

**ADMISSIONS AND OCCUPANCY
POLICY
FOR PUBLIC HOUSING**

**HOUSING AUTHORITY
OF CLACKAMAS COUNTY, OREGON**

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ADMISSIONS AND OCCUPANCY POLICY

For Public Housing

Operated By The Housing Authority Of Clackamas County

I.

NONDISCRIMINATION AND ACCESSIBILITY

A. Compliance with Civil Rights Laws

1. It is the policy of the Housing Authority of Clackamas County (HACC) to comply with all applicable laws relating to Civil rights, including:
Title VI of the Civil Rights Act of 1964;
Title VIII of the Civil rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988);
Executive Order 11063;
Section 504 of the Rehabilitation Act of 1973;
The Age Discrimination Act of 1975;
The Fair Housing Act
Title II of the Americans with Disabilities Act
Any applicable State Laws or local ordinances; and
Any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.
2. HACC shall not discriminate because of race, color, national origin, sex, religion, sexual orientation, marital status, familial status, age or disability in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under HACC's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended.
3. HACC shall not, on account of race, color, national origin, sex, religion, sexual orientation, marital status, familial status, age or disability:

- (a) Deny to any family the opportunity to apply for housing, or deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- (b) Provide housing which is different from that provided others, except when necessary to accommodate a tenant's special needs or as provided by law;
- (c) Subject a person to segregation or disparate treatment;
- (d) Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- (e) Treat a person differently in determining eligibility or other requirements for admission;
- (f) Deny a person access to the same level of services; or
- (g) Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

B. Accessibility and Language

1. Facilities and programs used by residents must be accessible. Application and management offices, hearing rooms, community centers, laundry facilities, craft and game rooms, etc., must be available for use by residents with a full range of disabilities. If these facilities are not already accessible (and located on accessible routes), some will be made so, subject to the undue financial and administrative burden test. As an alternative, if the HACC has several comparable facilities or programs, some of which are accessible and some of which are not accessible, the HACC can provide accessible transport that will permit a resident to use an accessible facility or participate in an accessible program at other than the building where the resident lives.
2. Documents intended for use by applicants and residents will be made available, as needed and as requested, in formats accessible for those with vision or hearing impairments. Equally important, the documents will be written as simply and clearly as possible to enable applicants with learning or cognitive disabilities to better understand. Documents may be translated into languages other than English as needed.
3. HACC is committed to equal treatment of all persons, and believes that no qualified individual with disability should, solely on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of our programs. In addition to the efforts described above, HACC will, when requested and when needed to ensure that HACC programs are nondiscriminatory, take the following appropriate measures:
 - (a) Make documents available in alternate formats, such as Braille, audiotape,

large print, or computer disk;

- (b) Utilize barrier-free meeting places;
- (c) Make available readers and amanuenses;
- (d) Make available accessibility features for the hearing and visually impaired;
- (e) Consider any other reasonable request for accommodation.

4. HACC's Executive Director will be responsible for making the final decision regarding what constitutes a fundamental alteration in the nature of a program or activity, or an undue financial and administrative burden, resulting from Section 504 regulations. The Executive Director or his designee will coordinate compliance with the nondiscrimination requirements of the Act. Complaints alleging actions prohibited by the Act should be tendered to the Executive Director. A grievance procedure has been established to provide for the prompt and equitable resolution of such complaints.

C. Reasonable Accommodation Process

1. Notification of Availability of Reasonable Accommodation

Information of the availability of reasonable accommodations will be provided to all families at the time of application. All applicants for public housing will be given the form "Notice Of The Availability Of Reasonable Accommodations". (This information will also be provided at any time upon request).

At the time of interview, applicants for public housing will again be given the form "Notice Of The Availability Of Reasonable Accommodations". Families will also be sent this form with their annual reexam letters.

2. Notification of Right to Request a Reasonable Accommodation

Information regarding reasonable accommodation will be provided on all letters, notices and memos when the Housing Authority is taking any adverse actions toward an applicant or tenant. This includes letters of denial, termination and failure to respond or comply.

3. Processing the Request for a Reasonable Accommodation

The applicant or tenant may make a request for a reasonable accommodation. The "Request For A Reasonable Accommodation" form is provided for this purpose. If the applicant or tenant is unable to fill out this form, Housing Authority staff will assist. Also, if the request is submitted in some other way, the request will still be considered.

- (a) If the file already establishes the individual's disability (SSI, SSD), go to #2.

If the file does not provide documentation of the disability, verification may be sought through use of the "Letter Of 504 Disability Verification". Once verification is obtained, go to (b).

If verification of disability cannot be obtained the request will be denied and the applicant or tenant will be offered an informal hearing. This will give them the opportunity to provide more information in support of the request.

- (b) Verification may be sought through use of the "Letter Of 504 Reasonable Accommodation Verification" sent to the person named on the request. If verification is obtained that the accommodation is related to the disability and would enable the disabled individual to equally participate in the program, go to (c).

If the response does not verify that the accommodation is related to the disability or will provide for equal participation, the applicant or tenant will be notified and offered the opportunity to provide more information in support of the request.

- (c) Is the requested accommodation reasonable?

If yes, complete Part 1 of the "Approval Process Of 504 Reasonable Accommodation Request" and submit with the supporting documents and file to the 504 Coordinator.

If no, the request will be denied and the applicant or tenant will be notified.

4. The 504 Coordinator or designee will review the request with supporting documents and files and complete Part 2 of the "Approval Process" form. Additional input may be sought from staff with respect to options for making the accommodation.
5. If the request is approved the applicant or tenant will be advised.

D. Marketing

1. It is the policy of HACC to conduct outreach as needed to maintain an adequate application pool representative of the eligible population in the area. Outreach efforts will take into consideration the level of vacancy in the HACC's units, availability of units through turnover, and waiting list characteristics. HACC will periodically assess these factors in order to determine the need for and scope of any marketing efforts.

- 2.** Marketing and informational materials will be subject to the following:
- (a)** All marketing materials must comply with Fair Housing Act requirements with respect to wording, logo, size of type, etc. as well as affirmative fair housing marketing requirements;
 - (b)** Marketing will describe the housing units, application process, waiting list and preference structure accurately;
 - (c)** Marketing will be written as simply and clearly as possible and will additionally use other than strictly English-language print media;
 - (d)** An effort will be made to target all agencies that serve and advocate for potentially qualified applicants (e.g., persons with disabilities, to ensure that people who can best take advantage of the accessible and adaptable features of the units are made aware of available housing);
 - (e)** Marketing materials will make clear who is eligible;
 - (f)** HACC's responsibility to provide reasonable accommodations to people with disabilities will be made clear.

II.

DEFINITIONS AND PROCEDURES USED IN DETERMINING INCOME AND RENT

A. Annual Income

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

1. The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.

When the family has Net Family Assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD.

4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and similar types of periodic receipts; (see subsection B.15. below for treatment of

delayed or deferred periodic payment of Social Security or Supplemental Security Income benefits);

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, (see subsection B.3. below concerning treatment of lump-sum additions as family assets);
6. All Welfare Assistance or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the TANF program) received by or on behalf of any family.
7. Assistance payments from any other source (e.g., from social services agencies, churches, etc.);
8. Periodic and determinable allowances, such as alimony and child support payments, and regular cash contributions or gifts received from persons not residing in the dwelling;
9. All regular pay, special pay, and allowances of a family member in the Armed Forces (see subsection B.7. below concerning pay for exposure to hostile fire).

B. Annual Income Exclusions

Annual Income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payment received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum or delayed additions to family assets, such as inheritances, insurance payments (including payments under health, and accident insurance, and worker's compensation) capital gains, and settlement for personal property losses (see subsections A.4., and A.5., and B.15. of this Section II);
4. Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member;
5. Income of a live-in aide, provided the person meets the definition of a live-in aide (see Section III of this policy);

- 6.** The full amount of student financial assistance paid directly to the student or the educational institution;
- 7.** The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- 8.** The amounts received from the following:
 - (a)** Amounts received under HUD-funded training;
 - (b)** Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - (c)** Amounts received by tenants in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
 - (d)** Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for the HACC, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination and serving as a member of the HACC's Board of Commissioners. No resident may receive more than one such stipend during the same period of time;
 - (e)** Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs, (including training programs not affiliated with the local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives. The exclusion period covers the time during which the family member participates in the training program.
- 9.** Temporary, non-recurring, or sporadic income (including gifts);
- 10.** Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

- 11.** Earnings (including employment compensation benefits) in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household, spouse or co-head);
- 12.** Adoption assistance payments in excess of \$480 per adopted child;
- 13.** For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988 (42 U.S.C. 1437 et seq.), or any comparable Federal, State or local law during the exclusion period. For purposes of this paragraph the following definitions apply:
 - (a)** Comparable Federal, State or local law means a program providing employment training and supportive services that: a) is authorized by a Federal, State or local law; b) is funded by the Federal, State or local government; c) is operated or administered by a public agency; and d) has as its objective to assist participants in acquiring employment skills;
 - (b)** Exclusion period means the period during which the resident participates in a program described in this section PLUS 18 months from the date the resident begins the first job acquired by the resident after completion of such program that IS NOT funded by public housing assistance under the U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.). If the resident is terminated from employment without good cause, the exclusion period shall end;
 - (c)** Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job. Incremental earnings means the portion of earnings and benefits from the training program which exceeds that amount which had previously been received (e.g., in the case of an AFS grant, the grant amount would continue to be counted but any amount above that, which is the result of the training program, would be excluded);
- 14.** The incremental earnings due to employment during a cumulative 12-month period following the date of the initial hire or the family first experiences an increase in annual income attributable to employment shall be excluded. This exclusion (subsection 14) will not apply to any family who concurrently is eligible for the exclusion under subsection 13. Further, this exclusion is available only to the following qualified families:
 - (a)** Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years. "Previously unemployed", for the purposes of this section, includes a person who has earned, in the previous twelve months, no more than would be received for 10

hours of work per week for 50 weeks at the established minimum wage. The calculation will be made by multiplying 500 hours times the current minimum wage. The minimum wage on this date, 1/2/2003, is \$6.90 per hour, making the threshold amount \$3,450. This amount will automatically be revised whenever there is a change in the minimum wage.

- (b)** Families whose employment income increases during the participation of a family member in any economic self-sufficiency or other job training program.
- (c)** Families who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program (as determined by HACC in consultation with the local TANF agency), and whose earned income increases. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance -- provided that the total amount over a six-month period is at least \$500.

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

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period, beginning with the start of the initial 12-month exclusion period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

The disallowance of increases in income as a result of employment under this subsection does not apply for purposes of admission to the program.

