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), ESLHA will calculate asset income based on the earnings for the most recent reporting period.

C. Equity in Real Property or Other Capital Investments
Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset. A family may have real property as an asset in two ways; owning the property itself and holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero. In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset.
The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income. In the case of capital investments owned jointly with others not living in a family’s unit, a prorated share of the property’s cash value will be counted as an asset unless ESLHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

9. Trusts
A trust is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

A. Revocable Trusts
If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

B. Non-Revocable Trusts
In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate.

10. Retirement Accounts
In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, ESLHA must know whether the money is accessible before retirement. While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset. After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate, except to the extent that it represents funds invested in the account by the family member. The balance in the account is counted as an asset only if it remains accessible to the family member. IRA, Keogh and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty.

11. Personal Property
Personal property held as an investment, such as gems, coin collections, antique cars, etc., is considered an asset. In determining the value of personal property held as an investment, ESLHA will use the family’s estimate of the value. Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset. Necessary items of personal property are not considered assets. Necessary personal property consists of only those items not held as an investment, and may include clothing, furniture, household furnishings, jewelry and vehicles, including those specially equipped for persons with disabilities.
12. Life Insurance
The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy is included in the calculation of the value of the family’s assets. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

E. Periodic Payments
Periodic payments are forms of income received on a regular basis. Periodic payments included in annual income are as follows:

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities and similar forms of investments are counted only after they exceed the amount contributed by the family.
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum.

1. Lump-Sum Payments for the Delayed Start of a Periodic Payment
Most lump-sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income. Additionally, any deferred disability benefits that are received in a lump-sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income.

2. Treatment of Overpayment Deductions from Social Security Benefits
ESLHA will make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, ESLHA will use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount.

F. Payments in Lieu of Earnings
Payments in lieu of earnings, such as unemployment and disability compensation, worker’s compensation, and severance pay, are counted as income if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts.

G. Welfare Assistance
Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that is made under programs funded separately or jointly by federal, state, or local governments.
1. Sanctions Resulting in the Reduction of Welfare Benefits
ESLHA will make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The requirements are summarized below. This rule applies only if the family was a public housing resident at the time the sanction was imposed.

A. Covered Families
The families covered by the sanction rule are those who receive welfare assistance or other public assistance benefits from a State or other public 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.

B. Imputed Income
When an agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, ESLHA will include in annual income imputed welfare income. ESLHA will request that the welfare agency inform ESLHA when the benefits of a participant family are reduced. The imputed income is the amount the family would have received if the family had not been sanctioned. This requirement does not apply to reductions in welfare benefits; at the expiration of the lifetime or other time limit on the payment of welfare benefits, if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or because a family member has not complied with other welfare agency requirements.

C. Offsets
The amount of the imputed income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero.

H. Periodic and Determinable Allowances
Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with an assisted family.

1. Alimony and Child Support
ESLHA will count alimony or child support amounts awarded as part of a divorce or separation agreement. ESLHA will count court-awarded amounts for alimony and child support unless ESLHA verifies that: the payments are not being made, and the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments. Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

2. Regular Contributions or Gifts
ESLHA will count as income regular monetary and nonmonetary contributions or gifts from persons not residing with an assisted family. Temporary, nonrecurring or sporadic
income and gifts are not counted. Examples of regular contributions include regular payment of a family’s bills (e.g., utilities, telephone, rent, credit cards and car payments), cash or other liquid assets provided to any family member on a regular basis. For contributions that may vary from month to month (e.g., utility payments), ESLHA will include an average amount based upon past history.

11.3 Income Excluded from Annual Income

A. Temporary, Nonrecurring, or Sporadic Income
Temporary, nonrecurring or sporadic income is not included in annual income. Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed. Sporadic income includes temporary payments from the U.S. Census Bureau for employment lasting no longer than 180 days.

B. Children’s Earnings
Employment income earned by children (including foster children) under the age of 18 years is not included in annual income.

C. Certain Earned Income of Full-Time Students
Earnings in excess of $480 for each full-time student 18 years old or older (except for the head, spouse, life partner or co-head) are not counted. To be considered “full-time,” a student must be considered “full-time” by an educational institution with a degree or certificate program. Any student financial assistance not subject to inclusion is fully excluded from annual income, whether it is paid directly to the student or to the educational institution the student is attending.

D. Income of a Live-In Aide
Income earned by a live-in aide is not included in annual income. (See Eligibility Chapter 8 for a full discussion of live-in aides.)

E. Income Earned under Certain Federal Programs
Income from some federal programs is specifically excluded from consideration as income, including:
- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b))
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

F. Resident Service Stipend [24 CFR 5.600(c) (8)(iv)]
Amounts received under a resident service stipend are not included in annual income. A resident
service stipend is a modest amount (not to exceed $200 per individual per month) received by a resident for performing a service for ESLHA, 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.

G. State and Local Employment Training Programs

Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. 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 training program.

ESLHA defines training program as a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to classroom training in a specific occupational skill, on-the-job training with wages subsidized by the program, or basic education.

ESLHA defines incremental earnings and benefits as the difference between the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program, and the total amount of welfare assistance and earnings of the family member after enrollment in the program. In calculating the incremental difference, ESLHA will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058. End of participation in a training program must be reported in accordance with ESLHA’s interim reporting requirements.

H. HUD-Funded Training Programs

Amounts received under training programs funded in whole or in part by HUD are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Housing Choice Vouchers administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program and other grant funds received from HUD. To qualify as a training program, the program must meet the definition of training program provided above for state and local employment training programs.

I. Earned Income Tax Credit

Earned income tax credit (EITC) refund payments (26 U.S.C. 32(j)) are excluded from annual income.

J. Periodic Payments Excluded from Annual Income

The following periodic payments are excluded from annual income:

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone). Kinship guardianship assistance payments (Kin-GAP) and other similar guardianship payments are treated the same as foster care payments and are likewise excluded from annual income.
• Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home
• Amounts received under the Low-Income Home Energy Assistance Program
• Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
• Lump sums received as a result of delays in processing Social Security and SSI payments
• Lump sums or prospective monthly amounts received as deferred disability benefits from the Department of Veterans Affairs (VA)

K. Additional Exclusions from Annual Income

Other exclusions that have not been discussed earlier in this chapter include the following:
• Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and Workers’ Compensation), capital gains and settlement for personal or property losses (but see the paragraph on payments in lieu of earnings, above)
• Amounts received by the family, that are specifically for, or in reimbursement of, the cost of medical expenses for any family member
• The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
• 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)
• Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.), and which are made solely to allow participation in a specific program
• 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
• Adoption assistance payments in excess of $480 per adopted child
• 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
• Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home
• Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937, including the following:
  ▪ The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977. [7 United States Code (USC) § 2017 (b)]
  ▪ Payments received under the Alaska Native Claims Settlement Act. [43 USC § 1626(c)]
  ▪ Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes. [25 USC § 459(e)]
  ▪ Payments or allowances made under the Department of Health and Human Services’ Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))

The first $2000 of 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, and the first $2000 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.

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 programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For section 8 programs only (42 U.S.C. 1437f), 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 the individual is over the age of 23 with dependent children (Pub. L. 109–115, section 327) (as amended).

Payments received from programs funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056).

Payments received on and after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the “In Re Agent Orange product” liability litigation. [M.D.L. No. 381 (E.D.N.Y.)]

Payments received under the Maine Indian Claims Settlement Act of 1980. [P.L. 96-420, 94 Stat. 1785]

The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q). 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)).

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).

Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d)).


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)).
- Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2))
  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-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC)
- Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b))
- Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. § 1437a(b)(4))
- 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
- A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled Elouise Cobell et al. v. Ken Salazar et al., 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)
- Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013–30 “Exclusion from Income of Payments under Recent Tribal Trust Settlements” (25 U.S.C. 117b(a))
- 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) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)).

11.4 Household Composition and Income
Income received by all family members must be counted unless specifically excluded. It is the responsibility of the head of household to report changes in family composition. The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit. Generally, an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member.

11.5 Earned Income Disallowance [24 CFR 960.255]
The Earned Income Disregard (EID) is the disallowance for increases in income as a result of employment of individual family members. ESLHA will not increase the monthly rental payment of an eligible family because of increased income due to employment during the 12-month period beginning on the date in
which the employment is commenced. EID encourages people to enter the work force by not including the full value of increases in earned income for a period of time.

A. Eligibility
EID applies only to individuals in families already participating in the public housing program (not at initial examination or income targeting for admission). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment. Previously unemployed includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.
- Increased earnings by a family member during participation in an economic self-sufficiency or job-training program. An economic self-sufficiency program is any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families.
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount; or if the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies or transportation assistance, the total amount received over the six-month period must be at least $500.

B. Calculation of the Disallowance
Calculation of EID for an eligible member of a qualified family begins with a comparison of the member’s current income with his or her prior income. ESLHA defines prior income, or prequalifying income, as the family member’s last certified income prior to qualifying for the EID. The family member’s prior, or prequalifying, income remains constant throughout the period that he or she is receiving the EID.

C. Initial 12-Month Exclusion
During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive. The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

D. Second 12-Month Exclusion and Phase-In
During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

E. Lifetime Limitation (24 Month Window of Opportunity)
Effective May 9, 2016, EID has a two-year (24 months) window of opportunity for individuals entering into the program. For individuals prior to May 9, 2016, EID has a four-year (48-month) lifetime maximum (window of opportunity. Effective May 9, 2016, the eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from
another housing agency, if the individual moves between public housing and Housing Choice Voucher assistance, or if there are breaks in assistance. During the eligibility period, ESLHA will schedule and conduct an interim reexamination each time there is a change in the family member’s annual income that affects or is affected by the EID (e.g., when the family member’s income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period better known as the window of opportunity).
Chapter 12 Verifying Income

Overview
All income from applicants and residents must be verified by a third party. ESLHA’s verification requirements are designed to maintain program integrity. This chapter explains ESLHA’s policies for verification of income and assets. This chapter lists the documents required for verification in hierarchy order. All income verification processes must comply with this hierarchy.

Applicants and residents must provide true and complete information to ESLHA whenever information is requested. ESLHA will obtain written authorization from the family before requesting information from independent sources. The verification process shall be completed using the verification hierarchy discussed in Chapter 7.

12.1 Employment Income
Income from employment shall be verified using the following methods in the order that each method is listed below:

A. EIV
ESLHA will obtain EIV income reports for each reexamination. Reports will be generated as part of the regular reexamination process. Income reports will be compared to family-provided information. If the family does not dispute the EIV employer data, ESLHA will use current resident provided pay stubs to calculate the projected annual income. ESLHA will make every effort to obtain current and consecutive pay stubs dated within the last 60 days. If the family disputes the EIV income report, ESLHA will accept UIV information, current acceptable tenant provided documentation and/or traditional third party verification form(s), in hierarchy order, to verify the disputed information. Employment income information is not available on EIV for applicants.

B. UIV
If employment income information is unavailable through EIV or the family disputes the employment income information in EIV, ESLHA shall use UIV information as the next level of verification. The UIV sources of verification for employment income are The Work Number and employer provided websites that contain payment history information. The applicant or resident must provide access to the employer website.

C. Third Party Written Verification
If employment income information is unavailable through EIV or UIV, ESLHA shall use third party written verification in the form of third party documents provided by the family as the next level of verification. Acceptable documents (generated by a third party source) are: pay check stubs, payroll summary report, employer notice/letter of hire/termination, employer letters of expected earnings, W-2 forms, tax returns, bank statements, unemployment monetary benefit notices and other current authentic documents from a third party that verify the income amount.

D. Written Third Party Verification Form
If employment income information is unavailable through EIV, UIV or third party written verification, ESLHA shall use the third party written verification form. Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
• Date of the last pay increase
• Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
• Estimated income from overtime, tips, bonus pay expected during next 12 months
• Name and telephone number of person completing the form

E. Oral Verification
If employment income information is unavailable through EIV, UIV, third party written verification, or the third party written verification form, ESLHA shall use oral verification. ESLHA shall document the telephone number, date and time of the telephone call, and the name of the person contacted, along with the confirmed information in the family’s file.

F. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information, ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

12.2 Social Security and Supplementary Security Income
Income from Social Security (SS) and Supplementary Security Income (SSI) shall be verified using the following methods in the order that each method is listed below. Oral and Self-Certification will not be accepted.

A. EIV
ESLHA will obtain EIV income reports for each reexamination. Reports will be generated as part of the regular reexamination process. Income reports will be compared to family-provided information. If the family does not dispute the EIV data, ESLHA will calculate the projected annual income using the EIV data. If the family disputes the EIV income report, ESLHA will request a benefit award letter issued within the last 120 days. SS and SSI income information is not available on EIV for applicants.

B. Third Party Written Verification
If SS and SSI income information is unavailable through EIV, ESLHA will request the family provide a copy of their SS and/or SSI benefit letter, dated within the last 120 calendar days, for each household member that receives SS and/or SSI benefits.

12.3 Unemployment Compensation
Income from unemployment compensation shall be verified using the following methods in the order that each method is listed below:

A. EIV
ESLHA will obtain EIV income reports for each reexamination. Reports will be generated as part of the regular reexamination process. Income reports will be compared to family-provided information. If the family does not dispute the EIV unemployment compensation data, ESLHA will use the current tenant-provided unemployment benefit report to calculate the projected annual income. If the family disputes the EIV income report, ESLHA will accept UIV information, current
acceptable tenant provided documentation and/or traditional third-party verification form(s), in hierarchy order, to verify the disputed information. Unemployment compensation income information is not available on EIV for applicants.

B. UIV
The UIV source of verification for unemployment compensation income is the State’s website that contains payment history information. The applicant or resident must provide access to the website.

C. Third-Party Written Verification
If unemployment compensation income is unavailable through UIV, ESLHA shall use third party written verification in the form of third-party documents provided by the family as the next level of verification. The acceptable document is the unemployment monetary benefit notice.

D. Written Third-Party Verification Form
If unemployment compensation income information is unavailable through EIV, UIV or third party written verification, ESLHA shall use the third party written verification form to verify the benefit to the appropriate state agency. The verification form will request the date the benefit began, the amount of the benefit, anticipated changes in the benefit and the name and telephone number of the person completing the form.

E. Oral Verification
If unemployment compensation income information is unavailable through EIV, UIV, third party written verification, or the third party written verification form, ESLHA shall use oral verification. ESLHA shall document the telephone number, the date and time of the telephone call, and the name of the person contacted, along with the confirmed information in the family’s file.

F. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information, ESLHA will accept an affidavit or notarized statement of reported unemployment compensation income from the family. This verification method should be used as a last resort.

When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

12.4 Welfare Payments or General Assistance
Income from welfare payments (known as Temporary Assistance for Needy Families or TANF) or general assistance income information is not available through EIV or UIV.

A. Third Party Written Verification
ESLHA shall use third party written verification in the form of third-party documents provided by the family to verify TANF or general assistance income information. The acceptable documents include benefit award letters, sanction notification letters, computer print outs of benefit payment history, computer print outs of EBT card history (EBT card information must be redacted from the document before the document is placed in the file) and other documents generated by the Department of Human and Service (DHS) that indicate the amount of the benefit.

B. Written Third Party Verification Form
If TANF or general assistance income information is unavailable through third party written verification, ESLHA shall use the third party written verification form to verify the benefit. The verification form will request the date the benefit began, the amount of the benefit, anticipated changes in the benefit, any sanctions imposed on the family and the name and telephone number of the person completing the form.

C. Oral Verification
If TANF or general assistance income information is unavailable through third party written verification or the third party written verification form, ESLHA shall use oral verification. This verification should be completed by using the state’s toll-free number for verification of benefits. ESLHA shall document the telephone number, the date and time of the telephone call, and the name of the person contacted, along with the confirmed information in the family’s file.

D. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information, ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

12.5 Alimony or Child Support Payments
Income from alimony or child support payments income information is not available through EIV shall be verified using the following methods in the order that each method is listed below:

A. UIV
The UIV sources of verification for alimony or child support income information are the payment history printout on the child support enforcement website for all cases where the child support enforcement agency is making payments to the family. The applicant or resident may need to provide the information to access the websites.

B. Third Party Written Verification
If alimony or child support income information is unavailable through UIV, ESLHA shall use third party written verification in the form of third-party documents provided by the family to verify income information. The acceptable documents include computer print outs of payment history, copies of court orders or cancelled checks. If the family claims that they are not receiving regular payment and the family is not under the jurisdiction of the child support enforcement agency, the family must provide a written statement from the attorney or other collection entity that the family has made independent efforts to collect child support payments.

C. Written Third Party Verification Form
If alimony or child support income information is unavailable through third party written verification, ESLHA shall use the third party written verification form to verify the benefit. The verification form will request the date the benefit began, the amount of the benefit, anticipated changes in the benefit, any sanctions imposed on the family and the name and telephone number of the person completing the form.

D. Oral Verification
If alimony or child support income information is unavailable through third party written verification or the third party written verification form, ESLHA shall use oral verification. ESLHA
shall document the telephone number, date and time of the telephone call and the name of the person contacted, along with the confirmed information in the family’s file.

E. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information, ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

12.6 Pensions
Income from pensions shall be verified using the following methods in the order that each method is listed below:

A. EIV
Pension income information is not available through EIV.

B. UIV
The UIV source of verification for pension income is a website from the pension provider that contains payment history information. The applicant or resident must provide access to the website.

C. Third Party Written Verification
If pension income information is unavailable through UIV, ESLHA shall use third party written verification in the form of third-party documents provided by the family to verify the information. The acceptable documents include award letters, computer print outs of payment history, bank statements, account statements, check stubs or other documents generated from the pension provider that state the amount of the pension payment.

D. Written Third Party Verification Form
If pension income information is unavailable through third party written verification, ESLHA shall use the third party written verification form to verify the income. The verification form will request the date the payments began, the amount of the payment, anticipated changes in the payments and the name and telephone number of the person completing the form.

F. Oral Verification
If pension income information is unavailable through third party written verification or the third party written verification form, ESLHA shall use oral verification. ESLHA shall document the telephone number, date and time of the telephone call and the name of the person contacted, along with the confirmed information in the family’s file.

G. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information, ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

12.7 Net Income from a Business
Net income from a business shall be verified using the following methods in the order that each method is listed below:
A. EIV/UIV
Business income information is not available through EIV or UIV

B. Third Party Written Verification
In order to verify the net income from a business, ESLHA will rely primarily on IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months. The acceptable documents include IRS Form 1040, including Schedule C (Small Business), Schedule E (Rental Property Income), Schedule F (Farm Income) (Note: If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense computed using straight-line depreciation rules.) and audited or un-audited financial statement(s) of the business. Other documents that may be used to verify net business income are manifests, appointment books, ledgers, bank statements and receipts. These documents will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available. Credit reports and loan applications may also be used to verify the income.

C. Written Third-Party Verification Form
There is no written third-party verification form source for business income information.

D. Oral Verification
If business income information is unavailable through third party written verification, ESLHA shall use oral verification. ESLHA shall document the telephone number, date and time of the telephone call and the name of the person contacted, along with the confirmed information in the family’s file.

E. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information, ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

12.8 Recurring Gifts
Recurring gifts shall be verified using the following methods in the order that each method is listed below:

A. EIV/UIV Recurring gifts income information is not available through EIV or UIV or Written Third Party Verification.

B. Third Party Written Verification
ESLHA shall use third party written verification in the form of third-party documents provided by the family to verify the information. The acceptable document is a letter from the gift donor that states who is providing the gifts, the value of the gifts and the regularity (dates) of the gifts.

C. Oral Verification
If recurring gift income information is unavailable through third party written verification, ESLHA shall use oral verification. ESLHA shall document the telephone number, the date and time of the telephone call and the name of the person contacted, along with the confirmed information in-
the family’s file.

D. Self-Certification

If none of the other verification techniques are successful in obtaining the necessary information ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

12.9 Income from Assets

ESLHA may use the streamlining processes as allowed by HUD whenever possible. If the net assets equal to or less than $5,000, the ESLHA may accept, for the purposes of recertification of income, a family’s declaration that it has net assets equal to or less than $5,000, 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 must be included in the family’s income. The ESLHA must obtain third-party verification of all family assets every 3 years.

A. Savings Account Interest Income and Dividends

Income from savings account interest and dividends shall be verified using the following methods in the order that each method is listed below:

A. EIV
Savings account interest and dividends income information is not available through EIV.

B. UIV
The UIV source of verification for savings account interest and dividends income is a website from the financial institution for the account that contains payment history information. The applicant or resident must provide access to the website.

C. Third Party Written Verification
If savings account interest and dividends income information is unavailable through UIV, ESLHA shall use third party written verification in the form of third-party documents provided by the family to verify the information. The acceptable documents include account statements, passbooks, certificates of deposit, broker’s statements showing value of stocks or bonds and the earnings credited to the family or IRS Form 1099 from the financial institution.

D. Written Third Party Verification Form
If savings account interest and dividends income information is unavailable through third party written verification, ESLHA shall use the third party written verification form to verify the income. The verification form will request the amount of the earnings in the last 12 months, anticipated changes in the amount of earnings and the name and telephone number of the person the form.

F. Oral Verification
If asset income information is unavailable through third party written verification, or third party written verification form ESLHA shall use oral verification. ESLHA shall document the telephone number, the date and time of the telephone call and the name of the person contacted, along with the confirmed information in the family’s file.
G. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

B. Interest Income from Mortgages or Similar Arrangements
Interest income from mortgages or similar arrangements shall be verified using the following methods in the order that each method is listed below:

A. EIV
Interest income from mortgages or similar arrangements information is not available through EIV.

B. UIV
The UIV source of verification for interest income from mortgages or similar arrangements is a website from the financial intuition for the account that contains payment history information. The applicant or resident must provide access to the website.

C. Third Party Written Verification
If interest income from mortgages or similar arrangements is unavailable through UIV, ESLHA shall use third party written verification in the form of third party documents provided by the family to verify the information. Acceptable documents include a letter from an accountant, attorney, real estate broker, the buyer or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown or an amortization schedule showing interest for the 12 months is provided).

D. Written Third Party Verification Form
If interest income from mortgages or similar arrangements information is unavailable through third party written verification, ESLHA shall use the third party written verification form to verify the income. The verification form will request the amount of the earnings in the last 12 months, anticipated changes in the amount of earnings and the name and telephone number of the person completing the form.

E. Oral Verification
If interest income from mortgages or similar arrangements information is unavailable through third party written verification or third party written verification form ESLHA shall use oral verification. ESLHA shall document the telephone number, the date and time of the telephone call and the name of the person contacted, along with the confirmed information in the family’s file.

G. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information, ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file with the reason...
third party verification was not available.

C. Net Rental Income from Property Owned by Family
Net rental income shall be verified using the following methods in the order that each method is listed below:

A. EIV
Net rental income is not available through EIV.

B. UIV
There is no UIV source of verification for net rental income.

C. Third Party Written Verification
ESLHA shall use third party written verification in the form of third party documents provided by the family to verify the net rental income information. The acceptable documents include IRS Form 1040 with Schedule E (Rental Income), copies of latest rent receipts, leases, or other documentation of rent amounts, documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense and lessee’s written statement verifying rent payments to the family.

D. Written Third Party Verification Form
The third party written verification form method of verification is not available for the verification of net rental income.

E. Oral Verification
The oral verification form method of verification is not available for the verification of net rental income.

F. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information, ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

D. Valuing Family Assets
To determine the current cash value of the family’s assets (the net amount the family would receive if the asset were converted to cash), ESLHA will use the following methods in the order that each method is listed below:

A. EIV
Information relating to the value of family assets is not available through EIV.

B. UIV
There is no UIV source of verification for valuing family assets.

C. Third Party Written Verification
ESLHA shall use third party written verification in the form of third-party documents provided by the family to verify the value of family assets. The acceptable documents
include letters, or documents from a financial institution or broker, passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker. Acceptable documents also include quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate or real estate tax statements if the approximate current market value can be deduced from assessment. In addition, acceptable documents are financial statements for business assets, copies of closing documents showing the selling price and the distribution of the sales proceeds or appraisals of personal property held as an investment.

D. Written Third Party Verification Form
If information on the value of family assets is unavailable through third party written verification, ESLHA shall use the third party written verification form to verify the value. The verification form will request the value of the asset, anticipated changes in the value of the asset and the name and telephone number of the person completing the form.

E. Oral Verification
If information on the value of family assets is unavailable through third party written verification or the third party written verification form, ESLHA shall use oral verification. ESLHA shall document the telephone number, the date and time of the telephone call and the name of the person contacted, along with the confirmed information in the family’s file.

F. Self-Certification
If none of the other verification techniques are successful in obtaining the necessary information, ESLHA will accept an affidavit or notarized statement of reported income from the family. This verification method should be used as a last resort. When this verification method is used ESLHA must document in the family’s file the reason third party verification was not available.

E. Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification
ESLHA will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or re-certification. If the family certifies that they have disposed of assets for less than fair market value, verification or certification is required that shows: all assets disposed of for less than FMV, the date they were disposed of, the amount the family received, and the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

F. Zero Income Status
ESLHA will check UIV sources and/or request information from third party sources to verify that certain forms of income such as unemployment benefits, TANF, SSI, etc., are not being received by families claiming to have zero annual income. Income of families claiming to have zero income will be reviewed quarterly.
Chapter 13 Adjustments to Annual Income

13.1 Overview
This chapter defines how ESLHA will determine adjustments to annual income to ensure that families receive accurate allowable expenses and deductions from annual income. ESLHA must verify all adjustments to annual income. See Chapters 7 and 14 for verification requirements.

13.2 Dependent Deduction
ESLHA will deduct $480 from the annual income for each dependent member of the family (other than head of household, spouse, life partner, or co-head) who is (1) seventeen (17) years of age or younger or (2) who is eighteen (18) years of age or older and is a verified full-time student and/or is disabled or handicapped person. Foster children, foster adults and live-in aides are never dependents.

13.3 Elderly or Disabled Family Deduction
ESLHA will deduct $400 from the annual income for families whose head, spouse, life partner, co-head or sole member is either 62 years of age or older (Elderly Family) or disabled (Disabled Family). A disabled family is a family whose head, spouse, life partner, co-head or sole member is a person with disabilities. The Elderly or Disabled family is eligible for only one $400 per family. An Elderly or Disabled Family may include one or more such person living together.

13.4 Medical Expenses Deduction
ESLHA will deduct unreimbursed medical expenses from the annual income to the extent that, in combination with any disability assistance expenses, exceeds three percent (3%) of the total annual family income. This deduction is granted only to elderly or disabled families. The medical expense deduction is only for families in which the head, spouse, life partner or co-head is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are included in the determination of the amount of the deduction. Expenses used to compute the deduction cannot be compensated for or be covered by insurance.

A. Definition of Medical Expenses
Medical expenses mean expenses of medical needs, including medical insurance premiums that are anticipated during the period for which annual income is computed and that are not covered by insurance. ESLHA will use the guidance in IRS Publication 502, Medical and Dental Expenses, to determine the costs that qualify as medical expenses. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.

Some of the allowable medical expenses include the following:

- Services of medical professionals and health care facilities (doctors, nurses, practical nurses, therapists, hospitals, clinics, etc.)
- Surgery and medical procedures that are necessary, legal, non-cosmetic
- Services of medical facilities
- Hospitalization, long-term care, and in-home nursing services
- Prescription medicines and insulin, but not non-prescription medicines even if recommended by a doctor
- Improvements to housing directly related to medical needs (e.g., ramps for a wheelchair, handrails)
- Substance abuse treatment programs
• Psychiatric treatment
• Ambulance services and some costs of transportation related to medical expenses
• The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)
• Cost and continuing care of necessary service animals
• Medical insurance premiums including Medicare and the insurance deductible or the cost of a health maintenance organization (HMO)

13.5 Disability Assistance Expenses Deduction
ESLHA will deduct reasonable expenses for attendant care and auxiliary apparatus for a disabled family member if the reasonable expenses: are necessary to enable a family member 18 years or older to work, are not paid to a family member or reimbursed by an outside source, in combination with any medical expenses, exceed three percent (3%) of annual income, and do not exceed the earned income received by the family member who is enabled to work.

A. Earned Income Limit on the Disability Assistance Expense Deduction
A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work. The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, ESLHA will consider factors such as the work schedule of the relevant family members related to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities and any special needs of the person with disabilities that might determine which family members are enabled to work.

The disability expense deduction cannot exceed the amount of earned income received by family members who are 18 years of age or older and who are able to work because of the expense. The earned income used for this purpose is the amount verified before any Earned Income Disallowances (EID) or income exclusions are applied.

B. Eligible Disability Expenses

1. Eligible Auxiliary Apparatus
Auxiliary apparatus are items such as wheelchairs, ramps, adaptations to vehicles or special equipment to enable a blind person to read or type, but only if these items are directly related to permitting the disabled person or other family member to work. Expenses incurred for maintaining or repairing an auxiliary apparatus is eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming and other continuing costs of care, will be included.

2. Eligible Attendant Care
Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, and in-home or center-based care services, interpreters for persons with hearing impairments and readers for persons with visual disabilities. Attendant care expenses will be included for the period that the person enabled to work is
employed, plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible. If the care attendant also provides other services to the family, ESLHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

No disability assistance expenses may be deducted for payments to a member of an assisted family. However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not reimbursed by an outside source.

Care attendants are not live-in aides, since they have their own place of residence (and if requested by ESLHA must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.

C. Necessary and Reasonable Expenses

Disability expenses must be necessary and reasonable. The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source. ESLHA will determine the reasonableness of the expenses based on typical costs of care or apparatus in the area. (ONLY EXPENSES NOT REIMBURSED FROM ANY OTHER SOURCES ARE ALLOWED)

13.6 Families That Qualify for Both Medical and Disability Assistance Expenses

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, ESLHA will consider the expenses as medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

13.7 Childcare Expense Deduction

ESLHA will deduct reasonable expenses for childcare for the amount anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. 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. Child support payments made to another on behalf of a minor who is not living in an assisted family’s household are not considered eligible childcare expenses. However, childcare expenses for foster children that are living in the assisted family’s household are included when determining the family’s childcare expenses.

A. Qualifying for the Deduction

1. Determining Who Is Enabled to Pursue an Eligible Activity for Childcare Expense

The family must identify the household member(s) enabled to pursue an eligible activity such as to work, seek employment, or to further the member’s education. Deductible expenses for childcare to enable a person to work shall not exceed the amount of income
received from such work. In evaluating the family's request, ESLHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity. ESLHA shall consider: 1) The amount of employment income included in ESLHA's computation of Annual Income; 2) The reasonableness of an amount of the expense is incurred to permit education and/or to actively seek employment. ESLHA may use the average of rates obtained from three (3) local child care facilities and/or some type of market survey to determine the rates for childcare expense or a reasonable maximum child care expense, for comparable situations, within the local market.