While HUD regulations allow for HACC to offer an escrow account in lieu of having a portion of their income excluded under this subsection 13, it is the policy of HACC to provide the exclusion in all cases.

- 15.** Deferred periodic payments of Supplemental Security Income and Social Security benefits;
- 16.** 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;
- 17.** Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
- 18.** Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. A notice will be published by HUD in the Federal Register

identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. These exclusions now include:

- (a)** The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 [7 USC 2017(b)];
- (b)** Payments to Volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044(g), 5058];

Examples of programs under this Act include but are not limited to:

- (i)** the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
 - (ii)** National volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
 - (iii)** Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE);
- (c)** Payments received under the Alaska Native Claims Settlement Act [43 USC 1626(c)];
 - (d)** Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [25 USC 459(e)];
 - (e)** Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 USC 8624(f)];
 - (f)** Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552(b)]; (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 USC 2931);
 - (g)** Income derived from the disposition of funds to the Grand River Band of Ottawa Indians [Pub. L. 94-540, 90 Stat. 2503-04];
 - (h)** The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands [25 USC 1407-1408];

- (i)** Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087(uu)];
 - * Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work-Study, and Byrd Scholarships.

- (j)** Payments received from programs funded under Title V of the Older Americans Act of 1985 [42 USC 3056 (f)];
 - * Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), Nation Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.

- (k)** Payments received on or 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.);

- (l)** Payments received under the Maine Indian Claims Settlement Act of 1980 [25 USC 1721];

- (m)** The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 [42 USC 9858(q)];

- (n)** Earned income tax credit (EITC) refund payments received on or after January 1, 1991 [26 USC 32(j)];

- (o)** 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);

- (p)** Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 USC 12637(d));

- (q)** Any allowance paid under the provisions of 38 USC 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 USC 1805);

- (r) 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 USC 10602); and
- (s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 USC. 2931).

C. Adjusted Income

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

1. **For All Families**

- (a) **Child Care Expenses.** A deduction of amounts 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 when such care is necessary to enable a family member to actively seek employment, to be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. When child care is charged by the hour, an allowance will be made only for the number of hours actually worked or for the number of hours required to be at school. An allowance for reasonable travel time will also be allowed.
- (b) **Dependent Deduction.** An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, or foster child) who is under eighteen years of age or who is eighteen years of age or older and has a disability, or is a full-time student.
- (c) **Disability Assistance Expenses.** Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a disabled family member, and that are necessary to enable a family member (including the disabled family member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. This allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually handicapped, and equipment added to cars and vans to permit their use by family members with disabilities.

- (i) For non-elderly families and elderly families without medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.
- (ii) For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below.

2. For Elderly and Disabled Families Only:

- (a) **Medical Expenses Deduction.** A deduction of unreimbursed Medical Expenses, including insurance premiums, anticipated for the period for which Annual Income is computed.

Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. Additional guidance on acceptable medical deductions may be sought from information provided by the US Department of Treasury/IRS. To be considered by HACC for the purpose of determining a deduction from income the expenses claimed must be verifiable.

- (i) For elderly families without disability expenses: the amount of the deduction shall equal total medical expenses less three percent of annual income.
 - (ii) For elderly families with both disability and medical expenses: the amount of the deduction is calculated as described in paragraph 1.(c)(ii) above.
- (b) **Elderly/Disabled Household Exemption.** An exemption of \$400 per household.

D. Annualization of Income

If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income), or the HACC believes that past income is the best available indicator of expected future income, the HACC may annualized the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

E. Assets -- (Net Family Assets)

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interest in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.

In determining Net Family Assets, HACC shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than market value if the applicant or tenant receives important consideration not measurable in dollar terms.

F. Flat Rent

A flat rent is the amount of tenant rent based on the market rent charged for comparable units in the private unassisted market. It is equal to the estimated rent for which HACC could promptly lease the public housing unit after preparation for occupancy. (See Section XII).

G. Imputed Income

For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used in determining annual income.

H. Imputed Welfare Income

The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

I. Income-Based Rent

An income-based rent is a tenant rent that is based on the family's income and HACC's rent policies for determination of such rents.

J. Income Category

Designates a family's income range. There are three categories: low-income, very low-income and extremely low-income.

K. Incremental Income

The increased portion of income between the total amount of welfare and earnings of a family member prior to enrollment in a training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases and decreases, are treated in the usual manner in determining annual income.

L. Minimum Rent

The amount established by the Housing Authority, up to a maximum of \$50. The minimum rent is the minimum total tenant payment. At this time, HACC sets the minimum rent at 0 (zero).

There are certain exemptions to the minimum rent requirements for hardship circumstances. Generally, hardship includes the following situations:

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

M. Tenant Rent

The amount payable monthly by the family as rent to HACC. Where all utilities (except telephone and cable) and other essential housing services are supplied by HACC, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone and cable) and other essential housing services are not supplied by HACC and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the applicable Utility Allowance. (See Section XII, Flat Rent, of this Policy for determining the amount of Tenant Rent when the resident chooses the Flat Rent option.)

N. Total Tenant Payment (TTP)

The TTP is the greatest of:

1. 30% of adjusted monthly income; or
2. 10% of monthly income; or
3. The Minimum Rent (see section II.L. above);

TTP does not include charges for excess utility consumption or other miscellaneous charges.

O. Utility Allowance

An amount determined by the Housing Authority as an allowance for the cost of utilities. Utilities include water, electricity, gas, other heating, refrigeration and

cooking fuels, trash collection and sewer services. Telephone and cable services are not included as a utility. This allowance is used when a family is responsible for the cost of some or all of the utilities.

P. Utility Reimbursement

If the applicable Utility Allowance exceeds the Total Tenant Payment, a utility reimbursement equal to the difference between the utility allowance and the TTP will be issued to the family, to be used exclusively for utility payments.

III.

DEFINITIONS OF OTHER TERMS USED IN THIS POLICY

Accessible Dwelling Units -- When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40 [the Uniform Federal Accessibility Standards (UFAS)] is “accessible” within the meaning of this paragraph.

When an individual dwelling unit in an existing facility is being modified as a reasonable accommodation for use by a specific individual, the unit will not be deemed accessible even though it meets the standards that address the impairment of that individual, unless the unit also meets the UFAS standards.

Accessible Facility -- Means all or any portion of a facility other than an individual dwelling unit used by individuals with disabilities.

Accessible Route -- For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

Adaptability -- Ability to change certain elements in a dwelling unit to accommodate the needs of persons with disabilities (such as kitchen counters, sinks, grab bars, etc.).

Alteration -- Any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems.

Anniversary Date --

1. When the effective date of the current lease, is the first day of the month, the anniversary date is that same date each year.
2. When the effective date of a current lease is any day other than the first day of the month, the anniversary date is the first day of that month each year.

Applicant -- A person or a family that seeks admission to the Public Housing program, but has not yet executed a Lease Agreement with HACC.

Auxiliary Aids -- Means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities.

Care Attendant -- A person who regularly visits the unit of a HACC resident to provide supportive or medical services. Care attendants have their own place of residence (and if requested by HACC, must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.

Co-Head -- An individual in the household who is equally responsible for the lease with the head of the household.

Community Service -- See Section XVII of this Policy.

Continuously Assisted -- An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program at the time the family is admitted to the Public Housing Program.

Currently Engaged In -- With respect to behavior such as illegal use of a drug, other drug-related criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

Dependent -- A member of the family household (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

To be considered a member of the family household, a dependent must reside with the applicant/tenant family at least 51% of the time, except in the case where a joint custody agreement gives each parent custody of the child for 50% of the time, and where the child actually resides with the parent at least 50 % of the time. This arrangement must be through a divorce decree and/or a court order. In no instance will both parents be allowed to include the "joint custody dependent" as a member of each family's household.

Disabled Family -- A family whose head, spouse, co-head, or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including a live-in aide or an essential member to the household, determined to be essential to the care and well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly and other family members who are not disabled. For purposes of qualifying for housing assistance, this definition does not include a person whose disability is based solely on any drug or alcohol dependence.

Displaced by Domestic Violence -- *An applicant who has vacated a housing unit because of domestic violence, or the applicant lives in a housing unit with a person who engages in domestic violence.*

Displaced Family -- A family or single person displaced or about to be displaced by governmental action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws. Lodgers may not be included in the Displaced Family. This definition is used for eligibility determinations only.

Domestic Violence -- Actual or threatened physical violence directed against one or more members of the applicant or tenant family, by a spouse or other member of the household.

Domicile -- The legal residence of the household head or spouse, as determined in accordance with State and local law.

Drug -- A controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802).

Drug-Related Criminal Activity -- This term means:

1. Drug trafficking; or
2. Illegal use, or possession for personal use, of a drug.

Drug Trafficking -- The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a drug.

Economic Self-Sufficiency Program -- Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Elderly Family -- A family whose head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly Person -- A person who is at least 62 years of age.

Essential Member to the Household -- A person necessarily residing with an elderly or disabled person for the mental health and welfare of the family member. The income of the essential member will be counted in determining the family's rent. This person may be considered the remaining member of the family. The necessity for such an arrangement must be evidenced by a doctor's certificate, or must be deemed essential and so certified, by Mental Health or an other responsible source. Under no circumstances will such an arrangement be permitted solely for the convenience of the family. This provision is applicable both for admission and continued occupancy.

Exempt Individual -- See Section XVII of this Policy.

Extremely Low-Income Family -- A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Family -- A family includes:

1. A group of two or more persons who will live together on a regular basis in the same dwelling unit. (A regular basis is one where there is a present intent to live together for an indefinite period of time. The mere sharing of housing accommodations solely to qualify for rental assistance, or solely for the convenience of the parties, is not acceptable). A child who is temporarily away from the home because of placement in foster care is considered a member of the family; or
2. A single person who is 62 years of age or over; or
3. A single person who is disabled; or
4. A single person who is displaced; or
5. The remaining member of the family; or
6. A single woman who is pregnant; or
7. A single person who is in the process of securing legal custody of any individual under the age of 18 years; or
8. All other single persons

HACC will not permit others who are currently living in independent circumstances, and have done so for a period of more than six months to move in with the participating family. Such persons may apply for housing by joining the waiting list in the order described in Section IV, and will not receive preference due to relatives currently participating in any of HACC's housing programs. Exceptions will be allowed for the parents of the head of household or spouse who move in with the family on a permanent basis because they require the care of their family in order to

maintain an existence outside of a nursing home. This requirement must be documented by a letter from a physician. If the family member moved from the unit and wishes to return, he/she will be allowed to move back in only once. Waivers to this provision may be requested from the Housing Authority.

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

Full-Time Student -- A person who is attending school or vocational training on a full time basis.

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

Head of Household -- The person so designated by the family.

Household -- The family and PHA approved "live-in-aide" or essential "member of the household".

HUD -- The United States Department of Housing and Urban Development or its designee. HUD may dispense money to local housing authorities that in turn administer the Public Housing program in their jurisdictions, in conformance with the rules, regulations and criteria established by HUD.

"Individual with Disabilities" (Section 504 definition) --

The Section 504 definitions of "Individual with Disabilities" and "Qualified Individual with Disabilities" are not the definitions used to determine program eligibility. Instead, use the definition of person with disabilities as defined later in this section.

"Individual with Disabilities" means any person who has:

1. A physical or mental impairment which:
 - (a) substantially limits one or more major life activities;
 - (b) has a record of such an impairment; or
 - (c) is regarded as having such an impairment.
2. The term does not include any individual who is currently engaging in the illegal use of drugs.
3. As used in this definition the phrase:

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

Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities.

The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

- (b) **“Major life activities”** means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (c) **“Has a record of such an impairment”** means having a history of, or having been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (d) **“Is regarded as having an impairment”** means:
- (i) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by others as constituting such a limitation;
 - (ii) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
 - (iii) Has none of the impairments defined in this section but is treated by others as having such an impairment.

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

Lease -- A written agreement between HACC and a family for the renting of a Public Housing unit.

Live-in-aide -- A person who resides with an elderly person(s) or person(s) with disabilities and who:

1. is determined by HACC to be essential to the care and well being of the person(s);

2. is not obligated to support the tenant who requires care; and
3. would not be living in the unit except to provide necessary supportive services.

HACC policy on Live-in aides stipulates that:

1. Before a Live-in aide may be moved into a unit, a third-party verification must be supplied that establishes the need for such care and the fact that the person cared for will be able to remain in the unit and comply with the lease terms as the result of such care;
2. Move-in of a Live-in aide must not result in overcrowding of the existing unit except in extraordinary and temporary circumstances, as approved by the HACC (although, a reasonable accommodation for a resident with a disability may be to move the family to a larger unit);
3. Live-in aides have no right to the unit as a remaining member of a tenant family even when the Live-in-aide is a relative of the tenant renting the unit;
4. The income of a Live-in-aide is not counted in determining the family's rent;
5. A Live-in aide can be a single person. A Live-in aide with a family may also be considered, provided that the addition of the Live-in aide's family does not result in overcrowding of the existing unit. Only one bedroom will be provided for the live-in-aide regardless of whether or not the live-in-aide has a family. The Live-in-aide and all of his/her family members must meet all HACC screening criteria that are unrelated to income;
6. Relatives who satisfy the definitions and stipulations herein may qualify as a Live-in aide but only if they sign a statement prior to moving in, acknowledging no rights to the unit as the remaining member of a tenant family;
7. A Live-in aide and a family of the live-in-aide that intends to reside in the household will be required to meet HACC's screening requirements with respect to past behavior, especially:
 - (a) A record of disturbance of neighbors, destruction of property, or of living or housekeeping habits, at present or at prior residences, which may adversely affect the health, safety, or welfare of other residents, neighbors or staff, or cause damage to the unit or the premises; and
 - (b) Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity.

Low-Income Family -- A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80% of the median for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low family incomes.

MSA -- A Metropolitan Statistical Area.

Minor -- A minor is a person less than 18 years of age. An unborn child will not be considered as a minor. (See definition of dependent.) Some minors are permitted to execute contracts, provided a court declares them “emancipated”.

Mixed Population Housing -- A public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception and has retained that character.

Near-Elderly Family -- Means a family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age). The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly.

Near-Elderly Person -- Means a person who is at least 50 years of age but below 62, who may be a person with a disability.

1937 Act -- The United States Housing Act of 1937.

Occupancy Standards -- The standards that the HACC establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Other Person Under the Tenant’s Control -- A person or persons, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Overcrowded -- Living in a situation where there is not at least one sleeping room or living/sleeping room of appropriate size for each two persons in the household. The occupancy standards described in Section VII.C. of this Policy apply to this definition.

Owner -- The owner of federally assisted housing, in the public housing program the PHA is the owner.

Participant -- A family or individual that is assisted under the program.

Person with Disabilities --

1. Means:

- A. A person who has a disability as defined in 42 U.S.C. 423; or
- B. Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:
 - (i) Is expected to be of long, continued and indefinite duration,
 - (ii) Substantially impedes the person's ability to live independently, and
 - (iii) Is of such nature that such disability could be improved by more suitable housing conditions; or
- 2. Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.
- 3. For the purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
- 4. Means "individual with handicaps" as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

Premises: The building or complex or development in which the dwelling unit is located, including common areas and grounds.

Processing Entity -- Same as "responsible entity", as defined below.

Public Housing -- Housing assisted under the 1937 Act, other than under Section 8. "Public housing" includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating assistance.

Public Housing Agency (PHA) -- Any state, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality if such an entity).

Recertification -- A reexamination of a household's income, expenses, and family composition to determine the household's rent for the following 12 months.

Remaining Family Member -- An individual remains eligible for participation after the rest of the family is no longer part of the household for any reason, even if the remaining family member would not ordinarily be eligible as an applicant (the person must be able to legally enter into a lease agreement). A live-in-aide may not be a remaining family member. An essential member to the household (see definition) may be a remaining family member.

Responsible Entity -- The PHA administering the program under an Annual Contributions Contract with HUD.

Service Requirement -- See Section XVII of this Policy.

Single Person -- A person who lives alone, or intends to live alone, and who is not an elderly person, a person with disabilities, a displaced person, or the remaining member of a resident family.

Site-based waiting list – a listing of applicants that have applied to a certain location and a particular bedroom sized unit.

Special Admission -- Admission of an applicant who is not on the HACC waiting list or without considering the applicant's waiting list position.

Specified Welfare Benefit Reduction -- A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

"Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

1. At the expiration of a lifetime or other time limit on the payment of welfare benefits;
2. Because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
3. Because a family member has not complied with other welfare agency requirements.

Spouse -- Spouse means the husband or wife of the head of the household.

Tenant -- The person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

Third-Party Verification -- Oral or written confirmation of a household's income, expenses, or household composition provided directly by a source outside the household, such as an employer, doctor, school official, etc.

Uniform Federal Accessibility Standards -- Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically handicapped persons will have ready access to, and use of, such structures. The standards are set forth in Appendix A to 24 CFR Part 40. See cross-reference in 504 regulations, [24 CFR Part 8.32(a)].

Utilities -- Utilities means electricity, gas, other heating, refrigeration and cooking fuels, trash collection, water, and sewer services. Telephone and cable services are not included as a utility.

Very Low-Income Family -- A family whose annual income does not exceed 50 percent of the median annual income for the area, as determined by HUD, with adjustments for smaller and larger families, , except that HUD may establish income ceilings higher or lower than 50% of the median income for the area if HUD's finds that such variations are necessary because of unusually high or low family incomes.

Violent Criminal Activity -- 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.

Waiting List Admission -- An admission from one of HACC's site-based waiting lists.

Welfare Assistance -- All Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the TANF program) received by or on behalf of any family member.

Work Activity -- See Section XVII.B.5. of this Policy.

IV.

ELIGIBILITY FOR ADMISSION AND PROCESSING OF APPLICATIONS

A. Criteria for Admission

To be eligible for admission to HACC's Public Housing program, an applicant must meet all of the following criteria:

1. Must qualify as a family, as defined in Section III of this Policy;
2. Annual Income must be within the applicable very low or lower income limit, at the time of application and admission;
3. All members of the household who receive assistance are either citizens or eligible immigrants (see Section XIII for applicability of "proration of assistance");
4. Must meet or exceed the applicant selection criteria set forth in Section V of this Policy;
5. Must provide a Social Security number for all family members, age 6 or older, or can certify that they do not have Social Security numbers; and
6. Must not have been evicted from Public Housing, Indian Housing, Section 23, or any Section 8 program because of drug-related criminal activity within the past 3 years. This requirement can be waived if:
 - (a) the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HACC, or
 - (b) the circumstances leading to the eviction no longer exist (for example, the criminal household member had died or is imprisoned).;
7. There must not be reasonable cause to believe that a member of the family is illegally using (or has a pattern of illegally using) a drug, or abuses (or has a pattern of abusing) alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents; HACC may

waive the policies prohibiting admission in these circumstances if the person demonstrates to HACC's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:

- (a) has successfully completed a supervised drug or alcohol rehabilitation program;
 - (b) has otherwise been rehabilitated successfully; or
 - (c) is participating in a supervised drug or alcohol rehabilitation program;
8. No member of the family has been convicted of manufacturing or producing methamphetamine. HACC will permanently deny admission or will immediately and permanently terminate the tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing; and
9. No member of the household is subject to a lifetime registration requirement under a State sex offender registration program. HACC will permanently deny admission or will immediately and permanently terminate the tenancy of persons subject to a lifetime registration as a sex offender. HACC will perform necessary criminal history background checks in the State of Oregon and in other States where household members are known to have resided.
10. Must not owe any money to HACC or to another Housing Authority, and the money owing was in connection with the Federal Housing Act of 1937. Payment of outstanding balances is an opportunity for the applicant to demonstrate an improved track record. HACC will consider any past balances owed by the applicant for any program that HACC operates. It is expected that these balances be paid in full. Repayment of money owed will not guarantee admission to the program. The Housing Authority may elect to enter a payment schedule with the applicant. This schedule will allow for a specific amount of time for payment to be made. If paid in full by the specified date, the applicant will be placed on the waiting list, based on their original date and time of application. If not paid in full by the specified date, the applicant will be denied placement on the waiting list.

B. Disclosure/Verification of Social Security Numbers

- 1. Social Security Numbers (SSN) must be verified for all family members six years of age or older *if* they have been issued a SSN. If they have not been issued a SSN, then a certification form stating this must be signed.
- 2. If a family member has been assigned a SSN, then the number must be disclosed *and* verified. If an individual is able to disclose the SSN, but is

unable to provide the necessary documentation, then a certification form stating this must be signed. The individual will have sixty days from the date the certification is signed to provide the required documentation. An additional 60-day extension may be granted if the individual is at least 62 years old and is unable to submit the required documentation within the initial 60-day period. No other extensions are allowed.