ESLHA may not disallow a deduction for childcare expense because there is an unemployed adult family member that may be available to provide childcare. ESLHA may not decide who will provide childcare), nor may ESLHA decide the type of childcare available).

2. Seeking Work Claiming Childcare Expense
   If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member’s efforts to obtain employment at each reexamination. ESLHA will accept documentation of a family member receiving unemployment compensation as evidence that the family member is seeking employment. The deduction may be reduced or denied if the family member’s job search efforts are not commensurate with the childcare expense allowed by ESLHA.

3. Furthering Education Claiming Childcare Expenses
   If the childcare expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program full- or part-time. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the childcare claimed. Only reasonable, unreimbursed expenses will be considered.

4. Gainfully Employed Claiming Childcare Expense
   If the reasonable childcare expenses (annual expense) that are anticipated during the year for care of children under 13 years of age during the period for which annual income is computed, that enable a household member to work. Deductible expenses for childcare to enable a person to work shall not exceed the amount of income received from such work. Childcare cannot be paid to another member of the household. (ONLY EXPENSES NOT REIMBURSED FROM ANY OTHER SOURCES ARE ALLOWED)
If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member’s employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.
Chapter 14 Verifying Adjustments to Annual Income

Overview
This chapter explains the detailed verification requirements for adjustments to annual income.

14.1 Dependent Deductions
To allow a dependent deduction ESLHA must verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, life partner, or co-head of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full-time student

A. Verifying Age and Family Relationship
ESLHA shall verify age and family relationship using the verification method outlined in Chapter 9.

B. Verifying Full-Time Student Status
Full-time student status must be verified at each reexamination. To verify full-time student status, ESLHA will use third party written verification in the form of third party documents provided by the family as the preferred method to verify full time student status. The acceptable documents include letters from the school verifying status, schedules, report cards, award letters, computer print outs indicating status, or other documents generated by the school that indicates the student’s status.

If student status information is unavailable through third party written verification, ESLHA shall use the third party written verification form to verify the student status. The verification form will ask the school to verify the student’s status, and the name and telephone number of the person completing the form.

14.2 Elderly/Disabled Family Deduction
To allow an elderly/disabled family deduction, ESLHA must verify that the head, spouse, life partner, or co-head is 62 years of age or older or a person with disabilities. ESLHA shall verify age and disability status using the verification method outlined in Chapter 9.

14.3 Medical Expense Deduction
To allow a medical expense deduction, ESLHA must verify the following:

- The household is eligible for the deduction
- The costs to be deducted are qualified medical expenses
- The expenses are not paid for or reimbursed by any other source
- The amount of the expenses

A. Eligible Household
ESLHA must verify that the head, spouse, life partner, or co-head is 62 years of age or older or a person with disabilities in order to allow a medical expense deduction. ESLHA shall verify age and disability status using the verification method outlined in Chapter 9.

B. Qualified Expenses
To be eligible for the medical expenses deduction, the costs must qualify as medical expenses as outlined in Chapter 13.

C. Unreimbursed Expenses
To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source. ESLHA will require the family to certify that the medical expenses are not paid or reimbursed to the family from any source.

D. Amount of Expenses
To verify the amount of medical expenses, ESLHA will use the following methods in the order that each method is listed below:

- **EIV**
  EIV provides data on Medicare insurance premium for some participants. If the information is available on EIV, the data will indicate if the participant or third party is paying the premium. If the participant is paying the premium, the amount will be included in the medical expense deduction calculation. All medical expense deduction information is not available in EIV; other eligible expenses must be verified using other methods.

- **Third Party Written Verification**
  ESLHA shall use third party written verification provided by the family as the preferred method to verify medical expenses. The acceptable documents include computer printouts listing expenses, receipts, spend-down documents, letters from insurance companies or agencies listing premiums or other documents generated by a third party listing unreimbursed expenses.

- **Written Third Party Verification Form**
  If medical expense information is unavailable through third party written verification, ESLHA shall use the third party written verification form to the health care provider to verify the expenses. The verification form will list the unreimbursed expenses and the name and telephone number of the person completing the form.

14.4 Disability Assistance Expenses
To allow a disability assistance expenses deduction, ESLHA must verify the following:
- The family member for whom the expense is incurred is a person with disabilities
- The expense permits a family member, or members, to work
- The expense is not reimbursed from another source
- The amount of the expense

A. Family Member is a Person with Disabilities
To allow a disability assistance expense deduction, ESLHA must verify that the costs for attendant care or auxiliary apparatus expense are associated with a person with disabilities. ESLHA shall verify disability status using the verification method outlined in Chapter 9.

B. Family Member(s) Permitted to Work
ESLHA will request the family to provide a document from a rehabilitation facility and/or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary
apparatus enables another family member, or members, to work. If the family does not provide the document, ESLHA will send a third-party verification form to the knowledgeable medical professional to obtain the information. If third party verification has been attempted and is either unavailable or proves unsuccessful, ESLHA will attempt to obtain oral verification of the information. If ESLHA is unable to get the information from a third-party source, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

C. Unreimbursed Expenses
To be eligible for the disability assistance expense deduction, the costs must not be reimbursed by another source. ESLHA will require the family to certify that the medical expenses are not paid or reimbursed to the family from any other source.

D. Amount of Expenses
To verify the amount of disability assistance expense, ESLHA will use the following methods in the order that each method is listed below:

- **Third Party Written Verification**
  ESLHA shall use third party written verification in the form of third-party documents provided by the family to verify disability assistance expenses. The acceptable documents include receipts, cancelled checks, billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months or other documents generated by a third party listing unreimbursed expenses.

- **Written Third Party Verification Form**
  For disability assistance expense, ESLHA shall use the third party written verification form to the rehabilitation agency or knowledgeable medical professional to verify the expenses. The verification form will list the unreimbursed expenses and the name and telephone number of the person completing the form.

14.5 Child Care Expenses
To allow a child care expense deduction, ESLHA must verify the following:

- The child is eligible for care
- The costs claimed are not reimbursed
- The costs enable a family member to pursue an eligible activity
- The costs are reasonable
- The amount of the expense

A. Eligible Child
To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of 13. ESLHA shall verify age using the verification method outlined in Chapter 9.

B. Unreimbursed Expense
To be eligible for the childcare deduction, the costs must not be reimbursed by another source. The provider or family will be required to certify that the childcare expenses are not paid by or reimbursed to the family from any other source.
C. Pursuing an Eligible Activity

- **Seeking Work**
  ESLHA will use documentation from a State or local agency that monitors work-related requirements (e.g., welfare or unemployment).

- **Furthering Education**
  ESLHA will request third party documentation to verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

- **Gainful Employment**
  ESLHA will use the third party information gathered, as part of the income verification requirements outlined in Chapter 11 to verify employment.

D. Reasonableness of Expenses

ESLHA will verify the reasonableness of childcare costs by comparing the actual costs the family incurs to the State’s published reimbursement standards. If the family presents a justification for costs that exceed typical costs in the area, ESLHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

E. Amount of Expenses

To verify the amount of childcare expenses, ESLHA will use third party written verification provided by the family as the preferred method to verify childcare expense. The acceptable documents include receipts, cancelled checks, billing statements that show payment amounts, computer print outs showing payment amount or other documents generated by a third party listing unreimbursed expenses.

If childcare expense information is unavailable through third party written verification, ESLHA shall forward written verification to the childcare provider to verify the expenses.
Chapter 15 Occupancy Standards

15.1 Overview

ESLHA has established occupancy standards to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. These standards describe the methodology and factors that ESLHA uses to determine the size unit for which a family qualifies, and includes the identification of the minimum and maximum number of household members for each unit size.

15.2 Determining Unit Size

In selecting a family to occupy a particular unit, ESLHA will match characteristics of the family with the type of unit available, for example, number of bedrooms. Units will be assigned to applicants so that no less than one and no more than two persons will occupy a bedroom. Unit assignments will also be based on the following:

- Persons of the opposite sex (other than a spouse or life partner) will not be required to share a bedroom
- Persons of different generations will not be required to share a bedroom
- Two children of the opposite sex may be required to share a bedroom if both are under age five
- Two children of the same sex will be required to share a bedroom regardless of age
- A child shall not be required to share a bedroom with a parent
- Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide’s family
- Single person families will be allocated a zero or one bedroom
- Foster children will be included in determining unit size
- Space may be provided for children away at school but who live with family during school recesses
- Space is not provided for a family member, other than a spouse or life partner, who will be absent most of the time, such as a member who is away in the military
- A separate bedroom may be provided for an individual family member if the family presents documentation from professional resources sufficient to convince ESLHA that the individual’s physical or mental health requires separate sleeping quarters

No assignment of units will be made which requires the use of the living room for sleeping. ESLHA will reference the following chart in determining the appropriate unit bedroom size for a family:
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<th>BEDROOM SIZE</th>
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15.3 Exception to Occupancy Standards

ESLHA will consider granting exceptions to the occupancy standards at the family’s request if it is determined that the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

The family must request any exception to the occupancy standards in writing (except for a request for a reasonable accommodation). The request must explain the need or justification for a larger family unit size, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional (e.g., doctor or health professional).

Exceptions will be considered for the following:

- Larger bedroom size is needed for medical equipment due to the size and/function, or as a reasonable accommodation for a person with disabilities,
- To prevent vacancies an applicant family may be permitted to occupy a larger unit than the occupancy standard permits. However, the family must agree to move to suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer
- Requests from applicants to be placed on the waiting list for a unit size smaller than designated by unit assignments will be approved as long as the unit is not overcrowded according to occupancy standards or local code, and the family agrees to not request a transfer for a period of two (2) years from the date of admission, unless they have a subsequent change in family size or composition.

The family’s continued need for an additional bedroom due to special medical equipment must be re-verified at each annual reexamination. ESLHA will notify the family of its determination in writing. If a family’s request is denied, the notice will inform the family of their right to request an informal hearing.
Chapter 16 Unit Offers

[24 CFR 1.4(b)(2)(ii); 24 CFR 960.208]

Overview
ESLHA will assign eligible applicants and residents to dwelling units in accordance with this policy that is consistent with civil rights and nondiscrimination requirements. This section describes the policies with regard to how units are offered and the number of unit offers that will be made to applicants selected from the waiting list. This chapter also describes ESLHA’s policies for offering units with accessibility features and rejecting unit offers.

16.1 Unit Offers

A. Determining Number of Vacancies and Applicants
ESLHA and/or management agent should anticipate the number of vacancies, by unit size, at each development and determine the number of additional eligible applicants the development needs to fill these anticipated vacancies. ESLHA and/or management agent should then determine the number of applicants to be called from the waiting list to fill the anticipated vacancies by determining the percentage of applicants summoned to the eligibility interviews who appear for the interview and the percentage of applicants who complete the eligibility requirements for public housing. Once an applicant is housed their name will be removed from all waiting lists.

B. Order of Unit Offers
ESLHA or the management agent shall select a group of applicants from the waiting list that contains a sufficient number of applicants (pool) it has determined are necessary to fill the anticipated vacancies in accordance with the applicant selection policies outlined in Chapter 6. Unit offers shall be made by unit size, to the applicants in the order they are determined eligible. Since ESLHA will pull a sufficient number of applicants to fill the unit quickly, with an eligible person or family, if more than one family responds to the offer, the first family that accepts the unit, executes the lease and makes the necessary rent payments and deposits will be housed in the unit. If another family responds with the necessary rent payments and deposits, they will not lose their position on the waiting list, but be offered other eligible units that they may qualify for that are ready and vacant at that that time. If a family fails to respond, they will be removed from the waiting list, in accordance with the policies. Units at developments that are designated elderly will only be offered to applicants that qualify for those developments.

C. Number of Offers
ESLHA will offer two (2) suitable vacant units from the development’s vacancy list to the next eligible pool of applicants. Generally, the ESLHA will pull a sufficient number of applicants in which to offer the available unit to fill it quickly in order to maintain occupancy levels that are in sync with HUD’s PHAS scoring system. Applicants will receive written notification of a unit offer and must respond to accept or reject the offer within five (5) days from the date of the written offer.

If an applicant does not respond to the unit offer within five (5) days from the date of the offer, the application will be withdrawn and the applicant will be removed from all waiting lists and will be required to reapply.
16.2 Accessible Unit Offers

Qualified families will be offered an accessible unit, upon request by the family, when an accessible unit is available. Due to the limited number of accessible units, ESLHA will offer vacant accessible units with features for person with disabilities as follows:

- First, to a current occupant of another unit of the same development who requires the accessible features of the vacant, accessible unit and is occupying a unit not having the features;

- Second, if there is no current resident in the same development that requires the accessible features of the vacant unit, then it will be offered to a resident with disabilities residing in another development under ESLHA’s control, who has a disability that requires the special features of the vacant accessible unit;

- Third, if there is no current resident who requires the accessible features of the vacant, accessible unit, then the vacant accessible unit will be offered to an eligible qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the available, vacant, accessible unit;

- Fourth, if there is not an eligible qualified resident or applicant with disabilities on the waiting list who wishes to reside in the available, accessible unit, then the ESLHA will offer the available accessible unit to an applicant on the waiting list who does not need the accessible features of the unit. However, the ESLHA may require the applicant to execute a lease that requires the resident to relocate, at the ESLHA’s expense, to a non-accessible unit within thirty (30) days of notice by the ESLHA that there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit. See 24 CFR § 8.27. Although the regulation does not mandate the use of the lease provision requiring the nondisabled family to move, as a best practice, HUD strongly encourages recipients to incorporate it into the lease, which is included by reference in the ACOP. By doing so, the ESLHA may not have to retrofit additional units because accessible units are occupied by persons who do not need the features of the units. In addition, making sure that accessible units are actually occupied by persons who need the features will make recipients better able to meet their obligation to ensure that their program is usable and accessible to persons who need units with accessible features. See 24 CFR 8.20. In accordance with HUD’s recommendation, before occupying with an able-body in the unit, the ESLHA will over-house a disabled family qualifying for the unit, with the understanding that they will move to an appropriate fixed accessible unit when one becomes available.

16.3 Refusal of Unit Offer with Good Cause

Applicants may refuse to accept a unit offer for good cause. Good cause includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant’s race, color, national origin, etc. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:
• The family demonstrates to ESLHA’s satisfaction that accepting the offer will place a family member’s life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, sexual assault, or stalking in accordance with Section 4.6 of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

• A health professional verifies temporary hospitalization or recovery from illness of a principal household member, other household members (as listed on final application) or live-in aide necessary for the care of the principal household member.

• The unit is inappropriate for the applicant’s disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives another unit offer. ESLHA will require documentation of good cause for unit refusals.

16.4 Unit Refusal without Good Cause

When an applicant rejects two (2) unit offers without good cause, ESLHA will remove the applicant’s name from the waiting list. The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply when the waiting list is open.
Chapter 17 Inspections

[24 CFR 5.705, 24 CFR 966.4 (I) and CFR 966.4 (h)]

Overview
ESLHA conducts several types of inspections, an annual physical conditions inspection, and move-in inspection to inspect each dwelling unit prior to family occupying the unit and a move-out inspection to determine the condition when the family moves out. In addition, ESLHA may require additional inspections. This section contains ESLHA’s policies governing inspections, notification of unit entry and inspection results.

17.1 Types of Inspections
ESLHA will perform these types of inspections:

A. Move-In Inspection
The lease requires that prior to a family occupying a public housing unit; a move-in inspection will be conducted on the units interior and exterior and all appliances in the unit. Any adult family member may attend the inspection and sign the inspection form for the head of household. Any deficiencies noted on the inspection form will be corrected by ESLHA at no charge to Head of Household. A copy of the initial inspection, signed by ESLHA and the resident, will be provided to the family and a copy kept in the resident file.

B. Annual Inspection
ESLHA must inspect all occupied units annually using HUD’s Uniform Physical Condition Standards (UPCS). This inspection is to insure that the units are maintained in a manner that meets the physical condition standards.

C. Real Estate Assessment Center (REAC) Inspection
HUD, through third party inspectors, will inspect a random selection of occupied units using HUD’s Uniform Physical Conditions Standards to ensure that the units, building systems and buildings meet the physical condition standards.

D. Move-Out Inspection
ESLHA will inspect units at the time the family vacates the unit and will allow the resident to participate in the inspection unless the family vacates without notice to ESLHA. ESLHA will provide to the resident a statement of any charges to be made for maintenance and damage beyond normal wear and tear within 30 business days of conducting the move-out inspection. The identified charges will be deducted from the security deposit and any excess damage charges will be charged to the resident.

E. Special Inspections:
ESLHA staff may conduct a special inspection for any of the following reasons:
- Housekeeping
- Suspected lease violation
- Preventive maintenance
- Routine maintenance
17.2 Inspection Notice

A. General Inspection Notices
ESLHA will notify the resident in writing at least 48 hours prior to any non-emergency inspection. Entry for repairs requested by the family will not require prior notice. Resident-requested repairs presume permission for entry into the unit.

B. Emergency Entries
ESLHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, ESLHA will leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

17.3 Scheduling of Inspections
Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify ESLHA at least 24 hours prior to the scheduled inspection. ESLHA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. ESLHA may request verification of such cause.

17.4 Attendance at Inspections
Except at move-in inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes. If no one is at home, the inspector will enter the unit, conduct the inspection and a copy will be placed in the resident file for review.

17.5 Inspection Results

A. Resident-Caused Damages
Damages to the unit beyond wear and tear will be billed to the resident in accordance with the tenant charge list. Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious violation of the lease and may result in termination of tenancy.

B. Emergency Repairs [24 CFR 966.4(h)]
If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify ESLHA of the damage, and ESLHA will make repairs within a reasonable time frame. If the damage was caused by a household member or guest, ESLHA will charge the family for the reasonable cost of repairs. ESLHA will also take lease enforcement action against the family.

If ESLHA cannot make repairs quickly, ESLHA may offer the family standard alternative accommodations. If ESLHA can neither repair the defect within a reasonable time frame nor offer alternative housing, rent may be abated in proportion to the seriousness of the damage and loss in value as a dwelling. Rent will not be abated if the damage was caused by a household member or guest, or if the resident rejects the alternative accommodations.
When conditions in the unit are hazardous to life, health or safety, ESLHA will make repairs or otherwise abate the situation within 24 hours. Defects hazardous to life, health or safety include, but are not limited to, the following:

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural gas leaks
- Any electrical problem or condition that could result in shock or fire
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit
- Absence of a working air conditioner (where the unit is installed in the unit by ESLHA) when the outside temperature is above 80 degrees Fahrenheit
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit
- Inoperable smoke detectors/carbon monoxide detectors

C. Housekeeping

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, ESLHA will provide proper notice of a lease violation or termination of tenancy.

A re-inspection will be conducted within 5 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a re-inspection is considered a violation of the lease and may result in a lease violation or termination of tenancy.

17.6 Intentionally Disengaging Smoke Detectors/Carbon Monoxide Detectors

Notices of lease violation will also be issued to residents who purposely disengage the unit’s smoke detector and/or carbon monoxide detector. Disengagement includes disabling and/or removing the smoke/carbon monoxide detector; failing to properly maintain the detector, removing batteries and failing to replace them; if applicable, failing to report a malfunctioning detector, unplugging a detector (inside its mounting box); or allowing it to dangle by its wiring or covering it. The first incidence will result in a fine of $50; any additional incidents will result in a $100 fine or lease termination. A total of two incidents is considered a serious lease violation and may result in eviction.
Chapter 18 Rent Determination
[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

18.1 Overview of Income-Based Rent Calculations
The first step in calculating income-based rent is to determine each family’s total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which will be paid to the family.

A. TTP Formula
The total tenant payment (TTP) for a tenant family is the highest of the following amounts, rounded to the nearest dollar:
• 30 percent of the family’s monthly adjusted income
• 10 percent of the family’s monthly gross income
• A minimum rent of $50
ESLHA may suspend and exempt families from minimum rent when a financial hardship exists as defined in Chapter 18.2A.

B. Utility Allowances
Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family’s income-based rent, ESLHA must use the utility allowance applicable to the type of dwelling unit leased by the family. See Chapter 4 for updating utility allowance schedule.

On request from a family, ESLHA must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability. Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability.

C. Utility Reimbursement
Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. ESLHA will pay the reimbursement to the family. The ESLHA has an option of making utility reimbursement payments not less than once per calendar year quarter. In the event a family leaves the program in advance of its next quarterly reimbursement, the ESLHA must reimburse the family for a prorated share of the applicable reimbursement. The ESLHA will provide payments upon a documented hardship beyond the control of the family. At any time in the future, ESLHA may make the utility payments directly to the family or the utility company. If ESLHA makes the payment directly to the utility company, the ESLHA will notify the family of the amount of utility reimbursement paid to the utility supplier.
18.2 Flat Rents and Family Choice of Rent [24 CFR 960.253]

A. Flat Rents [24 CFR 960.253(b)]

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient. There is no utility allowance or reimbursement with flat rents. When the family elects to pay the flat rent, the flat rent amount quoted to the family by ESLHA is the amount the family pays. Changes in family income, expenses or composition will not affect the flat rent amount because it is outside the income-based formula.

Policies related to the reexamination of families paying flat rent are contained in Chapter 20 and policies related to the establishment and review of flat rents are contained in Chapter 4.

B. Family Choice in Rents [24 CFR 960.253(a) and (e)]

Once each year, during the annual re-examination process, ESLHA will offer the family the choice of paying a flat rent or an income-based rent. ESLHA will offer the family the choice between flat and income-based rent upon admission and upon each subsequent annual reexamination.

The family must submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process. The family will be provided information on ESLHA’s policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option.

C. Switching from Flat Rent to Income-Based Rent Due to Hardship

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. Upon determination by ESLHA that a financial hardship exists, ESLHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family’s request. ESLHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent.

D. Change in Flat Rents

Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or remaining on flat rent at the current (most recently adjusted) flat rent for their unit.

E. Flat Rents and Earned Income Disallowance (EID)

Because the EID is a function of income-based rents, a family currently paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.
E. Flat Rents and Mixed Families:
Mixed families electing to pay flat rent must first have a flat rent worksheet completed to see if the flat rent is greater than the prorated income-based rent. When the mixed family’s TTP is greater than the flat rent, the ESLHA must use the TTP as the mixed family TTP. The ESLHA subtracts from the mixed family TTP any established utility allowance, and the sum becomes the mixed family rent.

18.3 Financial Hardships Affecting Minimum Rent

Overview
ESLHA will grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship. The financial hardship exemption applies only to families required to pay the minimum rent. If a family’s TTP is higher than the minimum rent, the family is not eligible for a hardship exemption.

A. Minimum Rent Hardship Exemption/Definition
ESLHA shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing that is unable to pay because of financial hardship, which shall include:

(1) The family has lost eligibility for, or is awaiting an eligibility determination from a federal, state, or local assistance program, including a family member who is an alien lawfully admitted for permanent residence under the Immigration and Nationalization Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. A hardship will be considered to exist only if the loss of eligibility has an impact on the family’s ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following implementation of assistance, if approved, or the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

(2) The family would be evicted because it is unable to pay the minimum rent
   • For a family to qualify under this provision, the cause of the potential eviction must be the family’s failure to pay rent to the owner or tenant-paid utilities

(3) The income of the family has decreased because of changed circumstance, including loss of employment.

(4) A death in the family has occurred which affects the family circumstances.
   In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member’s income)

(5) The family has experienced other circumstances which may be decided by the ESLHA

B. Implementation of Hardship Exemption

• Determination of Hardship
To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the
hardship has affected the family’s ability to pay the minimum rent. When a family requests a financial hardship exemption, ESLHA will suspend the minimum rent requirement beginning the first of the month following the family’s request. When the minimum rent is suspended, the family’s share reverts to the highest of the remaining components of the calculated TTP.

- **No Financial Hardship**
  If ESLHA determines there is no financial hardship, ESLHA will reinstate the minimum rent and require the family to repay the amounts suspended. ESLHA will require the family to repay the suspended amount within 30 calendar days of ESLHA’s notice that a hardship exemption has not been granted.

- **Temporary Hardship**
  If ESLHA determines that a qualifying financial hardship is temporary, ESLHA will suspend the minimum rent for the 90-day period beginning the first of the month following the date of the family’s request for a hardship exemption. At the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay ESLHA the amounts suspended. ESLHA may enter into a repayment agreement in accordance with the policies found in Chapter 4 of this plan. ESLHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

- **Long-Term Hardship**
  If ESLHA determines that the financial hardship is long-term, ESLHA will exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family’s request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent amounts.

- **End of the Hardship**
  The hardship period ends when any of the following circumstances apply:
  
  - At an interim or annual reexamination, the family’s calculated TTP is greater than the minimum rent.
  - For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a $60/month child support payment, the hardship will continue to exist until the family receives at least $60/month in income from another source or once again begins to receive the child support.
  - For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.
18.4 Prorated Rent for Mixed Families [24 CFR 5.520]

ESLHA must prorate the assistance provided to a mixed family. A mixed family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. ESLHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, ESLHA must:

The ESLHA must prorate the family’s assistance as follows:

Step 1. Determine the total tenant payment in accordance with section 5.628. (Annual income includes income of all family members, including any family member who has not established eligible immigration status.)

Step 2. Subtract the total tenant payment from the PHA-established flat rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible (“family maximum subsidy”).

Step 3. 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 4. Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status (“eligible family members”).

The product of steps 1 through 4 of this section is the amount of subsidy for which the family is eligible (“eligible subsidy”). The family’s rent is the ESLHA established flat rent minus the amount of the eligible subsidy.
Chapter 19 Leasing [24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

Overview
An eligible family occupies a public housing unit under the terms of a dwelling lease. The term of the lease is for a period of 12 months. The lease is renewed automatically for another 12-month term, except that ESLHA may not renew the lease if the family has violated the community service requirements. Chapter 24 discusses the community service requirements.

19.1 Lease Orientation
After unit acceptance but prior to occupancy, an ESLHA representative will provide a lease orientation to the family. The head of household and all adult family members are required to attend.

A. Orientation Agenda
When families attend the lease orientation, they will be provided with:

- A copy of the Dwelling lease and all Addendum
- Grievance Procedure
- A copy of the house rules for the development, if any
- A copy of the pamphlet Protect Your Family From Lead in Your Home
- A copy of “Is Fraud Worth It?” (Form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse
- A copy of “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19
- A copy of “Debts Owed To Public Housing Agencies And Terminations” (Form HUD-52675)
- Information about the protections afforded by the Violence Against Women Act (VAWA) to victims of domestic violence, dating violence, sexual assault or stalking (see Section 22.4)
- Tenant Charge List
- HUD 92006 Form “Supplement to Application for Federally Assisted Housing”
- Pet Policy
- No Smoking Policy

Topics to be discussed will include:

- Resident obligations/Rent Collection
- Applicable deposits and other charges
- Review and explain lease provisions
- Unit maintenance, work orders and maintenance charges
- What the family is required to report
- Community service requirements
- Family choice of rent
- VAWA protections
- Fair Housing complaint process
- The Non Resident Ban and Bar Policy
19.2 Execution of Lease

An appointment will be scheduled for the parties to execute the lease. A lease is executed at the time of admission for all new residents. A new lease is also executed by the family at the time of transfer from one ESLHA development to another. The lease must be executed by the family and ESLHA. The head of household, spouse, life partner or co-head, and all other adult members of the household will be required to sign the public housing lease prior to admission. The head of household will be provided a copy of the executed lease and ESLHA will retain a copy in the resident’s file.

The lease must state the composition of the household as approved by ESLHA (family members and any ESLHA-approved live-in aide). See Section 20.4.2 for policies regarding changes in family composition during the lease term.

Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to ESLHA assistance. The live-in aide is only approved to live in the unit while serving as the attendant for the participant family member.

19.3 Modifications to the Lease

The lease may be modified at any time by written agreement of the resident and ESLHA.

19.4 Security Deposits [24 CFR 966.4(b)(5)]

Applicants must pay a security deposit to ESLHA at the time of admission.

- Elderly/Disabled Households............................................. $100.00
- Family/Mixed Population/Other................................. $200.00
- Single Family Dwelling Units/Houses......................... $250.00

(a) The Security Deposit may not be used to pay rent or other charges while Resident occupies the dwelling unit. No refund of the Security Deposit will be made until Resident has vacated (including surrender of keys), and the dwelling unit has been inspected by the ESLHA.

(b) The ESLHA will use the Security Deposit at the termination of the Lease:

1. To pay the cost of any rent, legal fees or any other charges owed by Resident at the termination of this Lease.

2. To reimburse the cost of repairing any intentional or negligent damages to the dwelling unit caused by Resident, household members or guests.

(e) The return of a security deposit shall occur within 30 days after Resident moves out. It is the Resident responsibility to provide ESLHA with a correct forwarding address. The ESLHA agrees to return the Security Deposit to Resident when he/she vacates, less any deductions for any
costs indicated above. If any deductions are made, the ESLHA will furnish Resident with a written statement of any such costs for damages and/or other charges deducted from the Security Deposit. The former Resident has 60 days to dispute any charges in writing.

(f) If the resident transfers to another unit in a different development, ESLHA will transfer the security deposit to the new development. The resident will be billed for any maintenance or other charges due for the former unit.

19.5 Payments under the Lease

A. Rent Payments [24 CFR 966.4(b)(1)]

The lease will specify the initial amount of the tenant rent at the beginning of the initial lease term. The rent is due and payable at the development office on the first day of every month. Rent will be considered delinquent if it is not paid by the 8th day of the month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter. Rent is payable by check or money order. Cash and third-party checks will not be accepted.

B. Late Fees and Nonpayment

A charge of $50 per month will be charged to any account in which rent or other charges have not been fully paid by the eight (8) calendar day of the month.

C. Maintenance and Damage Charges

The ESLHA will charge the resident for maintenance repairs beyond normal wear and tear in accordance with the Tenant Charge List. Other repairs will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable). Residents will be billed for maintenance charges. Residents will be given a 14 calendar days to make payment. Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

19.6 Income Verification after Move-in

ESLHA will perform an interim re-examination for new admissions within 120 days after the move-in information is submitted to PIC to confirm/validate the income information reported by the household.