3. If the required documentation has not been submitted prior to the 60- or 120-day deadline, the applicant will be denied eligibility and a tenant's assistance will be terminated.
4. An applicant may not become a tenant unless each required family member discloses and documents their SSN's or, if a SSN has not been issued, the individual has signed a certification form.
5. Disclosure of SSNs is required: Prior to applicants becoming tenants; and for tenants, at the next regularly scheduled (annual) reexam, except for the tenants who add a new member to the household, six years of age or older, they will be required to disclose the SSN at the next interim or regularly scheduled reexam that includes the new member.
6. Types of acceptable documentation:
 - (a) A copy of the valid Social Security card, issued by the Social Security Administration.
 - (b) A signed certification by the Housing Authority representative, which state that the SSNs have been seen, and which lists the valid numbers for each family member.
 - (c) A copy of the Social Security award or benefit letter, or a Social Security Benefit History Report.
 - (d) Verification from the Adult and Family Services Division, including food stamp cards and medical cards.
 - (e) Verification from the Employment Division.
 - (f) Other verification which is deemed valid and appropriate by the Housing Services Manager or designee.

Disclosure is only required one time, for each family member.

C. RECEIPT OF APPLICATIONS

1. Pre-applications are to be accepted from all families seeking admission to low-income public housing units. This rule is to hold, regardless of the number of eligible applications on hand. Upon receipt, each pre-application will be date and time stamped.

The pre-application is the basic record of each family applying for admission. Incomplete pre-applications will not be accepted by the Housing Authority, but will be returned to the applicant, with a request for the required information. In the event the Housing Authority returns the incomplete pre-application, the receipt date and time for placement on the waiting list will be the date and time the Housing Authority receives the completed application. Except for pre-applications classified as ineligible or withdrawn, each completed pre-application, together with all other materials relating to the family's eligibility, priority, preference ratings, etc., will be maintained in an active file.

2. The Housing Authority will give written notification to applicants determined to be ineligible for admission on the basis for such determination, and will provide the applicant, upon request, an opportunity for an informal review to discuss such determination. The request from the applicant must be made within 30 days from the date of written determination. The informal review for applicants should not be confused with the tenant grievance process. Applicants are not entitled to use of the tenant grievance procedure.
3. When a determination has been made that an applicant is eligible and has satisfied all requirements for admission, the applicant will be notified of the approximate date of occupancy. Included in this notification, will be the stipulation that the applicant must contact the Housing Authority with any changes to their pre-application. The pre-application will be updated to show the date of the most recent contact by the applicant. HACC will make every effort to accurately estimate an approximate date of occupancy. However, the date given by HACC does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by HACC, such as turnover rates, market demands relative to bedroom size of the units, project location and funding.
4. All entries in an applicant's file are made in the computer system. When an applicant's change requires a change in placement on the waiting list, HACC changes the information in the computer and notes the changes on the pre-application. Changes are made in ink and the pre-application is moved to the appropriate bedroom size or preference category. The names of household members being removed from being listed on the original pre-application are lined out in ink, with the date and staff initials inserted.
5. Should the Housing Authority need to contact the applicant family prior to the family nearing the top of the waiting list, either a letter will be sent to the

applicant's last known address, or a phone call will be placed to the applicant's last known telephone number. If there is no response within 10 days of the date of the attempted contact, HACC will follow the same process as described in Section VI.B.3.(a).

V.

SCREENING AND BACKGROUND CHECKING

A. Applicant Selection Criteria

It is HACC's policy that all applicants will be screened in accordance with HUD's regulations and sound management practices. During screening HACC will require applicants to demonstrate ability to comply with essential provisions of the lease as summarized below.

- 1.** All applicants must demonstrate, through an assessment of objective evidence of current and past behavior, the ability:
 - (a)** To pay rent and other charges as required by the lease in a timely manner;
 - (b)** To care for and avoid damaging the unit, facilities, common areas and equipment;
 - (c)** To use facilities, equipment, and utilities for reasonable purposes;
 - (d)** To not create health or safety hazards and to report maintenance needs;
 - (e)** To not interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
 - (f)** To not engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff; and not to engage in drug-related criminal activity including illegal use of a controlled substance;
 - (g)** To comply with necessary and reasonable rules and program requirements of HUD and the HACC; and
 - (h)** To comply with health and safety codes.
- 2.** How HACC or its representatives will check ability to comply with essential lease requirements:
 - (a)** HACC's examination of relevant information with respect to past and current habits or practices may include, but is not limited to, an assessment of:
 - (i)** The applicant's past performance in meeting financial obligations, especially rent and tenant-paid utilities;

- (ii)** A record of disturbance of neighbors destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors;
 - (iii)** Any history of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development;
 - (iv)** A record of eviction from housing or involuntary termination from residential programs for behavior related to essential lease obligations; and
 - (v)** An applicant's ability and willingness to comply with the terms of HACC's lease.
- (b)** The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:
- (i)** Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
 - (ii)** Adversely affect the physical environment or financial stability of the project;
 - (iii)** Violate the terms and conditions of the lease.
- (c)** HACC or its representatives will ask each applicant to provide two years of rental history. Landlord reference forms will be mailed to these landlords for completion of rental history. Any evictions appearing in the court eviction records for the previous three years will be followed up on by contacting the landlord who filed the action and having a landlord reference form completed. HACC will verify that the court record applies to the actual applicant family.
- (d)** HACC or its representatives will complete a criminal background check and eviction record check on all applicant family members 15 years of age and older.
- (e)** HACC or its representatives will check records for balances owed by a previous participant, to ensure that they have fulfilled payment agreements (see Section IV.A.9.). If HACC discovers that the family owes money to HACC or another Housing Authority, the family will be removed from the waiting list and their application will be filed inactive.

- (f) HACC will conduct a detailed, in-person interview of all applicants. All information obtained during the interview will be subject to third party verification.
- (g) An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in denial of the application.
- (h) Other Eligible Reference Criteria -- In cases where applicants are unable to provide sufficient rental history, HACC or its representatives may use the following to determine suitability for housing:
 - (i) Employment history of at least 5 (five) years of employment;
 - (ii) Proof of payment history such as utility payment history, credit card payment history, or any other form of payment history documenting timely payments; and
 - (iii) Character References -- In cases where all the above factors are not obtainable due to applicant's inability to be gainfully employed for the specified time period or, who due to age are unable to meet the required number of years rental and employment history, HACC may consider using character references. Character references must have sufficient knowledge of the applicant to attest to the ability of the applicant to meet the essential requirements of tenancy as outlined in this section.

B. Evaluating Criminal Histories

The decision regarding approval or denial of an application to Public Housing will always be left to the sound discretion of the Asset Manager for Public Housing or person(s) designated by the Asset Manager. It is the goal of the HACC to only accept applicants who HACC believes will be able to meet the essential requirements of tenancy and who will not adversely affect the health, safety or welfare of other residents. The following guidelines are intended to assist and guide the decision makers in approving or denying applications, so far as criminal activities are concerned.

The denial of an application based on criminal activity shall be treated the same as a denial for any other reason, i.e., the applicant is entitled to an informal review.

Evidence of any member of the applicant household having engaged in the listed criminal activities will be grounds for taking further screening action. HACC's approval or denial of an application will be based on the criminal activity engaged in, and is not dependent upon any action or inaction by any law enforcement agency, district attorney, or court. However, evidence of conviction

for a crime shall be conclusive proof that a particular criminal activity was engaged in, and no denial decision shall be based solely upon the fact that an arrest was made for any particular crime.

1. Screening Categories

An applicant household will be placed in Category 1, 2, 3, or 4 for further screening according to the highest category into which an occurrence of any listed criminal activity falls. Any second and subsequent occurrences in any one category will be placed in the next higher category. Any occurrence more than 10 years old will be placed in the next lower category.

- (a) Category 1 -- No further screening; criminal history alone will not exclude applicant household.
- (b) Category 2 -- Applicant(s) will be asked for explanation of criminal activities. Eligibility Specialists may deny application with Supervisor's approval.
- (c) Category 3 -- Applicant(s) will be asked for explanation and extensive evidence of rehabilitation, including but not limited to recommendations from social workers, parole or probation officers, treatment centers and others. Eligibility Specialists may only approve application with Supervisor's authorization.
- (d) Category 4 -- Admission will be denied.

2. Crimes Listed Alphabetically

CRIME	ORS	CATEGORY
Abandonment of a child	163.535	3
Abuse of corpse I	166.087	4
Abuse of corpse II	166.085	3
Abuse of venerate objects	166.075	2
Adult Using Minor in Commission of Controlled Substance Offense	167.262	3
Aggravated Animal Abuse I	167.322	3
Aggravated murder	163.095	4
Aggravated theft, 1st degree	164.057	4
Animal abandonment	167.340	2

Animal abuse, 1st degree	167.315	2
Animal abuse, 2nd degree	167.320	2
Animal neglect, 1st degree	167.325	2
Animal neglect, 2nd degree	167.330	2
Application of Controlled Substance to the Body of Another Person	475.986	4
Arson, 1st degree	164.325	4
Arson, 2nd degree	164.315	4
Assault, 1st degree	163.185	4
Assault, 2nd degree	163.175	4
Assault, 3rd degree	163.165	3
Assault, 4th degree	163.160	2
Assaulting public safety officer	163.208	3
Bigamy	163.515	2
Burglary, 1st degree	164.225	4
Burglary, 2nd degree	164.215	3
Buying or Selling a Person Under the Age of 18 Years of Age	163.537	3
Carrying Concealed Weapon	166.240	3
Causing Another Person to Ingest a Controlled Substance	475.984	4
Child neglect, 1st degree	163.547	3
Child neglect, 2nd degree	163.545	3
Coercion	163.275	3
Compelling prostitution	167.017	4
Computer Crime	164.377	3
Contributing to the Sexual Delinquency of a Minor	163.435	3
Criminal driving while suspended	811.182	1
Criminal driving while suspended (felony)	811.182	3
Criminal Homicide	163.005	4

Criminal mischief, 1st degree	164.365	4
Criminal mischief, 2nd degree	164.354	3
Criminal mischief, 3rd degree	164.345	2
Criminal mistreatment, 1st degree	163.205	4
Criminal mistreatment, 2nd degree	163.200	3
Criminal possession of a forged instrument, 1st degree	165.022	3
Criminal possession of a forged instrument, 2nd degree	165.017	3
Criminal possession of a forgery device	165.032	3
Criminal simulation	165.037	3
Criminal trespass, 1st degree	164.255	3
Criminal trespass, 2nd degree	164.245	2
Criminal trespass while in possession of firearm	164.265	3
Criminally negligent homicide	163.145	4
Custodial Interference I	163.257	2
Custodial Interference II	163.245	3
Deposit of trash within 100 yard of water or in waters	164.775	2
Disorderly conduct	166.025	2
Displaying obscene materials to minors	167.080	3
Disseminating obscene material	167.085	2
Dog fighting	167.365	2
Driving while under influence of intoxicants	813.010	1
Encouraging Child Sex Abuse I	163.684	4
Encouraging Child Sex Abuse II	163.686	4
Encouraging Child Sex Abuse III	163.687	4
Endangering the Welfare of a Minor	163.575	3
Engaging in a Financial Transaction in Property Derived from Unlawful Activity	164.172	3