ESLHA will resolve discrepancies in reported income with the family within 60 days of the EIV income report date.
Chapter 20 Reexaminations
[18 CFR 960.257, 960.259, 966.4]

Overview

ESLHA reexamines each family’s income and composition at least annually, and adjusts the family’s level of assistance accordingly. Interim reexaminations are also needed in certain situations. Annual and interim reexaminations will be processed in a manner that ensures families are given reasonable notice of rent increases. Families will be informed annually of their choice to select either income or flat-based rent. For families who choose flat rents, ESLHA will conduct a reexamination of family composition at least annually, and will conduct a reexamination of family income at least once every three years.

In addition to annual reexaminations all public housing residents regardless of whether they are paying income-based or flat rents, must undergo an annual community service requirement compliance review. This chapter discusses both annual and interim reexaminations, and the recalculation of family share and subsidy that occurs as a result. It also explains the interim reporting requirements for families, and the standards for timely reporting.

20.1 Annual Reexaminations

A. Scheduling Annual Reexaminations

ESLHA will begin the annual reexamination process at least 120 days in advance of its scheduled effective date which coincides with the family’s lease execution date.

B. Notification of and Participation in the Annual Reexamination Process

All Household members age 18 years or older are required to participate in an annual reexamination interview. ESLHA will make special arrangements and/or for residents who are unable to attend the interview in-person because of a family member’s disability, ESLHA may arrange for a home visit to conduct a re-examination.

Notification of annual reexamination interviews will be sent by first-class mail or delivered to the resident and will contain the date, time and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact ESLHA in advance of the interview to schedule a new appointment. If a family does not attend the scheduled interview, ESLHA will send a second notification with a new interview appointment time. If a family fails to attend two scheduled interviews without ESLHA approval, or if the notice is returned by the post office with no forwarding address, a notice of termination of tenancy with an offer for an informal hearing will be sent to the family’s address of record.
C. Conducting Annual Reexaminations

As part of the annual reexamination process, families are required to provide updated information to ESLHA regarding the family’s income, expenses and composition. Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include an ESLHA-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family’s income, expenses and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within seven (7) days of the interview. If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be sent a notice of termination of tenancy.

The information provided by the family generally must be verified in accordance with ESLHA policies. Unless the family reports a change, or ESLHA has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:
- Legal identity
- Age
- Social security numbers
- A person’s disability status
- Citizenship or immigration status

Changes in family or household composition may make it appropriate to consider transferring the family to an appropriate sized unit to comply with occupancy standards.

D. Recalculating Rent

After gathering and verifying required information for an annual reexamination, ESLHA will recalculate the rent and notify the family of any changes in writing.

E. Effective Dates

In general, an increase in the rent that results from an annual reexamination will take effect on the family’s lease renewal date, and the family will be notified at least 30 days in advance.
- If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.
- If ESLHA chooses to schedule an annual reexamination for completion prior to the family’s lease renewal date for administrative purposes, the effective date will be determined by ESLHA, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, increases in the rent will be applied retroactively, to the scheduled effective date of the annual reexamination.

In general, a decrease in the rent that results from an annual reexamination will take effect on the first day of the month following the reported change.
If the family causes a delay in processing the annual reexamination, decreases in the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing. Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by ESLHA by the date specified, and this delay prevents ESLHA from completing the reexamination as scheduled.

20.2 Flat Rents

ESLHA offers all families the choice of paying income-based rent or flat rent at least annually. For families who choose flat rents, ESLHA will conduct a reexamination of family composition at least annually, and will conduct a full reexamination of family income at least once every three years. As is the case for families that pay income-based rent, on an annual basis, ESLHA will also review community service compliance.

A. Scheduling
   For families paying flat rents, annual updates will be conducted in each of the two years following the full reexamination. In scheduling the annual update, ESLHA will follow the same policy used for scheduling the annual reexamination of families paying income-based rent.

B. Annual Updates
   The family will be required to attend an interview for an annual update. Notification of annual update will be sent by first-class mail or delivered to the resident and will inform the family of the information and documentation that must be provided. The family will have seven (7) days to submit the required information and if the family is unable to obtain the information or documents within the required time frame, the family may request an extension. The East St. Louis Housing Authority will accept required documentation by mail, by fax or in person.

   If the family’s submission is incomplete, or the family does not submit the information in the required time frame, the family will be sent a second written notice. The family will have seven (7) days from the date of the second notice to provide the missing information or documentation.

   If the family does not provide the required documents or information, within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 22.

C. Change in Unit Size
   Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. ESLHA may use the results of the annual update to require the family to move to an appropriate size unit. Policies related to such transfers are located in Chapter 21.
D. Compliance with Community Service
For families who include nonexempt individuals, ESLHA will determine compliance with community service requirements once each 12 months. See Chapter 24 for ESLHA’s policies governing compliance with the community service requirement.

20.3 Interim Reexaminations

Overview
Family circumstances may change throughout the period between annual reexaminations. ESLHA will conduct interim reexaminations of income or family composition at the request of the family. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted.

A. Changes in Family and Household Composition
Families must report all changes in household composition to ESLHA between annual reexaminations. Family members may be added by marriage, birth, adoption and court-awarded custody or guardianship. Additions to family or household composition may also occur by establishment of life partner relationships or requirements to care for elderly or disabled family members, including parents, the need for a live-in aide, custodial care of a child through the Division of Family Services, foster children or foster adults. ESLHA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

1. New Family Members Not Requiring Approval
The family must inform ESLHA of the marriage, declaration of life partnership, birth, adoption or court-awarded custody of a child within seven (7) days. The family must provide information for ESLHA to verify age, legal identity, Social Security Number, citizenship and marriage (if applicable). The family must inform the East St. Louis Housing Authority of the birth, adoption, or court-awarded custody of a child within 10 business days.

2. New Family and Household Members Requiring Approval
ESLHA approval is required to add a new family member or other household member, including life partner, live-in aide or foster child that is not specified in the previous section. ESLHA will not approve the addition of a new family or household member unless the individual meets ESLHA’s eligibility criteria and documentation requirements.

If ESLHA determines an individual eligible to be added to the family or household as outlined in this section meets ESLHA’s eligibility criteria and documentation requirements, ESLHA will provide approval to the family. If ESLHA determines that an individual does not meet ESLHA’s eligibility criteria or documentation requirements, ESLHA will notify the family of its decision to deny approval of the new family or household member and the reasons for the denial.

If the East St. Louis Housing Authority determines that an individual does not meet the Housing Authority’s eligibility criteria or documentation requirements, the Housing Authority will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.
3. Change in Unit Size and Income by Adding Household Members

If a change in family size causes a violation of occupancy standards, ESLHA may require the family to move to an appropriate sized unit. ESLHA will not approve the addition of a foster child or foster adult if it will cause a violation of occupancy standards. If the approval of a new family member or live-in aide will cause overcrowding according to occupancy standards, assignment of larger unit will be in accordance with the transfer policy. Policies related to transfers are located in Chapter 21.

If any new family member is added, family income must include any income of the new family member. ESLHA will conduct a reexamination to determine such additional income and will make the appropriate adjustments to the family’s rent.

4. Departure of a Family or Household Member

If a household member ceases to reside in the unit, the family must inform ESLHA within 10 business days. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent, live-in aide, foster child, or foster adult. If a live-in aide, foster child or foster adult ceases to reside in the unit, the family must inform the East St. Louis Housing Authority within 10 days.

5. Remaining Family Members

1. Remaining Family Members Includes an Adult

If the head of household is no longer residing in the unit and there is another family member on the lease that is age 18 or older, that family member may become head of household. If there is more than one adult age 18 or older, the family may choose which individual to designate as head of household. If the departure of the head of household reduces the size of the unit the family is eligible for, the family may have to move to a new unit. A live-in aide is never considered a remaining family member.

2. No Adult Family Member Remains

If only minors remain in the unit, ESLHA will take the following actions.

- If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- At any time that custody or guardianship legally has been awarded to a caretaker, the unit will be transferred to the caretaker as long as the caretaker meets eligibility criteria.
- During any period that a caretaker is not a family member, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.
20.4 Changes Affecting Income or Expenses

Interim reexaminations can be scheduled either because ESLHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, ESLHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

A. ESLHA-Initiated Interim Reexaminations

ESLHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by ESLHA. ESLHA will conduct interim reexaminations in each of the following instances:

- For families receiving the Earned Income Disallowance (EID), ESLHA will conduct an interim reexamination at the start and conclusion of the second 12-month exclusion period (50% ease-in period)
- If the family has reported zero income, ESLHA will conduct an interim reexamination quarterly as long as the family continues to report that they have no income
- If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), ESLHA will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income
- If at the time of the annual reexamination, resident-provided documents were used on a provisional basis due to the lack of third party verification, and third party verification becomes available, ESLHA will conduct an interim reexamination
- ESLHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a resident fraud complaint

B. Family-Initiated Interim Reexaminations

1. Required Reporting

Families are required to report all increases in income including new employment, within 10 days of the date the change takes effect.

The East St. Louis Housing Authority will only conduct interim reexaminations for families that qualify for the earned income disallowance (EID), and only when the EID family’s rent will change as a result of the increase. In all other cases, the Housing Authority will note the information in the tenant file, but will not conduct an interim reexamination.

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination. The East St. Louis Housing Authority must process the request if the family reports a change that will result in a reduced family income.

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family’s share of the rent will not be reduced.
2. Optional Reporting
If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the rent will not be reduced. Families may report changes in income or expenses at any time.

C. Processing the Interim Reexamination

1. Method of Reporting
The family may notify ESLHA of changes either orally or in writing. If the family provides oral notice, ESLHA may also require the family to submit the changes in writing. Generally, the family will not be required to attend an interview for an interim reexamination. However, if ESLHA determines that an interview is warranted, the family may be required to attend. Based on the type of change reported, ESLHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within seven (7) days of receiving a request from ESLHA. This time frame may be extended for good cause with ESLHA approval. ESLHA will accept required documentation by mail, fax, or in person.

2. Recalculating Rent
After gathering and verifying required information for an interim reexamination, ESLHA will recalculate the rent and notify the family of the changes in writing.

3. Effective Dates
ESLHA has established the time frames in which any changes that result from an interim reexamination will take effect. The changes may be applied either retroactively or prospectively, depending on whether there is to be an increase or a decrease in the rent, and whether the family reported any required information within the required time frames.

- If the rent is to increase:
  - The increase generally will be effective on the first of the month following 30 days’ notice to the family.
  - If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively to the date it would have been effective had the information been provided on a timely basis.

- If the rent is to decrease:
  - The decrease will be effective on the first day of the month following the month in which the change was reported and all required documentation was submitted. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

4. Changes in Utility Allowance
Revised utility allowances will be applied to a family’s rent at the first annual reexamination after the allowance is adopted.
5. Discrepancies
During an annual or interim reexamination, ESLHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, ESLHA may discover errors made by ESLHA. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 3.

ESLHA reexamines each family’s income and composition at least annually, and adjusts the family’s level of assistance accordingly. Interim reexaminations are also needed in certain situations. Annual and interim reexaminations will be processed in a manner that ensures families are given reasonable notice of rent increases. Families will be informed annually of their choice to select either income or flat-based rent. Families who select flat rents, ESLHA will conduct a reexamination of family composition at least annually, and will conduct a reexamination of family income at least once every three years.

In addition to annual reexaminations, ESLHA and/or management agents will verify the compliance of the community service requirement of the household. This chapter reviews the guidelines set forth for annual and interim reexaminations.

6. Optional Reporting
If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the rent will not be reduced. Families may report changes in income or expenses at any time.
Chapter 21 Unit Transfers

General Considerations

ESLHA will approve transfers of families from one unit to another to assure consistency with occupancy standards. Families transferring to comply with ESLHA’s occupancy standards, transferring in accordance with the Special Transfer policy or transferring for relocation will not be required to be placed on a waiting list. These transfers are based on the policies in this chapter and on unit availability. Families approved for transfer under this section will be responsible for all moving costs, unless otherwise noted. Existing public housing families who have lived in public housing for at least one year and are in good standing can apply for a transfer to another site when that site-based waiting list is open. (See Section 21.7, below)

21.1 Transfer of Under-Housed or Over-Housed Families

A. Transfers to Larger Units

Transfers to larger units may be approved only when the family size has increased through birth, marriage, legal adoption, award of custody, reconciliation of separated spouses or life partners, return of a minor to legal custody of the household, or for approved medical or disability purposes. The overcrowded family becomes eligible to be placed on the transfer list on the date the transfer request is approved.

B. Transfers to Smaller Units

Transfers to smaller units are required at any time when a decrease in family composition renders the family no longer eligible for the unit size it occupies.

C. Application for Transfer

Families that are under or over-housed must complete an Application for Transfer form, available in all management offices. The completed application is approved and signed by the property manager and management supervisor and placed on the transfer waiting list. Applications for transfers will be approved only if the family has paid all rent and other charges due, and is otherwise in compliance with his/her lease. The original transfer application is maintained in the family’s file. Families approved for transfers will be responsible for all moving costs.

D. Unit Offers for Over-Housed and Under-Housed Families

Families currently occupying a unit too large for the family size (see Occupancy Standards), will be placed on a transfer list. Transfer of over-housed families shall be at the discretion of the property manager when it is determined to be in the best interest of the development. Failure to accept a transfer to an apartment of appropriate size is a lease violation and may lead to eviction. Resident will be given two (2) unit offers and have five (5) days to accept or reject the offers.

Over-crowded families that do not exceed occupancy standards will be placed on a transfer list. When a unit of the appropriate bedroom size is available at the resident’s current development and/or another, the resident will be offered a unit.

Failure by the resident to accept a transfer to an apartment of the appropriate bedroom size is a lease violation and may lead to eviction.
Priority for placement ahead of any other transfer or applicant may be given to administrative transfers including over-housed tenants transferring to smaller units or in instances when the Executive Director has determined that ESLHA’s obligations and interest require such a transfer.

A resident that has accepted a transfer is given five (5) days to remove personal belongings from the former unit, which should be left in good and clean condition, normal wear and tear will be excepted. If keys to the former unit are kept more than three (3) days, the resident will be charged for the replacement of the locks. As a reasonable accommodation, residents with special needs may request an extension beyond five (5) days. Any damage to the former unit beyond reasonable wear and tear will be charged and shall be due and payable within fourteen days after management provides resident with written notice of the charges.

21.2 Families May Not Use Transfer Process to Split
Members of a family living in a ESLHA unit may not be separated into two dwelling units through a transfer application. Specific family members may apply for a separate unit using the application process. Members of such a family will receive no preference on the standard waiting list preferences. The family may request a transfer to a larger unit while it awaits an opportunity for one or more of its members to receive a unit offer.

21.3 Suspension of Transfer Policy
ESLHA reserves the right to suspend its transfer policy because of its efforts to decrease vacancies. Transfer requests will then be treated on a case-by-case basis solely at the discretion of ESLHA.

21.4 Relocation of Residents
ESLHA may, at its sole discretion, relocate residents to other units within a development or to another development. ESLHA will relocate residents for modernization of units or if it determines that the development threatens the health and safety of the residents or any other reason allowable under HUD regulations. All relocation will be performed in accordance with the Uniform Relocation Act. Unit’s assignments for relocation have priority over unit transfers and applicants from the waiting list.