Exhibiting an obscene performance to a minor	167.075	3
Failure to perform duties of driver when property damaged or person injured	811.700	1
	811.705	1
Failure to Report Child Pornography	163.693	3
Failing to Supervise a Child	163.577	2
False Accident Report	811.740	2
Felony Driving while Under the Influence of Intoxicants	813.326	3
Female Genital Mutilation	163.207	4
Firearm used in felony	166.429	4
Fleeing or Attempting to Elude a Police Officer	811.540	3
Forgery, 1st degree	165.013	3
Forgery, 2nd degree	165.007	3
Fraudulent use of a credit card	165.055	3
Fraudulently obtaining a signature	165.042	3
Frequenting a place where controlled substances are used	167.222	3
Furnishing obscene materials to minors	167.065	3
Harassment	166.065	2
Hazing	163.197	2
Identity Theft	165.800	3
Illegally selling drug equipment	475.960	3
Incest	163.525	4
Interfering with police animal	164.369	3
Interfering with public transportation	166.116	3
Intimidation, 1st degree	166.165	4
Intimidation, 2nd degree	166.155	3
Invasion of Privacy	163.700	3
Involvement in animal fighting	167.355	2
Kidnapping, 1st degree	163.235	4

Kidnapping, 2nd degree	163.225	4
Laundering a Monetary Instrument	164.170	3
Mail Theft or Receipt of Stolen Mail	164.162	3
Manslaughter, 1st degree	163.118	4
Manslaughter, 2nd degree	163.125	4
Manufacture, importation or Sale of Firearms	166.410	3
Manufacture or delivery of controlled substance	475.992	4
	475.995	4
	475.999	4
Menacing	163.190	3
Murder	163.115	4
Negligently wounding another	166.180	3
Negotiating a bad check	165.065	2
Obliteration or change of identification number on firearm	166.450	3
Offensive littering	164.805	2
Participation in Dogfighting	167.370	2
Placing offensive substances in waters, on highways or property	164.785	2
Pointing firearm at another	166.190	3
Possession of burglar's tools	164.235	3
Possession of controlled substance	475.992	3
Possession of hoax destructive device	166.385	3
Possession of destructive device	166.382	4

Possession of Materials Depicting Sexually Explicit Conduct of a Child I	163.688	4
Possession of Materials Depicting Sexually Explicit Conduct of a Child II	163.689	4
Possession of weapons by certain felons	166.270	4
Possession of firearm in public building	166.370	3
Private Indecency	163.467	3
Promoting prostitution	167.012	4
Prostitution	167.007	3
Public indecency	163.465	3
Public displaying nudity or sex for advertising purposes	167.090	3
Racketeering	166.720	4
Rape, 1st degree	163.375	4
Rape, 2nd degree	163.365	4
Rape, 3rd degree	163.355	4
Reckless burning	164.335	4
Reckless driving	811.140	1
Reckless Endangerment	163.195	3
Resisting arrest	162.315	2
Riot	166.015	4
Robbery, 1st degree	164.415	4
Robbery, 2nd degree	164.405	4
Robbery, 3rd degree	164.395	4
Sadomasochistic abuse or sexual conduct in live show	167.062	3
Sending obscene materials to minors	167.070	3
Setting springgun or setgun	166.320	4
Sexual abuse, 1st degree	163.427	4
Sexual abuse, 2nd degree	163.425	4
Sexual abuse, 3rd degree	163.415	4

Sexual Misconduct	163.445	3
Sodomy, 1st degree	163.405	4
Sodomy, 2nd degree	163.395	4
Sodomy, 3rd degree	163.385	4
Stalking	163.372	4
Tampering with drug records	167.212	3
Telephonic harassment	166.090	2
Theft, 1st degree	164.055	4
Theft, 2nd degree	164.045	3
Theft, 3rd degree	164.043	2
Theft by extortion	164.075	4
Theft of services	164.125	3
Treason	166.005	4
Unauthorized use of a vehicle	164.135	3
Unlawful delivery of imitation controlled substance	475.991	3
Unlawful Entry into Motor Vehicle	164.272	3
Unlawful paramilitary activity	166.660	4
Unlawful possession of armor piercing ammunition	166.350	4
Unlawful possession of firearm	166.250	4
Unlawful possession of Inhalants	167.808	3
Unlawful possession of machine gun, short- barreled firearm or firearm silencer	166.272	4
Unlawful purchase of firearm	166.425	3
Unlawful sexual penetration, 1st degree	163.411	4
Unlawful sexual penetration, 2nd degree	163.408	4
Unlawful Use of a Stun Gun, Tear Gas or Mace I	163.212	3
Unlawful Use of a Stun Gun, Tear Gas or Mace II	163.215	3
Unlawful Use of Weapon	166.220	4

Unlawfully Create or Deliver a Counterfeit Substance	475.992	4
Unlawfully Manufacture of a Destructive Device	166.384	3
Using child in display of sexually explicit conduct	163.670	4
Violating Court's Stalking Protective Order	163.750	4

C. Mitigating Circumstances and Waiver of Eligibility Criteria

1. If unfavorable information is received about an applicant family, the family will be given an opportunity to present mitigating circumstances. The HACC shall consider the time, nature, and extent of the applicant's conduct and factors that might indicate a reasonable probability of favorable future conduct. Mitigating circumstances must be verifiable in order to be factored into the HACC's screening assessment of the applicant.
2. Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified, would indicate both:
 - (a) The reason for the unsuitable rental history and/or behavior; and
 - (b) That the reason for the unsuitable rental history and behavior is no longer in effect or is under control, AND applicant's prospect for lease compliance is an acceptable one, justifying admission.

Mitigating circumstances may overcome or outweigh information already gathered in the screening process.

3. If the mitigating circumstances claimed by the applicant is related to a change in disability, medical condition or course of treatment, the family may choose to provide to HACC any information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. The decision to provide such information is left solely to the family. Such inquiries will be limited specifically to the information necessary to verify the mitigating circumstances or, in the case of person with disabilities, the efficacy of a proposed reasonable accommodation.
4. Examples of mitigating circumstances might include:
 - (a) Evidence of successful rehabilitation;

- (b)** Evidence of the applicant family’s participation in social service or other appropriate counseling service;
 - (c)** Evidence of successful and sustained modification of prior disqualifying behavior; or
 - (d)** The person or persons causing the family to be denied is no longer, and will not become, a member of the household.
- 5.** Consideration of mitigating circumstances does not guarantee that an applicant will qualify for admission. HACC will consider such circumstances in light of:
- (a)** The applicant’s ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior;
 - (b)** The applicant’s overall performance with respect to all the screening requirements; and
 - (c)** The nature and seriousness of any criminal activity, especially drug-related criminal activity, that appears in the applicant’s record.
- 6.** HACC may complete a home visit on applicants when such a visit may help in the screening process. Housekeeping inspections are part of the home visit to determine whether the applicant’s housekeeping would contribute to health or sanitation problems, not to determine if the applicant is “neat” or can pass a “white glove” test. HACC staff completing the home visit must consider whether the conditions they observe are the result of the applicant’s care of the unit or whether they are caused by the unit’s overall substandard condition.
- (a)** Housekeeping criteria shall include, but not be limited to:
 - (i)** Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance-ways, halls and yard;
 - (ii)** Cleanliness in each room;
 - (iii)** General care of furniture, appliances, fixtures, windows, doors and cabinets.
 - (b)** Other HACC lease compliance criteria will also be checked, such as:
 - (i)** Evidence of destruction of property;
 - (ii)** Unauthorized occupants;

- (iii)** Evidence of criminal activity;
 - (iv)** Conditions inconsistent with application information.
- (c)** All applicants shall have at least two days advance notice of home visits, unless the family and HACC, for the sake of expediency, agree to a lesser amount of time.

VI.

RESIDENT SELECTION AND UNIT ASSIGNMENT

A. Organization of the Waiting List

1. Families will be placed on the waitlist(s) of their choice by date and time and factors affecting preference and priority. Families can apply for up to 2 waitlists.
2. Opening and Closing Waiting Lists
 - (a) HACC, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. HACC may open or close the list by preference category.
 - (b) HACC will purge the waiting list by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by telephone or mail. At the time of initial intake, HACC will advise families of their responsibility to notify the HACC when their circumstances, mailing address or phone numbers change.
 - (c) If HACC has sufficient applications to fill anticipated vacancies for at least 12 months, HACC may elect to: (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by preference, type of project, or by size and type of dwelling unit.
 - (d) Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit and the ability of HACC to house an applicant in an appropriate unit within a reasonable period of time. Any decision to close the waiting list, restrict intake, or open the waiting lists will be publicly announced.
 - (e) During the period when the waiting list is closed, HACC will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

B. Administration of the Application Pool

1. Each eligible application will be filed, and tenant selection will occur, based on the following:
 - (a) By date and time of receipt of application, by bedroom sizes and in the priorities stated as follows:

- (i)** Current tenants will be given preference over new applicants for vacant applicable units, according to the transfer policy.
 - (ii)** Preference will be given to elderly family and disabled family applicants for units specifically designed or designated for the elderly or disabled;
 - (iii)** Preference will be given to physically disabled family applicants for units specifically for the physically disabled;
 - (iv)** If necessary to meet federally mandated goals, HACC may implement income targeting for families at or below 30% area median income.
- (b)** If an applicant is not available for a specifically designed or designated unit as above, an applicant will be selected from the top of the waiting list. Families thus selected will carry the same weight except that preference will be given to elderly, disabled, or displaced single person families over other single person families.
 - (c)** Of the families initially admitted, not less than 40% shall be families whose incomes do not exceed 30% of the area median income. The periods of income targeting shall coincide with the HACC's fiscal year (July 1st through June 30th).
 - (d)** HACC will make a good faith effort to achieve the goal of providing for deconcentration of poverty and income mixing, by bringing higher income tenants into lower income public housing projects and bringing lower income tenants into higher income public housing projects. Subsections VI.B.1.(c) and (d) above may have a bearing on this goal, as may future HUD guidance. Any more specific policy designed to provide for deconcentration of poverty and income mixing will be made a part of the HACC's Agency Plan , as updated by the Annual Plan, effective each July 1st, after soliciting, receiving and reviewing public comments on the subject.
- 2.** Upon request, an eligible applicant shall be informed of his or her status in the eligibility pool. It is the responsibility of each applicant to inform the Housing Authority of any changes in their household circumstances, such as family size, income, address, telephone number, etc.

All applications will remain in the active file until:

- (a)** It is withdrawn at the applicant's request;
- (b)** An applicant will only be offered one unit per site-based waitlist. An applicant can only apply for a maximum of two site-based waitlists. If the applicant declines the first offer, the applicant will be removed from this first

site-based waitlist. The applicant will remain on the second site-based waitlist until one unit can be offered. Should an offer on the second site-based waitlist be declined, the pre-application will then be filed inactive. If the applicant only applied on one site-based waitlist, there will only be one offer and if the offer is refused, the applicant will be filed inactive. Refusal or inability to accept the offer of a particular unit for “good cause”, as described in Subsections E.8. and E.9. of this Section, will not count against the family as a refusal. Subsequent offers will take into consideration the reasons of the good cause refusal and the needs of the family. This may result in the family not being offered the next available unit;

- (c) An applicant cannot be contacted (see paragraph 3 below); or
- (d) Updated information at the time of the tenant selection disqualifies the applicant. For example, changes in income or other household circumstances.

3. Once an applicant nears the top of the waiting list, they will be notified by mail to come to the office to complete reference information. The family will have 10 days from the date of the letter to respond.

(a) If the applicant family does not respond, a second, written notice will be sent. This notice will inform the family that because there was no response to the first attempted contact, their application will be filed inactive. This notice will allow the family 30 days to request an informal review. If the first written notice is returned as undeliverable, with no forwarding address, the second notice will not be sent (see subparagraph (iii) below).

(i) If the family has attempted no contact within 30 days of the date of the second notice, the application will be filed inactive.

(ii) If a notice has been returned with a forwarding address, HACC will send the notice to the new address and allow the family an additional 10 days to respond.

(iii) If a notice has been returned as undeliverable, with no forwarding address, the application will be filed inactive. However, if the family contacts HACC within 90 days of the date of the returned notice, the application will be reactivated and the family’s application will be placed back on the waiting list by the original date and time applied.

C. Verification Procedure

The Housing Authority is required to verify and document all relevant statements made by applicants and residents. HACC relies on HUD’s Enterprise Income

Verification (EIV) system to verify income and social security benefits that has been provided by the applicant or resident. Applicants are required to provide all additional and back up information. If the applicant is unable to provide documentation needed, HACC will use the following alternative method: Verification information not provided by applicant will be handled by 3rd party verification. Generally, requests for written verification are sent out with self-addressed envelopes for prompt return to the HACC office. Primarily for the sake of expediency, verification by fax machine will be used. Authorizations for the release of the information are included with all verification requests. When time constraints or circumstances do not allow for mail or fax verification, phone verification will be used. If direct third-party verification is not available, the file will be documented to explain the reason. Acceptable forms of verification used in the determination of eligibility include:

- 1.** Employment form letter sent by HACC and completed by the employer. When time constraints dictate, phone verifications will be allowed. For phone verification to be valid, it must be noted with the name of the person contacted, date called, phone number and the initials of the person making the call.
- 2.** Income from operation of a business requires a copy of the income tax form filed the previous year, if available, supported by financial records and accounting documentation. All families will complete HACC self-employment forms. If the business has been in operation less than a year, copies of the financial records signed by the applicant/tenant and notarized are allowed.
- 3.** Assets, interest and dividends are verified by the appropriate financial institution. The interest rate or the annual percentage yield is to be indicated as well as the balance in the account on that particular date. Actual dividends earned on stocks will be supplied by the stockbroker, or through quarterly statements from the company from whom the stock was purchased. Certification by family will be made to determine if assets were disposed of in the past two years.
- 4.** Annuities, payments from insurance policies, retirement income, and pensions are verified in writing from the source. Third party phone verification may be used.
- 5.** Veteran's Administration and worker's compensation provide income verification on HACC's forms directly to HACC, after a request is submitted in writing with the applicant/tenant signed authorization attached.
- 6.** Verification of Welfare Assistance is made under a cooperative agreement with the State of Oregon's Department of Human Resources. HACC has a "Data Access License" with the Department of Human Resources', Adult and Family Services Division. Through this license, HACC has computer access to verify

income for families receiving welfare assistance. HACC will print-out a copy of the appropriate screens for verification in the tenant file.

- 7.** HACC has an Interagency Cooperative Agreement with the State of Oregon Employment Department. Through this agreement, HACC has computer access to verify benefit and wage information for families receiving unemployment benefits or to review wages. HACC will print out a copy of the appropriate screens for verification in the tenant file.
- 8.** Social Security verification is supplied by the client for families receiving assistance for the first time. Verification may be in the form of the award letter or benefit letter, or by contacting the SSA's Benefit Verification toll-free telephone number. After the family receives assistance, Social Security and Supplemental Security Income (SSI) is sent directly to the Housing Authority through the computer matching system established between HUD and SSA. Income is in the form of a Benefit History Report and/or Tenant Income Discrepancy Report.
- 9.** Child support and alimony are primarily verified through the Data Access License process, as described in paragraph 6 above. They may also be verified by a copy of the Court Order, a letter from the state, a letter from the Court, a copy of the divorce decree or a letter from the ex-spouse providing the support.
- 10.** Regular contributions made to the family will be verified by a signed and dated letter from the source.
- 11.** When needed, verification of full-time student will be obtained from the institution being attended.
- 12.** Verification of displaced status will be required from the applicable governmental agency, or some other public or private agency involved in the situation.
- 13.** Child care expenses must be verified by the person or agency providing the care for the family member(s).
- 14.** Medical expenses will be verified by the physician, dentist, or pharmacy on HACC provided forms or through the computerized records kept by the pharmacists. Other acceptable, though less preferable, methods of verification include copies of the most recent billing statement from the physician, as long as it includes the amount of the monthly payment, the balance owing, the amount covered by insurance, and regular payments are being made. Expenses for over-the-counter medical supplies will be allowed provided there are itemized, dated receipts that list the item and the cost of the item. Health

insurance statements, reports and receipts indicating amount and frequency of premiums will be acceptable verification.

15. Family type will be verified if the family claims to be eligible as a “Disabled Family”. This verification will be in the form of a statement from a doctor attesting to disability. Receipt of SSI and SSD will be evidence of eligibility.
16. If separate bedrooms are requested by persons who would ordinarily be expected to share a bedroom, a letter from a physician will be required, attesting to such a need.
17. Eligibility for preferences as described in Section VI, B, will be verified.
18. Social Security numbers will be verified as described in Section IV.
19. The pregnancy of a single woman must be verified by a letter from a physician. This verification will be required only when the pregnancy is the sole basis for determining eligibility.
20. Verification from the courts, adoption agency, or other appropriate source will be required if necessary for a single person, who is in the process of securing legal custody of any individual under the age of 18 years, to be eligible. Verification may also be required when requesting to add such a person to the household.

D. Rechecking Verified Findings Prior To Admission

Prior to the family being housed, they will be asked about any changes in family status. If changes are reported, they will be verified and documented in the file, to determine their effect on eligibility, preference rating, rent, and the unit size required. All verification will be dated within 120 days of the effective date of the lease agreement.

E. Selection of Residents

1. HACC will first match the characteristics of the applicant to the unit available, including any priorities for admission. Applicable preferences as described earlier in this Policy will then be used to determine the order of selection from the waiting list. In the selection of a family for a unit with accessible features, HACC will give preference to families that include a person with disabilities who can benefit from the unit features.
2. Certain types of transfers will also be processed with new admissions. See Section VIII of this policy for the ratio of transfers to new admissions.

- 3.** HACC recognizes the need for approved applicants to give proper notice to their present landlords, prior to moving into Public Housing. There is also the need to keep vacancy loss to a minimum in Public Housing. Generally, HACC pulls the top five to ten families off the waiting list from each bedroom size and reviews each application for completion of screening requirements. If references are adequate or close to being adequate, families are invited in for an interview. Families who do not meet the screening criteria are notified of this decision and of the steps to be taken to obtain an informal review.
- 4.** At the time of interview, HACC conducts a thorough examination of the family's income, household composition, preference and eligibility for income exclusions and deductions. If at that time the family needs to provide other information, e.g., rental references, the Housing Authority will work with the family to enable them to meet the screening requirements. If HACC finds that the family is eligible for a different bedroom size than originally selected, the pre-application will be placed back on the waiting list according to application date, time and required bedroom size.
- 5.** If after the receipt of the verification the family is found to be ineligible, the family will be notified in writing of their ineligibility, the reason for the decision, and steps to be taken to obtain an informal review.
- 6.** If the family does not meet the preference claimed at the time of the interview, or if the family is unable to provide HACC with proof of their preference eligibility, the family will be notified that HACC is returning their pre-application to the waiting list. This notice also indicates that the family may request a meeting if they do not agree with this decision.
- 7.** Once HACC receives a vacate notice from a present resident, the next interviewed family for that bedroom size is contacted. If the family refuses that unit, their name will be removed from that waiting list, and HACC will go onto the next interviewed family. Refusal or inability to accept the offer of a particular unit for "good cause", as described below, will not count against the family as a refusal.
- 8.** Examples of good cause reasons for the refusal of an offer of housing include, but are not limited to:
 - (a)** Special circumstances not related to race, color or national origin, such as for medical reasons, access to medical care or facilities, employment or adult education;
 - (b)** Presence of lead paint in the unit offered when the applicant has children under the age specified by current law;

- (c)** The family demonstrates to HACC’s satisfaction that accepting the offer will place a family member’s life, health, or safety in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency, or a threat assessment that verifies danger from criminal activity. Reasons offered must be specific to the family. Refusals due to location alone are not good cause;
 - (d)** 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 notice to move, as required by the lease agreement.
- 9.** Examples of good cause related to an applicant’s willingness to accept an offer but inability to move at the time of the offer include:
- (a)** A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member;
 - (b)** The family head, spouse or sole member is serving on an impaneled jury.
- 10.** To the extent feasible, if more than one unit of the appropriate size and type is available, the unit to be offered will be the unit with the earliest vacate date.
- 11.** HACC will maintain a record of units offered, including location, date, and circumstances of each offer, and each acceptance or rejection, including the reason for the rejection.

VII.