21.5 Special Transfer Policy
An existing public housing resident may request a transfer for the following reasons:

- Victim of violent or hate crime or threats of violent or hate crimes
- Victim of domestic violence
- Medical reasons or as a reasonable accommodation under the Americans With Disabilities Act

All requests for transfer for these reasons must be accompanied by third party documentation. Examples of acceptable documentation are as follows:

- Crime Victim – police reports of the crime, documentation from police or development security, or other public reports of crime or threats that the person is being threatened
- Victim of Domestic Violence – HUD Form 50066, or other HUD approved certification form, (ii) a court record, (iii) documentation signed by an employee, agent or volunteer of a victim service provider, an attorney, or medical professional from whom the individual has sought assistance which attests to the bona fide existence of such actual or threatened abuse or (iv) a police report. (See Section 6 for information about the Violence Against Women Act)
- Medical reasons or as a reasonable accommodation under the Americans With Disabilities Act –
medical professional’s statement stating need for transfer based on a medical condition or disability (See Section 2.2 for additional information regarding verifying reasonable accommodation requests)

21.6 Transfer Policy for Existing Residents

Existing public housing residents who have lived in public housing for at least two (2) years and are in good standing status may apply for transfer to another development.

Residents requesting a transfer for the same unit size, or type must meet criteria for tenants in good standing. Residents approved for transfer under this Transfer Policy will be responsible for all moving costs. In addition, all residents will be screened using the initial eligibility criteria. If the resident meets all the requirements, they will be selected (in order) by local ranking preferences, date and time of the application.

21.7 Criteria for Residents in Good Standing Status

The following guidelines are established for the purpose of determining what constitutes a resident in good standing:

- At least two (2) year’s residency in low-rent public housing units owned by ESLHA
- Good Rent Paying History - the family has not paid rent late more than two times in the immediately preceding 12 months absent proven hardship. Note: For the purpose of determining good standing, rent is considered late if paid after the 8th calendar day of the month
- No reasonable cause to believe allegations of criminal or drug-related activity, disturbance of peaceful and quiet enjoyment of premises documented in the file (for example, police reports, security guard reports, tenant complaints). This criteria applies to guests and family members as well as the head of household
- Good housekeeping habits - the family’s housekeeping practice must not interfere with the health, safety and sanitary environment of self, families and/or others by creating hazardous conditions to the unit that may exhibit foul odors, dirty and/or disarrayed surroundings.
- No previous misrepresentation of income documented in family file
- No willful destruction of Authority property documented in family’s file. This criterion applies to guests and family members as well as the head of household.
Chapter 22 Lease Terminations

22.1 Lease Terminations

ESLHA may terminate tenancy for a family because of the family's action or failure to act in accordance with the terms of the lease or for other good cause. The resident may terminate the lease at any time by giving appropriate notice as discussed below and in the Lease Agreement.

A. Termination by the Family

The family may terminate the lease at any time by providing ESLHA with 14 day Intent to vacate notice. Family notices to ESLHA must be in writing, hand-delivered to the development office or sent by prepaid first-class mail, properly addressed to the development office. Unopened, canceled, first-class mail returned by the Post Office shall be sufficient evidence that notice was given.

B. Termination by ESLHA

ESLHA may terminate the lease for serious or repeated violations of material terms of the lease. ESLHA must provide written notice of termination to the family, according to the procedures described below. Such serious or repeated violation of terms shall include but not be limited to:

- Mandatory Termination
  ESLHA must terminate the lease in the following circumstances

  • For a violent criminal activity or drug-related criminal activity on or off the premises, or any criminal activity that threatens the health, safety and welfare of ESLHA residents or employees (including management staff)
  • Upon determination by ESLHA that a family member has been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing
  • Failure of the family to timely submit required documentation concerning any family member’s citizenship or immigration status
  • Failure to disclose social security numbers for each family member and the documentation to verify each social security number

- Serious Violations or Other Good Cause- Examples
  Examples of serious violations of the lease and other good cause for termination of tenancy by ESLHA include (but are not limited to) the followings:

  • Failure to pay rent or other charges due, or repeated late payment of rent (which is defined as two (2) delinquent payments within the preceding twelve (12) months period)
  • Disturbing the peaceful enjoyment of the premises by other residents or neighbors
  • Alcohol abuse that ESLHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents
  • Failure to abide by necessary and reasonable rules made by ESLHA for the benefit and well being of the development and the residents
  • Misrepresentation of family income, assets or composition, or any other material
false statements or fraud by the family in connection with the program
• Failure to supply information or documentation regarding family income or composition as required by the lease
• Discovery after admission of facts that made the family ineligible
• Discovery of material false statements or fraud by the family in connection with his/her application for assistance
• Providing accommodation to guests in excess of 10 days without the advance written consent of ESLHA
• Failure to comply with housekeeping standards and/or maintain the premises in a decent, safe and sanitary condition
• Any fires and/or acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts
• Failure to accept ESLHA’s offer of lease modification or revision
• Discovery that a family member is fleeing to avoid prosecution, custody or confinement after conviction for a crime that is a felony under the laws of the place from which the individual flees
• Violation of any other lease provision or other good cause

Under the lease, residents are held strictly responsible for the conduct of their visitors, guests, invitees or any persons under their control. This applies whether or not the resident knew of the prohibited conduct by such persons.

C. Notice of Timing and Requirements
ESLHA shall give written notice of the proposed termination of the lease:
• 3 Day Notice—Possession Only, Health or Safety Threats
• 14 Day Notice—Criminal activity or any activity that threatens the safety and welfare of other residents, ESLHA employees or persons of the premises
• 14 Day—Rental due
• 30 days in any other case

The notice of termination to the family shall state specific reasons for the termination. When ESLHA is required to offer the resident the opportunity for a grievance hearing, the notice shall also inform resident of the right to request such a hearing in accordance with ESLHA’s grievance procedure (see, Chapter 23). ESLHA notices to the resident must be in writing, delivered to resident or to any adult member of the household residing in the dwelling unit, or sent by prepaid first-class mail addressed to the family. Unopened, canceled, first class mail returned by the Post Office shall be sufficient evidence that notice was given.

22.2 Death of Head-of-Household
When the head-of-household dies and there are no family members remaining in the household, the lease shall terminate automatically and immediately. If an adult remaining family member (such as a spouse, life partner or partner) remains in the household, the lease shall not terminate automatically, however the family will be required to sign a new lease agreement within 30 days to remove the deceased family member and designate a new head-of-household.
A. **Other Remaining Minor Family Members**

Where there is no adult remaining family member and there are minors still living in the unit, an otherwise eligible adult may become head of household. The new head of household must present proof of legal guardianship of the minor children to ESLHA within a reasonable period of time and must pass the screening possess.

22.3 **Abandonment**

Whenever rent has been unpaid for at least 30 consecutive days and/or ESLHA reasonably believes that the family has abandoned the unit, ESLHA and/or management agent will post on the door of the unit and mail to the last known address of the family by both first class mail and certified mail, return receipt requested, a notice of ESLHA’s belief of abandonment. The notice shall include the following:

"The rent on this property has been due and unpaid for 30 consecutive days and the landlord believes that you have moved out and abandoned the property. The landlord may declare this property abandoned and remove your possessions from this unit and dispose of them unless you write to the landlord stating that you have not abandoned this unit within 10 days of the landlord having both posted this notice on your door and mailing this notice to you. You should mail your statement by regular first-class mail and, if you so choose, by certified mail, return receipt requested, to this address [insert address of management office]."

If the family fails to either pay rent or respond in writing to the notice within 10 days after both the date of the posting and deposit of such notice by either first class mail or certified mail, return receipt requested, then any property of the family remaining in or at the premises may be removed or disposed of by ESLHA without liability to the family for such removal or disposition.

22.4 **Terminations of Tenancy Related to Domestic Violence, Dating Violence, Sexual Assault or Stalking**

A. **Violence Against Women Act 2013 (VAWA) Protections against Termination of Tenancy**

VAWA provides specific protections against termination of tenancy for victims of domestic violence, dating violence or stalking. Those protections are as follows:

- Criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a resident’s household or any guest or other person under the resident’s control, shall not be cause for termination of tenancy of, occupancy rights of, or assistance to the victim, if the resident or immediate family member of the resident is the victim
- Incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence

B. **Limits on VAWA Protections**

While VAWA prohibits ESLHA from using domestic violence, dating violence, sexual assault, or stalking as the cause for a termination or eviction action against a public housing resident who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit ESLHA’s otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating
violence, sexual assault, or stalking providing that ESLHA does not subject the victim to a more demanding standard than the standard to which it holds other residents.

- VAWA does not limit ESLHA’s authority to terminate the tenancy of any public housing tenant if ESLHA can demonstrate an actual and imminent threat to other residents or those employed at or providing service to the property if the tenancy is not terminated.

In determining whether a public housing resident who is a victim of domestic violence, dating violence, sexual assault, or stalking is an actual and imminent threat to other residents or those employed at or providing service to a property, ESLHA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or residents other than the victim of domestic violence, dating violence, sexual assault, or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within a short period of time
- Whether the threat to other residents or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the resident wishes to contest ESLHA’s determination that he or she is an actual and imminent threat to other residents or employees, the resident may do so as part of the grievance process or in a court proceeding.

C. Documentation of Abuse

When an individual facing termination of assistance for reasons related to domestic violence, dating violence or stalking claims protection under VAWA, ESLHA will request that the individual provide documentation supporting the claim. ESLHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases, ESLHA will document the waiver in the individual’s file.

D. Terminating or Evicting a Perpetrator of Domestic Violence

Although VAWA provides protection from termination for victims of domestic violence, it does not provide such protection for perpetrators. VAWA gives ESLHA the explicit authority to bifurcate a lease, or remove a household member from a lease.

ESLHA will bifurcate a family’s lease and terminate the tenancy of a family member if ESLHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy of the remaining, non-culpable family members. In making its decision, ESLHA will consider all credible evidence, including, but not limited to, a signed certification or other documentation of abuse submitted to ESLHA by the victim.

If ESLHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If necessary, ESLHA will also take steps to ensure that the remaining family members have a safe place to live during the termination process in accordance with the transfer policies in Chapter 21.
22.5 Reasonable Accommodation

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, ESLHA will determine whether the behavior is related to the disability. If so, upon the family’s request, ESLHA will determine whether alternative measures are appropriate as a reasonable accommodation. ESLHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.
Chapter 23 Grievances and Appeals

Overview
This chapter sets forth the grievances and appeals pertaining to ESLHA actions or failures to act that adversely affect public housing applicants or residents.

Hearing Decisions

The ESLHA must maintain a log of all hearing officer decisions and make that log available upon request of the hearing officer, a prospective complainant, or a prospective complainant’s representative.

Lease Requirements

The lease must provide that all disputes concerning the obligations of the tenant or the ESLHA must, except as provided in the regulations, be resolved in accordance with the ESLHA grievance procedures. The grievance procedures must comply with the regulations. The lease must include a description of the PHA’s policies for selecting a hearing officer.

23.1 Informal Hearings for Public Housing Applicants

A. Informal Hearing Process
An applicant is someone who has applied for admission to the public housing program, but is not yet a resident in the program. Applicants can request an informal hearing to dispute a determination of ineligibility for admission to a development. Applicants for the public housing program are not entitled to the same hearing process afforded residents in ESLHA Grievance Procedure. Informal hearings provide the applicant a means to hear the details of the reasons for denial, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

B. Use of Informal Hearing Process
ESLHA will only offer informal hearings to applicants for the purpose of disputing denials of admission.

C. Notice of Denial
ESLHA will give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for ESLHA decision, and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

D. Requesting and Scheduling an Informal Hearing
A request for an informal hearing must be made in writing and delivered to ESLHA either in person or by first-class mail, within 10 calendar days from the date of ESLHA’s notification of denial of admission. ESLHA will schedule and send written notice of the informal hearing within 10 business days of the family’s request.
E. Conducting an Informal Hearing

The informal hearing will be conducted by a person other than the one who made the decision under review, or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision of ESLHA. The person conducting the informal hearing will make a determination on the merits of the evidence presented at the hearing.

F. Informal Hearing Decision

ESLHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within ten (10) calendar days of the informal hearing, to the applicant and his or her representative, if any. If the informal hearing decision overturns the denial, processing for admission will resume. If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

G. Reasonable Accommodation for Persons with Disabilities

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and ESLHA will consider such accommodations. ESLHA will also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person’s disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

23.2 Grievance Procedures for Public Housing Residents

A. Applicability [24 CFR 966.51]

There are some situations for which the Grievance Procedure is not applicable. The grievance procedure is applicable only to individual resident issues relating to ESLHA. It is not applicable to disputes between residents not involving ESLHA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of ESLHA.

ESLHA excludes from the grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of ESLHA or its management agents
- Any violent or drug-related criminal activity on or off the development premises
- Any criminal activity that resulted in felony conviction of a household member

B. Informal Settlement of Grievance [24 CFR 966.54]

ESLHA will accept requests for a grievance either orally or in writing, to ESLHA Management office within five (5) days of the grievable event. Within ten (10) days of receipt of the request ESLHA and/or its management agent, will arrange a meeting with the resident at a mutually agreeable time and confirm such meeting in writing to the resident.

If a resident fails to attend the scheduled meeting without prior notice, ESLHA will reschedule the appointment only if the resident can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the family.
ESLHA will prepare a summary of the informal settlement within five days; one copy to be given to the resident and one copy to be retained in ESLHA’s file. The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a formal hearing may be obtained if the complainant is not satisfied.

C. Procedures to Obtain a Formal Hearing [24 CFR 966.55]

1. Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]

   All grievances must be presented in accordance with the informal procedures prescribed above as a condition prior to a grievance hearing. However, if the complainant can show good cause for failure to proceed with the informal hearing to the grievance hearing officer/panel, the grievance hearing officer/panel may waive this provision.

   The complainant must submit the request in writing for a grievance hearing within five (5) five days after receipt of the summary of informal discussion. The request must specify the reasons for the grievance and the action or relief sought.

   If the complainant does not request a hearing, ESLHA’s disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest ESLHA’s action in disposing of the complaint in an appropriate judicial proceeding.

2. Escrow Deposits [24 CFR 966.55(e)]

   Before a hearing is scheduled in any grievance involving the amount of rent that ESLHA claims is due, the complainant must pay an escrow deposit to ESLHA. When a complainant is required to make an escrow deposit, the amount is the amount of monthly rent ESLHA states is due and payable. After the first deposit, the complainant must deposit the same amount monthly until the complainant’s grievance is resolved by decision of the grievance hearing officer/panel.

   ESLHA will waive the requirement for an escrow deposit where the complainant is grieving the effect of welfare benefits reduction in the calculation of family income or denial of a request for a financial hardship exemption from minimum rent requirements.

   Unless ESLHA waives the requirement, the complainant’s failure to make the escrow deposit will terminate the grievance procedure. A complainant’s failure to pay the escrow deposit does not waive the resident’s right to contest ESLHA’s disposition of the grievance in any appropriate judicial proceeding.

D. Scheduling of Hearings [24 CFR 966.55(f)]

   If the complainant has complied with all requirements for requesting a hearing as described above, a hearing will be scheduled promptly. A written notification specifying the time, place and the procedures governing the hearing will be mailed to the complainant.

   The complainant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an
unavoidable conflict, which seriously affects the health, safety or welfare of the complainant. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, ESLHA may request documentation of the good cause prior to rescheduling the hearing.