LEASING AND OCCUPANCY OF DWELLING UNITS

A. General Leasing Policy

1. It is HACC's policy that all units must be occupied pursuant to a lease which complies with HUD's regulations.
2. The lease shall be signed by the head of household, spouse and co-head, if any, and by the Executive Director or other authorized representative of HACC, prior to actual admission.
3. If a family transfers from one HACC unit to another, a new lease will be executed for the dwelling into which the family moves (See Section VIII).
4. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:
 - (a) A new lease agreement will be executed, or
 - (b) A Notice of Rent Adjustment will be executed, or
 - (c) An appropriate rider will be prepared and made a part of the existing lease, or appropriate insertions made within the lease. All copies of such riders or insertions are to be dated and signed by the resident and by the Executive Director or other authorized representative of the Housing Authority. [This does not apply to annual and interim rent determinations, where there is not a change in family composition --- see Sections IX of this Policy).
5. Residents must advise HACC if they will be absent from the unit for more than 7 days, no later than the first day of the extended absence. Prior written approval of the HACC must be obtained for any anticipated absence in excess of 30 days. Failure to advise HACC of an extended absence is grounds for termination of the lease.
6. Residents must immediately advise HACC of all changes in household income and family composition.

B. Showing Units Prior to Leasing

When offering units, HACC will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location of the property. The Eligibility Specialist will arrange for the family to see the unit being offered. Staff making offers will be familiar with HACC’s housing sites.

C. Occupancy Standards

1. It is HACC’s policy that units will be occupied by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear or underutilization.
2. Each unit is intended for single family occupancy.
3. Lower or higher levels of occupancy may be permitted in certain circumstances. Exceptions are made based on documented need for Reasonable Accommodation.
4. The HACC has established a minimum\maximum number of persons per unit standard, which takes into account family size and composition. This standard is shown in the following table:

Number-of-Persons-Per-Unit Standard

Number of Bedrooms	Maximum Persons\Unit	Minimum Persons\Unit
1 BR	3	1
2 BR	5	2
3 BR	7	3
4 BR	9	5

HACC has no Public Housing units larger than four-bedroom units. Should the family size increase to the point where a five-bedroom unit is required, the family will be issued a Housing Choice Voucher, if available. If the term of the voucher expires and the family still has not moved, the Housing Authority will take steps to terminate the lease agreement, unless this is waived by the Executive Director. A waiver will only be considered in the most unique of circumstances.

4. In addition to the above standards, the following guidelines will apply when initially assigning a family to a unit (other standards may apply for continued occupancy and transfers -- see Section VII.G. and Section VIII.C.6.):
 - (a) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size;
 - (b) A child who is temporarily away from the home to attend school is considered a member of the family in determining the family unit size;
 - (c) A family consisting solely of a pregnant woman will be treated as a two person household;

D. Occupancy of Dwelling Units with Accessible or Adaptable Features

1. Before offering a vacant accessible or adaptable unit to an applicant without the need for such accessibility\adaptability, the HACC will offer such units:
 - (a) First, to a current occupant of another unit of the same development, or other public housing developments under HACC's control, having a disability that requires the special features of the vacant unit (in effect, a transfer of the occupant with disabilities from a non-adapted unit to the vacant accessible/adapted unit);
 - (b) Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.
2. When offering an accessible\adaptable unit to a non-disabled applicant, HACC will require the applicant to agree to move to an available non-accessible\adaptable unit when either a current resident or an applicant needs the features of the unit. This requirement is reflected in the lease agreement (Section V and Section IV.E.2.) signed with the family.

E. Deposits

All deposits -- security, screen door, pet and any other type of deposit that may be established by HACC -- are fully refundable. Any proposed changes to any of these deposits are posted for resident's review and comment. Then, any revisions in the amounts of these deposits will be adopted by the Board of Housing Authority Commissioners.

The security deposit is to be paid upon execution of the lease. In the event the unit is rejected after execution of the lease, the resident agrees that they will be held responsible for the daily amount of the rent which would have been due under the lease, until the unit is rerented, up to the full amount of the security

deposit. All reasonable efforts will be made to re-rent the unit as quickly as possible. If the full amount of the security deposit is not applied in this manner, the refund will be sent to the applicant within 30 days of the date of the rejection of the unit.

Deposits, or an itemization of how the deposit was applied, will be forwarded to the resident within 30 days of the lease termination (See Lease).

F. Occupancy, Additions to the Household and Visitors

1. Only those persons listed on the most recent certification form shall be permitted to occupy a dwelling unit. Except for newborns or adoptions by a family member, any family seeking to add a new member must request approval in writing prior to the new member occupying the unit.
2. Following receipt of a family's request for approval to add a person to the lease, HACC will conduct a pre-admission screening of the proposed new member, as described in Section V that includes a criminal background check, Section V, (A) (2) (d). The results of screening shall be used to determine whether the HACC will approve admitting the new member. If the screening results are unsatisfactory, the additional person will not be allowed to be added to the lease, and will not be allowed to move into the unit. This applies even in the case of marriage.
3. Examples of situations where the addition of a family or household member is subject to screening are:
 - (a) Resident has or plans to be married and files a request to add the new spouse to the lease;
 - (b) Resident is awarded custody of a child 15 years of age or older;
 - (c) Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren);
 - (d) A unit is occupied by a remaining family member(s) under age 18 (who is not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of the household.
4. Residents who fail to notify HACC of additions to the household or who permit persons to join the household without undergoing screening are in violation of the lease. Such persons will be considered unauthorized occupants by HACC and the entire household will be subject to eviction.
5. Visitors will be permitted, within the parameters of the Lease Agreement.

6. In accordance with the lease, roomers and lodgers shall not be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling unit. Violation of this provision is ground for termination of the lease.
7. Resident will not be given permission to allow a former resident of HACC who has been evicted to join the household. Violation of this requirement is grounds for termination of the lease.
8. Family members age 18 or older, or emancipated minors who move from the dwelling unit to establish new households, shall be removed from the lease. The resident has the responsibility to immediately report the move-out to HACC. This does not apply to those temporarily away at school, but intending to return to the household. These individuals may not be readmitted to the unit. However, they may apply as new applicant households for placement on the waiting list (subject to applicable income limits, preferences, resident selection, and screening requirements). Medical hardship or other extenuating circumstances may be considered by HACC in making determinations under this paragraph.

G. Continued Occupancy and Occupancy Standards

1. Within the bounds of the maximum number of persons per bedroom size (C.3. of this Section) when there are new additions to the family, the following will apply when determining overcrowding and the need for a transfer to a larger sized unit:
 - (a) Children up to the age of two years old can be assigned to share the parent(s) bedroom or to share the bedroom of another family member;
 - (b) Children of opposite sex, up to the age of six years old, can be assigned the same bedroom.

See Section VIII.C.6. on transfer for additional guidelines.

2. In the case of overhoused families, specific guidelines will be adhered to regarding transfers and minimum person allowed per unit. See Section VIII A. and Section VIII.C. on transfers for additional guidelines.

VIII.

TRANSFER POLICY

A. General Transfer Policy

1. It is HACC's policy that transfers will be made without regard to race, color, national origin, sex, religion, sexual orientation, marital status, familial status, age or disability. Residents may be transferred (at their request) to reasonably accommodate a disability.
2. Residents will not be transferred to a dwelling unit of equal size within a site or between sites except to alleviate hardship on the resident, or due to other undesirable conditions, as determined by the Executive Director or designee.
3. Transfer requests for medical need must be verified in the form of a physician's statement that documents the need for the transfer, or otherwise verified by an appropriate professional involved in the treatment of the person. This need must be for a minimum duration of one (1) year.
4. Transfer requests for health and safety reasons must be verified in the form of a physicians statement, a statement by a law-enforcement official, court documents, or by a responsible social service agency representative.
5. One transfer offer will be made to the family. The family will be offered the next appropriately sized public housing unit available in the preferred location of the resident. Refusal or inability to accept the offer of a particular unit for "good cause", as described in Sections VI.E.8. and E.9., will not count against the family as a refusal. Subsequent offers will take into consideration the reasons of the good cause refusal and the needs of the family. This may result in the family not being offered the next available unit.

In the case of an overhoused family, if an appropriately sized unit is available in the same complex the family will be required to move. The family will not be allowed the option of refusing the first offer.

B. Types of Transfers

The transfer list will be maintained, and transfers will be made, according to the following priority system:

1. Emergency transfers (**priority 1**) -- are mandatory when the unit or building conditions pose an immediate threat to resident life, health or safety, as

determined by HACC. Emergency transfers within sites or between sites may be made:

- (a) To permit repair of unit defects hazardous to life, health, or safety;
 - (b) To alleviate verified medical problems of a life threatening nature; or,
 - (c) Based on threat assessment by a law enforcement agency, protect members of the household from attack by the criminal element in a particular property or neighborhood.
- 2. Administrative transfers (priority 2)** -- may be made within sites or between sites under any of the following circumstances, in order to:
- (a) Remove to safety residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency);
 - (b) Provide housing options to residents who are victims of hate crimes or extreme harassment;
 - (c) Alleviate verified medical problems of a serious nature;
 - (d) Permit modernization of units; or,
 - (e) Permit a family that requires a unit with accessible features to occupy such a unit.
- 3. Administrative transfers (priority 3):** are transfers that may be made under any of the following circumstances:
- (a) To correct occupancy standards (mandatory) for over-housed or under-housed families;
 - (b) To offer incentive transfers (voluntary) as described below in subsection D; or,
 - (c) For any other reason not mentioned above, but deemed appropriate by the Housing Services Manager.

Priority 1, 2 and 3 transfers will take priority over applicants for admission, up to a limit of three transfers in a one-month period. This limit will not apply when a transfer has been approved as a reasonable accommodation for a qualified person with disabilities. Should there be an extraordinary number of transfers, the Housing Services Supervisor may approve more than three transfers in a one-month period. This option will be used only to prevent a backlog on the waiting list

for transfers. It will be the HACC's goal to do priority 1 and priority 2 transfers immediately -- offer the next available, appropriate unit.

Priority 2 and 3 transfers may be postponed until the final outcome of any pending eviction or investigation action in process by the courts, the police or the HACC.

Families who have met the requirement for an emergency or administrative transfer but whose needs cannot be met within the Public Housing program may be issued a Housing Choice Voucher.

C. Processing Transfers

1. A centralized transfer waiting list will be maintained and administered within the Housing Services Department, by the Eligibility Specialist. Staff (in most cases, Occupancy Specialists) are responsible for obtaining necessary documentation and submitting requests for transfer to the Eligibility Specialist.
2. The Eligibility Specialist will sort requests for transfers into the above three priority categories. Within each category, transfer requests will be sorted by bedroom size and by the date and time the request is received.
3. A new security deposit will be required for those families transferring into another unit. The security deposit paid on the original unit will be refunded to the family, less any damages and unpaid rent owing. Any additional charges will be applied to the family's account at the new unit.
4. HACC will give the transferring family at least 30 days notice of an upcoming vacancy. A unit will be offered only where the vacating family has given proper notice to HACC and there is sufficient time to offer the unit to a transferring family. The transferring family may waive this 30 day notice period if it is their choice to move sooner.
5. A transferring family will be given 5 days in which to move their belongings into the new unit and to clean up the vacating unit. Possession of both units beyond this five-day period will not be allowed, without HACC approval.
6. A family will not be placed on the transfer list for a larger sized unit until the next annual re-examination after:
 - (a) A newborn or adopted infant [who, for the sake of occupancy standards, has been determined to be sharing the bedroom of the parent(s)] has reached the age of 2;

- (b) The older of the two children [who, for the sake of occupancy standards, has been determined to be sharing the bedroom of another family member of the opposite sex] has reached the age of 6.