E. Selection of Officer/Panel [24 CFR 966.55(b)]

Grievances will be presented before a grievance hearing officer/panel. The grievance hearing officer shall be by appointment of a person or persons (who may be an officer or employee of the ESLHA) or a /panel shall hearing panel shall be a committee of three persons composed of:

- One member designated from time to time by the City-wide Tenant Affairs Board, provided that if the person chosen is a resident, the resident must be in good standing with ESLHA
- One member designated from time to time by ESLHA
- One member selected jointly by the City-wide Tenant Affairs Board and ESLHA ("Impartial Member")

F. Procedures Governing the Hearing [24 CFR 966.56]

1. Rights of Complainant [24 CFR 966.56(b)]

- The complainant will be afforded a fair hearing. This includes:
  - The opportunity to examine before the grievance hearing any ESLHA documents, including records and regulations that are directly relevant to the hearing. The complainant must be allowed to copy any such documents at their expense. If ESLHA does not make the document available for examination upon request by the complainant, ESLHA may not rely on such document at the grievance hearing.
  - The complainant will be allowed to copy any documents related to the hearing at a cost of $.10 per page. The complainant must request discovery of ESLHA documents no later than 12:00 p.m. on the business day prior to the hearing.
  - The right to be represented by counsel or other person chosen as the complainant’s representative and to have such person makes statements on the complainant’s behalf.
  - Hearings may be attended by the following applicable persons:
    - ESLHA representative(s) and any witnesses for ESLHA or its agent
    - The complainant and any witnesses for the complainant
    - The complainant’s counsel or other representative
    - Any other person approved by ESLHA as a reasonable accommodation for a person with a disability
  - The complainant has the right to a private hearing unless the complainant requests a public hearing.
  - The complainant has the right to present evidence and arguments in support of the complainant’s complaint, to controvert evidence relied on by ESLHA or its management agent, and to confront and cross-examine all witnesses upon whose testimony ESLHA or management agent relies.
  - The complainant has the right to a decision based solely and exclusively upon the facts presented at the hearing.
2. Decision without Hearing [24 CFR 966.56(c)]
The hearing officer/panel may render a decision without proceeding with the hearing if the hearing officer/panel determines that the issue has been previously decided in another proceeding.

3. Failure to Appear [24 CFR 966.56(d)]
If the complainant or ESLHA fails to appear at a scheduled hearing, the hearing officer/panel may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and ESLHA must be notified of the determination by the officer/panel. A determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest ESLHA’s disposition of the grievance in an appropriate judicial proceeding.

If the complainant does not appear at the scheduled time of the hearing, the officer/panel will wait up to 15 minutes. If the complainant appears within 15 minutes of the scheduled time, the hearing will be held. If the complainant does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear.

If the complainant fails to appear and was unable to reschedule the hearing in advance, the complainant must contact ESLHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The officer/panel will reschedule the hearing only if the complainant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the family.

4. General Grievance Hearing Procedures [24 CFR 966.56(e), (f), and (g)]
At the hearing, the complainant must first make a showing of an entitlement to request the relief sought and thereafter ESLHA must sustain the burden of justifying ESLHA action or failure to act against which the complaint is directed.

The hearing will be conducted informally by the officer/panel. ESLHA and the complainant will be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint and question any witnesses. In general, all evidence is admissible and may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

If ESLHA fails to comply with the discovery requirements (providing the complainant with the opportunity to examine ESLHA documents prior to the grievance hearing), the officer/panel may refuse to admit such evidence. Other than the failure of ESLHA to comply with discovery requirements, the officer/panel has the authority to overrule any objections to evidence.

The hearing officer/panel will require ESLHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the officer/panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting
or denial of the relief sought, as appropriate.

The complainant or ESLHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

5. Accommodations of Persons with Disabilities [24 CFR 966.56(h)]

ESLHA will provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations or attendants. If the complainant is visually impaired, any notice to the complainant which is required in the grievance process, will be in an accessible format. See Chapter 2 for a discussion of ESLHA’s responsibilities pertaining to reasonable accommodation.

G. Decision of the Officer/Panel [24 CFR 966.57]

1. Written Decision

The officer/panel will issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision will be sent to the resident and ESLHA. ESLHA will retain a copy of the decision in the resident’s file. The officer/panel will issue a written decision to the resident and ESLHA within a reasonable time after the hearing. The report will contain the following information:

- Hearing information
  - Name of the complainant
  - Date, time and place of the hearing
  - Name of the officer/panel members
  - Name of ESLHA representative(s)
  - Name of family representative (if any)
  - Names of witnesses (if any)

- Summary of the Evidence: The officer/panel will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

- Findings of Fact: The officer/panel will include all findings of fact, based on a preponderance of the evidence. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

- Conclusions: The officer/panel will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold ESLHA’s decision.

- Order: The hearing report will include a statement of whether ESLHA’s decision is upheld or overturned.
H. Procedures for Further Hearing
The officer/panel may ask the complainant for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the complainant misses an appointment or deadline ordered by the officer/panel, the action of ESLHA will take effect and another hearing will not be granted.

I. Final Decision [24 CFR 966.57(b)]
The decision of the hearing officer/panel is binding on ESLHA which will take the action, or refrain from taking the action cited in the decision unless ESLHA Board of Commissioners determines within a reasonable time, and notifies the complainant that:

- The grievance does not concern ESLHA action or failure to act in accordance with or involving the complainant’s lease on ESLHA policies which adversely affect the complainant’s rights, duties, welfare, or status; or

- The decision of the officer/panel is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and ESLHA

When ESLHA considers the decision of the officer/panel to be invalid due to the reasons stated above, it will present the matter to ESLHA Board of Commissioners within 30 calendar days of the date of the officer/panel’s decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the officer/panel’s decision, it must notify the complainant within 10 business days of this decision.

A decision by the officer/panel, or Board of Commissioners in favor of ESLHA or which denies the relief requested by the complainant in whole or in part does not constitute a waiver of any rights the complainant may have to a subsequent trial or judicial review in court.

23.3 Informal Hearings with Regard to Noncitizens

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while ESLHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or ESLHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.
B. Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

The notice of denial of eligibility or termination of tenancy for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial of eligibility or termination of tenancy
- The family may be eligible for proration of assistance
- In the case of a resident, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518]
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal
- That the family has a right to request an informal hearing with ESLHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process

C. United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)] When ESLHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, ESLHA must notify the family of the results of the USCIS verification. The family will have 30 calendar days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide ESLHA with a copy of the written request for appeal and proof of mailing. ESLHA will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results. The family must provide ESLHA with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to ESLHA, of its decision. When the USCIS notifies ESLHA of the decision, ESLHA must notify the family of its right to request an informal hearing. ESLHA will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family’s immigration status.

D. Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that ESLHA provide a hearing. The request for a hearing must be made either within 30 calendar days of receipt of ESLHA notice of denial, or within 30 calendar days of receipt of the USCIS appeal decision. The informal hearing procedures for applicant families are described below.
1. Informal Hearing Officer
ESLHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

2. Evidence
The family must be provided the opportunity to examine and copy at the family’s expense, at a reasonable time in advance of the hearing, any documents in the possession of ESLHA pertaining to the family’s eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

The family will be allowed to copy any documents related to the hearing at a cost of $.10 per page. The family must request discovery of ESLHA documents no later than 12:00 p.m. on the business day prior to the hearing. The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The family must also be provided the opportunity to refute evidence relied upon by ESLHA, and to confront and cross-examine all witnesses on whose testimony or information ESLHA relies.

3. Representation and Interpretive Services
The family is entitled to be represented by an attorney or other designee, at the family’s expense, and to have such person make statements on the family’s behalf. The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, as may be agreed upon by the two parties.

4. Recording of the Hearing
The family is entitled to have the hearing recorded by audiotape. ESLHA will not provide a transcript of an audio taped informal hearing.

5. Hearing Decision
ESLHA must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

E. Retention of Documents [24 CFR 5.514(h)]
ESLHA will retain for a minimum of five (5) years the following documents that may have been submitted to ESLHA by the family, or provided to ESLHA as part of the USCIS appeal or ESLHA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
• The final informal hearing decision

F. Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that ESLHA provide a hearing. The request for a hearing must be made either within 30 calendar days of receipt of ESLHA notice of termination, or within 30 calendar days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Section 23.3, above.
Chapter 24 Community Service

Overview
Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities. On April 7, HUD issued PIH 2016-06 to allow flexibility when verifying Community Service and Self-certification which was based on the March 8, 2016 final rule in the Federal Register providing programmatic streamlining across several HUD programs. The rule amended a provision in 24 CFR Subpart F, 960.605, to permit, but not require, a PHA to accept resident self-certifications of compliance with the CSSR. The final rule also amended 24 CFR, Subpart F, 960.607 to require a PHA that elects to accept self-certification to notify residents the self-certifications may be subject to third-party verification, and to require PHAs to validate a sample of the self-certifications annually. ESLHA will exercise the option to accept self-certifications.

24.1 Requirements
ESLHA requires that each nonexempt adult household member eighteen (18) years and older shall either contribute eight (8) hours per month of community service, or participate in an economic self-sufficiency program eight (8) hours per month or a combination of eight (8) hours per month of community service and participation in an economic self-sufficiency program. The resident may complete the eight (8) hours each month of community service and/or self-sufficiency requirement (CSSR) or complete the required ninety-six (96) hours/blockage as long as the required CSSR is completed by each annual certification.

The ESLHA will notify the resident at least 90 days before the annual re-examination and/or lease renewal to review the exempt or non-exempt status and compliance of the household members.

24.2 Definitions for Community Service
A. Exempt Individual
An exempt individual is an adult who:
- Is age 62 years or older
- Is blind or disabled (as defined under section 216[i][i] or 1614 of the Social Security Act), and who certifies that because of this disability s/he is unable to comply with the service provisions
- Is a primary caretaker of such an individual
- Is engaged in work activities (ESLHA will consider 20 hours per week as the minimum number of hours needed to qualify for a work activity exemption)
- Is able to meet requirements under a state program funded under part A of title IV of the Social Security Act (“Block grants To States for Temporary Assistance for Needy Families”), or under any other welfare-to-work program of the state of Illinois. Including a state-administered welfare-to-work program
• Is 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, or under any other welfare program of the state of Illinois, 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 program

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

B. Eligible Community Service Activities

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

• Local public or nonprofit institutions such as schools, head start programs, before or after school programs, child care centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing)

• Nonprofit organizations serving ESLHA residents or their children such as: Boy or Girl Scouts, Boys or Girls Club, 4-H clubs, Police Assistance League (PAL), organized children’s recreation, mentoring or education programs, Big Brothers or Big Sisters, garden centers, community clean-up programs, beautification programs

• Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels

• Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods, or performing arts

C. Economic Self-Sufficiency Program

For purposes of satisfying the community service requirement, an economic self-sufficiency program is any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families.

Eligible self-sufficiency activities include, but are not limited to:

• Job readiness or job training

• 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

• Employment counseling, work placement, or basic skills training

• Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes

• Apprenticeships (formal or informal)

• English proficiency or English as a second language classes

• Budgeting and credit counseling

• Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF)
• Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)

**D. Work Activities**  
As it relates to an exemption from the community service requirement, work activities means:

• Unsubsidized employment  
• Subsidized private sector employment  
• Subsidized public sector employment  
• Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available  
• On-the-job training  
• Job search and job readiness assistance  
• Community service programs  
• Vocational educational training (not to exceed 12 months with respect to any individual)  
• Job skills training directly related to employment  
• 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  
• 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

**24.3 Notification Requirements**  
ESLHA will give each family a written description of the community service requirement, the process for claiming status as an exempt person and the process for ESLHA verification of exempt status. ESLHA will also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt. In addition, the family must sign a certification that they have received and read the policy and understand that if they are not exempt, failure to comply with the requirement will result in nonrenewal of their lease.

ESLHA will provide the family with a copy of the Community Service Policy at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the family’s request.

On an annual basis, at the time of lease renewal, ESLHA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt. ESLHA will also supply the family with a form on which they may record the activities they performed and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

**24.4 Determination of Exemption Status and Compliance [24 CFR 960.605(c)(3)]**  
ESLHA must review and verify family compliance with service requirements annually at least 90 days before the end of the 12-month lease term. This policy for documentation and verification of compliance with service requirements may be found at Section 24.6.
A. Annual Determination

1. Determination of Exemption Status
At least 90 days prior to lease renewal, ESLHA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or ESLHA has reason to believe that an individual’s exemption status has changed. For individuals who are exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial examination. Upon completion of the verification process, ESLHA will notify the family of its determination.

2. Determination of Compliance
At least 90 days prior to the end of the lease term, ESLHA will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have ten (10) days to submit ESLHA required documentation form(s).

If the family fails to submit the required documentation within the required timeframe, or ESLHA approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued. The policy for documentation and verification of compliance with service requirements may be found at Section 24.7.

B. Change in Status between Annual Determinations

1. Exempt to Nonexempt Status
If an exempt individual becomes nonexempt during the 12-month lease term; it is the family’s responsibility to report this change to ESLHA within 30 days from the date the change takes effect. Within 30 days of a family reporting such a change, or ESLHA determining such a change is necessary, ESLHA will provide a copy of the community service policy, as well as a documentation form on which the family member may record the activities performed and number of hours contributed. The effective date of the community service requirement will be the first of the month following a 30-day notice.

2. Nonexempt to Exempt Status
If a nonexempt person becomes exempt during the 12-month lease term, it is the family’s responsibility to report this change to ESLHA within 30 days. Any claim of exemption will be verified by ESLHA.

24.5 Documentation and Verification [24 CFR 960.605(c)(4)]

A. Documentation and Verification of Exemption Status
All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form. ESLHA will provide a completed copy to the family and will keep a copy in the resident’s file.

ESLHA will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7. ESLHA makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with ESLHA’s determination, they can dispute the
decision through ESLHA’s grievance procedures.

B. Documentation and Verification of Compliance

If anyone in the family is subject to the community service requirement, ESLHA will provide the family with community service documentation forms at admission, at lease renewal, when a family member becomes subject to the community service requirement during the lease term, or upon request of the family. Each individual who is subject to the requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form.

The ESLHA may obtain a signed certification to the ESLHA by such other organization that the family member has performed such qualifying activities; or a signed self-certification to the ESLHA by the family member that he or she has performed such qualifying activities.

The signed self-certification must include the following:

- A statement that the tenant contributed at least 8 hours per month of community service not including political activities within the community in which the adult resides; or participated in an economic self-sufficiency program (as that term is defined in 24 CFR 5.603(b)) for at least 8 hours per month;
- the name, address, and a contact person at the community service provider; or the name, address, and contact person for the economic self-sufficiency program;
- the date(s) during which the tenant completed the community service activity, or participated in the economic self-sufficiency program;
- A description of the activity completed; and A certification that the tenant’s statement is true.

ESLHA Policies: ESLHA chooses to accept resident self-certifications of compliance with CSSR and has made updates its CSSR policies prior to accepting resident self-certifications. Further, ESLHA understands that when it elects to accept self-certifications, it may only may do so prospectively after making necessary policy changes. For residents under lease at the time ESLHA amends its policies, ESLHA must review annual compliance and obtain third party verification for that lease cycle. However, for any subsequent lease cycles beginning after ESLHA has adopted the policy change, ESLHA may accept resident self-certifications for those periods. ESLHA may not accept resident self-certifications for a tenant subject to a work-out agreement until the resident has completed, and the ESLHA has verified through a third party, that the resident has completed the required hours.

Sampling Methodology and Validation Requirements: As required by amended 24 CFR Part 960.605, ESLHA elects to accept self-certifications must validate a sample of self-certifications with the third-party for whom the resident completed the community service or self-sufficiency activity. The sample of self-certifications ESLHA validates must be a statistically valid, random sample. These policies provide the appropriate sampling methodology to be used by ESLHA when determining how many self-certifications must be validated annually.
The universe of self-certifications should only include residents that submitted a self-certification, and should not include:

- Residents that are under the age of 18 years or 62 years or older;
- Residents that are exempt;
- Residents for which ESLHA receives third party verification of completion with CSSR; and
- Residents that did not complete the required CSSR.

Because the number of residents subject to the CSSR is constantly in fluctuation due to unit turnover, resident employment, etc., ESLHA must choose a point in time annually to calculate the universe of self-certifications received during the previous 12 months. However, ESLHA does not need to wait until the end of the 12-month period to begin validating self-certifications. For example, ESLHA can reasonably determine the expected number of self-certifications to be received throughout the 12-month period may validate the appropriate sample of self-certifications during the 12-month period rather than waiting until the end of that time period, subject to any necessary reconciliations once the final universe and sample size is determined.

To validate a self-certification, ESLHA must obtain third-party documentation that includes, at a minimum, the name of the organization or person, the number of hours completed by the resident, a signature from the appropriate staff person within the third-party organization or person and that staff person’s contact information. Consistent with the written third-party verification techniques outlined in Notice PIH 2010-19, ESLHA may accept third-party generated documentation directly from the third-party or from the resident.

**Treatment of Fraudulent Self-Certifications:** In the event ESLHA determines a resident has submitted a fraudulent self-certification, ESLHA must provide a notice of noncompliance to the resident pursuant to 24 CFR 960.607. If the resident agrees to sign a work-out agreement, ESLHA must obtain written third-party documentation of the resident’s compliance with the requirements of the workout agreement. Should the resident refuse to enter into a work-out agreement pursuant to the notice of noncompliance, ESLHA must take steps to terminate the tenancy of the resident. For more information on this process, see Notice PIH 2015-12.

When the ESLHA accepts self-certifications, the ESLHA must validate a sample of such self-certifications using third-party certification by sampling according to the following table.

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## 24.6 Noncompliance

**A. Initial Noncompliance**

Violation of the service requirement is grounds for nonrenewal of the lease at the end of the 12-month lease term, but not for termination of tenancy during the course of the 12-month lease term.

If the resident or another family member has violated the community service requirement, ESLHA may not renew the lease upon expiration of the 12-month term of the lease, unless the resident and any other noncompliant family member enter into a written agreement with ESLHA. Under the agreement the resident or noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required over the 12-month term of the new lease. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit.

**B. Notice of Initial Noncompliance**

If ESLHA determines that there is a family member who is required to fulfill a service requirement, but who has failed to comply with this obligation (noncompliant resident), ESLHA must notify the resident of this determination. The notice of initial noncompliance will be sent at least 60 days prior to the end of the lease term.
The family will have ten (10) days from the date of the notice of noncompliance to enter into a written agreement to cure the noncompliance over the 12-month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before ESLHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required ten (10) day timeframe, ESLHA will commence action to terminate the family’s tenancy.

C. Continued Noncompliance
Notices of continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family’s termination notice. The family will have ten (10) days from the date of the notice of continued noncompliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before ESLHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 10 business day timeframe, the family’s lease and tenancy will automatically terminate at the end of the current lease term without further notice.
Chapter 25 Pets

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

Overview
The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. Nothing in the pet policies, except Section 25.7 will be applicable to service animals or assistance animals as provided under reasonable accommodations.

25.1 Management Approval of Pets

A. Registration of Pets [24 CFR 960.707(b)(5)]
Pets must be registered with ESLHA prior to being brought onto the premises. Registration includes picture and documentation that the pet has received all inoculations required by state, county or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date. Pets will not be approved to reside in a unit until completion of the registration requirements.

B. Refusal to Register Pets
ESLHA will refuse to register a pet if:

- The pet is not a common household pet as defined in Section 25.2 below
- Keeping the pet would violate any pet restrictions listed in this policy
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually
- The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order
- ESLHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

The ESLHA shall not refuse to register a pet based on the determination that the pet owner is financially unable to care for the pet.

If ESLHA refuses to register a pet, a written notification will be sent to the pet owner within ten (10) days of ESLHA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with ESLHA’s grievance procedures.

C. Pet Policy/ Pet Agreement
Residents who have been approved to have a pet must enter into a pet agreement with ESLHA, or the approval of the pet will be withdrawn. The pet agreement is the certification that the resident has received a copy of ESLHA’s pet policy and applicable house rules, that he or she has read the
policies and/or rules, understands them, and agrees to comply with them. The resident further certifies by signing the pet agreement that he or she understands that noncompliance with ESLHA’s pet policy and applicable house rules may result in the withdrawal of ESLHA approval of the pet or termination of tenancy.

25.2 Standards for Pets [24 CFR 5.318; 960.707(b)]

A. Definition of Common Household Pet [24 CFR 5.306(2)]
Common household pet means a domesticated animal, such as a dog, cat, bird or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes. The following animals are not considered common household pets:

• Reptiles
• Rodents
• Insects
• Arachnids
• Wild animals or feral animals
• Pot-bellied pigs
• Animals used for commercial breeding

B. Pet Restrictions
The following animals are not permitted:

• Any animal whose adult weight will exceed 20 pounds
• Dogs of the pit bull, Rottweiler, chow, or boxer breeds
• Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations
• Any animal not permitted under state or local law or code

C. Number of Pets
Residents may own a maximum of one (1) pet. In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as one pet.

D. Other Requirements
Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary. Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident’s annual reexamination.

25.3 Pet Rules
Pet owners must maintain pets responsibly, in accordance with ESLHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations.

A. Pet Area Restrictions
Pets must be maintained within the resident’s unit. When outside of the unit (within the building
or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times. Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building. Pet owners are not permitted to exercise pets or permit pets to deposit waste on development premises outside of the areas designated for such purposes.

B. Cleanliness
The pet owner shall be responsible for the removal of waste in a clean and sanitary manner from the inside and outside of unit by placing it in a sealed plastic bag and disposing of it. The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:
- Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner
- Litter shall not be disposed of by being flushed through a toilet
- Litter boxes shall be kept inside the resident's dwelling unit

C. Alterations to Unit
No alterations are allowed to the unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

D. Noise
Pet owners must agree to control the noise of pets so that such noise does not disturb other resident’s peaceful enjoyment of their unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping or other such activities.

E. Pet Care
Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for their pet. Each pet owner shall be responsible for appropriately training and caring for their pet to ensure that the pet is not a nuisance or danger to other residents and does not damage ESLHA property. No animals may be tethered or chained inside or outside the dwelling unit at any time.

F. Responsible Parties
The pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet. A resident who cares for another resident’s pet must notify ESLHA and sign a statement that they agree to abide by all of the pet rules.

G. Pets Temporarily on the Premises
Pets that are not owned by a resident are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals. This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by ESLHA.
H. Pet Rule Violations
All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement. If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served. The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the pet owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation
- That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting
- That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

I. Notice for Pet Removal
If the pet owner and ESLHA are unable to resolve the violation at the meeting or the pet owner fails to cure the violation in the time period allotted by ESLHA, ESLHA may serve notice to remove the pet. The notice will contain:

- A brief statement of the factual basis for ESLHA's determination of the pet rule that has been violated
- The requirement that the resident/pet owner must remove the pet within 10 calendar days of the notice
- A statement that failure to remove the pet may result in the initiation of termination of tenancy

J. Pet Removal
In the event of death or incapacity of the pet owner which threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner. If the responsible party is unwilling or unable to care for the pet, or if ESLHA after reasonable efforts cannot contact the responsible party, ESLHA may contact the appropriate state or local agency and request the removal of the pet.

K. Termination of Tenancy
ESLHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

L. Emergencies
ESLHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals. If it is necessary for ESLHA to place the pet in a shelter facility, the cost will be the responsibility of the pet owner. If the pet is
removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

25.4 Pet Deposits

A. Payment of Deposit
A resident shall pay a pet deposit of $250 and $150 non-refundable registration fee. The deposit of $200 must be paid in full before the pet is brought on the premises. The pet deposit is not part of the rent payable by the resident and is refundable. The registration fee is paid upon the request and completion of the process.

B. Refund of Deposit
ESLHA will provide the resident with a written list of any charges against the pet deposit within 60 days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, ESLHA will provide a meeting to discuss the charges. ESLHA will refund the pet deposit to the resident, less the costs of any damages to the dwelling unit, within 60 days of move-out or removal of the pet from the unit. The resident will be billed for any amount that exceeds the pet deposit.

25.5 Other Charges

A. Pet-Related Damages During Occupancy
The resident will be responsible for all reasonable expenses incurred by ESLHA as a result of damages directly attributable to the presence of the pet in the development, including:

- The cost of repairs and replacements to the resident's dwelling unit
- Fumigation of the dwelling unit
- Repairs to common areas of the development

The expense of flea elimination shall also be the responsibility of the resident. If the resident is in occupancy when such costs occur, the resident shall be billed for such costs. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

B. Pet Waste Removal Charge
ESLHA will impose a separate pet waste removal charge of $25 per occurrence against pet owners who fail to remove pet waste in accordance with this policy. Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable within fourteen (14) days after billing. If the family requests a grievance hearing within the required timeframe, ESLHA may not take action for nonpayment of the charge until the conclusion of the grievance process.

25.6 Assistance Animals

Overview
Assistance animals are animals that assist, support, or provide service to a person with a disability, or that provide emotional support that alleviates one or more identified symptoms or effects of a person’s disability. Assistance animals, often referred to as service animals, assistive animals, support animals or therapy animals, perform many disability-related functions, including but not limited to the following:
• Guiding individuals who are blind or have low vision
• Alerting individuals who are deaf or hearing impaired
• Providing minimal protection or rescue assistance
• Pulling a wheelchair
• Fetching items
• Alerting persons to impending seizures
• Providing emotional support to persons with disabilities who have a disability-related need for such support

Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to ESLHA’s pet policies described in this chapter.

A. Approval of Assistance Animals

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person’s disability and his or her need for the animal.

ESLHA will not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. ESLHA will refuse to permit a person with a disability to use and live with an assistance animal if:

• There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation
• There is reliable objective evidence that the animal would cause substantial physical damage to the property of others

ESLHA has the authority to regulate assistance animals under applicable federal, state and local law. For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and ESLHA approve a reasonable accommodation in accordance with the policies contained in Chapter 2.

B. Care and Handling

Residents must care for assistance animals in a manner that complies with state and local laws, including anti-cruelty laws and must ensure that assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit or property of other residents.

When the care of handling an assistance animal violates these policies, ESLHA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If ESLHA determines that no such accommodation can be made, ESLHA may withdraw the approval of a particular assistance animal.
Chapter 26:  
DESIGNATED DEVELOPMENTS: HOUSING CRITERIA

26.1 Purpose

ESLHA, in its discretion, may establish special programs, policies and strategies designed to address economic, human development or self-sufficiency programs, work initiatives, pilot programs, safe and secure community enhancements and admission policies related to the use of bona fide law enforcement agencies or personnel, and homeownership opportunities.

ESLHA, in its discretion, may explore strategies that recognize the progression of ESLHA-Assisted Households toward economic self-sufficiency which may lead to their graduation from a rental assistance program.

The following properties/developments shall be designated for those residents that participate in an program to attain self-sufficiency or qualify based on the criteria enumerated in this chapter:

- Single Family Homes,
- Phoenix Courts
- Forest Village
- New Construction

26.2 Minimum Criteria

Residents that are housed in one of the enumerated properties must comply with the following requirements:

- Meet all eligibility requirements as stated in Chapter 8 and all applicable provisions of this ACOP.
- Minimum income: Household is expected to have a minimum income of $11,500.
- Income requirements may be waivered by Executive Director on a case by case basis.

A. Good Financial Standing

1. Rent
   a. Current in rent, including any monies due to any public housing program.
   b. Documented history of paying rent two (2) years.
2. Utilities

a. Outstanding or current delinquent debts owed to a utility provider must be made current prior to approval for admission or the applicant must be current on a payment plan.

b. Applicant must be able to obtain utilities in their name.

B. Residential History

1. Management will verify at least the past twelve months of rental history, including any lease violations.

   a. If a resident is lease compliant at the time of application to the designated units,

2. No judgment in favor of a current or past landlord within the past two years.

C. Employment and Economic Self-Sufficiency

The Work Requirement establishes that:

1. At least one adult member of the household, age 18 - 61 must be legally employed or self-employed in a legitimate business enterprise, appropriately documented, either on a full-time equivalent basis or for at least 30 hours per week; AND

2. All other household members, ages 18 – 61, must be actively engaged in one of the following:

   i. Full-Time Work: Legally employed or self-employed either on a full-time equivalent basis or for at least 30 hours per week;

   ii. Full-Time School/Training: Enrolled in and attending an AHA recognized school or institution as a full-time student; or

   iii. Part-Time Work and Part-Time School/Training: Combined minimum of 30 hours per week of employment and education/training with the following conditions:

          a. Legally employed (but not self-employed) on a part-time basis; AND
          b. Enrolled in and attending an ESLHA-recognized school or institution on a part-
c. Participating in an ESLHA-recognized training program.

3. Exemptions from ESLHA’s Work Requirement
   i. Elderly Persons are exempt from ESLHA’s Work Requirement.
   ii. Disabled Persons are also exempt from ESLHA’s Work Requirement. The definition of a Disabled Person in this context is consistent with HUD’s definition of a “person with disabilities” for program eligibility purposes as set forth above in Chapter 8.

4. Applicants to ESLHA’s Rental Assistance Programs and ESLHA-Assisted Households assisted under one of ESLHA’s Rental Assistance Programs may either be denied admission to or terminated from the Rental Assistance Program, as applicable, for failure to comply with the Work Requirement.

5. As a reasonable accommodation, either the head-of-household of the ESLHA-Assisted Household or another adult member of the household who would otherwise be required to meet the Work Requirement but who is needed for the essential care and support of a member of the household who is an Elderly Person or Disabled Person, or other member who requires essential care and support for an indefinite period of time, the need for which having been certified by a medical or other qualified professional having knowledge of the need, may qualify for a “Caretaker Exemption” from the Work Requirement for as long as the Elderly Person, Disabled Person or other member requires such essential care and support.

6. ESLHA-Assisted Household who is subject to the Work Requirement and is not working full-time may be required to enroll and satisfactorily participate in an ESLHA-recognized economic independence program, and if such economic independence program is not a full-time program, such member of the ESLHA-Assisted Household shall be required to have part-time employment. Any member of an ESLHA-Assisted Household who is subject to the Work Requirement, regardless of such member’s work status (full or part-time employment), may be required to participate in an ESLHA-recognized economic and life-style initiative that has as one of its components, the completion of an approved planning document, which charts out a path towards economic, and life-style independence and devises strategies to address any barriers confronting the member of the ESLHA-Assisted Household.

Residents who fail to comply within 6 months will be subject to a unit offer and transfer to another development to accommodate their family composition.
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