D. Incentive Transfers

- 1. Purpose -- To reward some of the residents of our multi-family units with a transfer to a scattered site unit; to promote the care and upkeep of our single-family units; to promote good neighborly relations; and to reduce the amount of time spent by housing services and maintenance staff in handling complaints, mediating with neighbors, conducting follow-up inspections, doing repairs and pursuing evictions.
- 2. Review and Selection Panel -- A review and selection panel will contain a minimum of three members. The members will be made up of Housing Authority representatives from Management, Housing Services and/or Maintenance Departments. The role of the Panel will be to review the staff-recommended families and the self-nominated families and, based on the selection criteria, to accept or reject the family for an incentive transfer. The Panel will be responsible for notifying families of approval or disapproval for an incentive transfer. The decision of the Panel will be final, subject to the review described in the following paragraph.

The family may make a request for an explanation of the Panel's decision. One or more of the Panel members will meet with the family and explain the Panel's decision and discuss with the family ways in which a higher eligibility score can be attained. At this meeting, the family will be given the opportunity to provide any information that might impact the score arrived at by the Panel.

A family may reapply for consideration of an incentive transfer once six months from the date of the disapproval letter has passed.

- 3. Process -- Families will be notified and selected according to the following:
 - (a) All residents in three and four bedroom-sized multi-family units will be notified of the incentive transfer program, the qualifications and the selection criteria. If the family is interested and believes that they are eligible, they will submit the application form provided with the notice.
 - (b) Housing Services, Resident Services, Maintenance and Comp Grant staff will be asked to encourage those families to apply whom staff believe would qualify and with whom they have discussed the incentive transfer program.
 - (c) A selection criteria scoresheet will be completed for each applicant family and the families will be placed on an incentive transfer list, ranked according to

their score and separated by bedroom size. After this initial evaluation period, the Panel will place qualifying families on the waiting list in order of their date of approval.

- (d)** The Panel will meet quarterly (or as needed) to evaluate applicant families.
- (e)** All new families will be informed of this incentive transfer program at the time of their lease-review\signing appointment. The Resident Handbook has a brief description of incentive transfers. Periodic reminders will be published in the "Catch All Chronicle" and the residents will be reminded at their annual recertification.
- (f)** After a family is determined qualified and placed on the waiting list, but prior to the family being offered an incentive transfer, a review of the file with the assigned Occupancy Specialist and Maintenance staff will be done. This is to ensure that there have not been any disqualifying incidents since the initial eligibility determination. This review may include a unit inspection for housekeeping and potential charges.
- (g)** A family will be offered a total of two units. If both offers are refused the family will not be eligible for an Incentive Transfer until twelve months after the date of the second refusal. Refusal or inability to accept the offer of a particular unit for "good cause", as described in Sections VI.E.8. and E.9., will not count against the family as a refusal.

4. Selection Criteria -- Families will be evaluated on the most recent twelve-month period. Each family will be scored and ranked using the following criteria:

- (a)** The family must be a public housing resident for a minimum of 12 months.
- (b)** The family must have the ability and the resources to maintain and care for a yard area (504-eligible families will be reasonably accommodated).
- (c)** A family living in a unit as a result of an incentive transfer must live in that unit for at least twelve months before being considered for another incentive transfer.
- (d)** The family must score a minimum of 91 points on the selection criteria scoresheet.
- (e)** Each family will start with 100 points. Points will be deducted according to the following schedule:
 - (i)** Inspections and Work Orders:

- * Failed for serious violation(s) minus 10 points
- Or
- * Other ranking on inspections minus 9 to 0 points
- * Tenant-charged work orders minus 10 to 0 points
- (ii)** Valid neighbor complaints \disputes minus 10 to 0 points
- (iii)** Notices, letters, evictions for: yard care, pets, complaints, housekeeping. . . minus 10 to 0 points
- (iv)** Timely rent payment:
 - * For each unexcused late month minus 3 points
 - or
 - * For each resulting in eviction notice or FED minus 5 points
- (v)** Sundry Charges:
 - * Payment record on charges minus 5 to 0 points

E. Limited Incentive Transfer for Hillside Park

1. Purpose -- To reward some of the residents of our smaller two bedroom units with a transfer to a larger two bedroom unit; to promote the care and upkeep of our smaller two bedroom units; to promote good neighborly relations; and to reduce the amount of time spent by housing services and maintenance staff in handling complaints, mediating with neighbors, conducting follow-up inspections, doing repairs and pursuing evictions.

2. Review and Selection Panel, Process, and Selection Criteria -- Follow the same procedures as with the Incentive Transfer in D above.

IX.

REEXAMINATIONS

A. Annual Reexaminations

An annual review of each family's income, family composition and other circumstances will be initiated approximately 120 days prior to the family's annual recertification date. (See Section XII of this Policy when the family has selected the flat rent option.) All applicable family circumstances will be examined, and all information will be verified in accordance with Section VI of this Policy, and in accordance with schedules and criteria established by HUD. All verification will be dated within 120 days of effective date of the reexam.

Tenant's failure to appear for scheduled reexamination appointments, failure to provide all information requested or failure to provide accurate information concerning any and all family income, employment, deductions, family composition and other relevant factors shall be grounds for termination of tenancy.

Based on current and verified information, a new Total Tenant Payment and Tenant Rent will be calculated. Any change in rent resulting from this annual reexamination will become effective on the family's annual recertification date. A Rent Adjustment Letter will be sent to the family, informing them of their new rent amount, and the effective date of any change in their rent. This letter will provide for 30 days notice of any increase in rent, unless the delay in notification was the result of action or inaction by the family.

B. Interim Reexaminations

Interim reexaminations shall be made for the following reasons:

1. Changes in family composition;
2. A decrease in gross income lasting 16 or more consecutive days. If the decrease is temporary, or the tenant's income is unstable, the income may be reviewed every 30 days. The tenant will be required to report immediately upon notification that the income will increase and/or become substantially gainful, at which time a reexam will be completed;
3. At the tenant's request;
4. A substantial increase in medical or childcare expenses;

5. If HACC suspects misinformation was given at a previous examination;
6. If the family no longer requires an Essential Member to the Household or a Live-in-aide.

Rent Increases shall become effective the first day of the second month following the completion of the review, unless the family fails to report as required by this Section. Such failure will result in back charges to the date the review would have been effective, if the family had reported as they should have, and/or possible termination of the lease agreement. Rent decreases shall become effective the first day of the month following the reporting of the change. For interims requested on the first of the month, resulting in a decrease in rent, the effective date of the reduced rent will be the date the interim was requested.

C. Special\Periodic Reexaminations

Special Reexaminations may be conducted under any of the following circumstances:

1. When circumstances make it difficult to estimate projected family income at the time of admission or regular reexamination, a temporary determination will be made with respect to income and a special reexamination will be completed quarterly or seasonally, until an accurate estimate of income can be made.
2. If the family is receiving a utility allowance check, or if there is no determinable income, or the income is unstable or changeable in nature, the family shall be required to report periodically, until an accurate income is determined. The family will be required to report immediately, upon notification that the income will increase and/or become substantially gainful, at which time another reexam will be completed.
3. If a family member has signed a -0- income statement, and subsequently begins receiving income, the tenant will be required to report immediately upon notification that the income will increase and/or become substantially gainful, at which time another reexam will be completed.
4. Persons reporting zero income will have their circumstances examined periodically, until a stable income can be determined. Persons claiming zero income will also be asked to complete a family expense form. This form will ask the family to estimate how much they spend on: food, beverages, tobacco, transportation, utilities, health care, child care, debts, household items, etc., and to explain how they pay for these items.

D. Tenant Income Discrepancy Report

If a family receives a letter or notice from HUD concerning the amount of family income reported by the family and verified by HACC, the family must contact the HACC within the timetable set out in the letter. HACC will reconcile any difference between the amount reported by the family and the amount listed in the HUD letter.

E. Exceptions

A family's rent will not be lowered if the family's welfare assistance under the TANF program is reduced in whole or in part as a result of fraud or failure to participate in an economic self-sufficiency program or to comply with a work activities requirement. Before implementation, HACC must first incorporate these provisions into the tenant's lease agreement. HACC will obtain written verification from the welfare agency that the family's benefits have been reduced or lost for one of these reasons. Affected families will be notified of their right to use the grievance hearing procedure.

This subsection does not apply if the reduction or loss of welfare benefits was due to the expiration of a lifetime time limit for a family receiving welfare or public assistance benefits.

F. Corrections

Errors made in the computation in rent shall be corrected and handled in the following manner:

1. If, through an error that is not the result of misrepresentation by the family, they have been paying less than the required rent, an increase in rent shall become effective on the first day of the month that is not less than 30 days from the time the rent adjustment letter was sent to the family notifying them of the change in rental amount.
2. If, through an error, the family has been paying more than the required rent, a decrease in rent shall become effective retroactive to the date of admission, or the date of the erroneous rent adjustment. The family will be reimbursed for any overpayment.
3. If misrepresentation by the family has caused them to pay less than the required rent, the family will be required to pay the difference between the rent paid and the rent that should have been paid, retroactive to the date the rent change should have been made effective. The Housing Authority may also terminate the rental agreement.

G. Over-income

Whenever a family is determined to be over-income (that is, the adjusted income exceeds the Lower Income admission limit), HACC will attempt to identify for possible rental by the family, a decent safe, and sanitary unit of suitable size available at a gross rent not exceeding 30 percent of the family's monthly adjusted income.

A "Units Available for Over-Income Families" form should be completed within 30 days of the effective date of the reexam, which shows the family to be over-income. When three suitable units, at or under the appropriate rent figure, are documented as available for the family, a written notice must be sent to the family advising the family that they are over-income, and must make plans to move to a private market unit within sixty days of the date of the letter. This notice should also include a copy of the "Units Available for Over-Income Families" with those available units listed on the form. If the family has not moved within the sixty day period, they will be issued a thirty day eviction notice.

If special circumstances occur where it would be a hardship on the family to move out, as determined by the Housing Services Manager, the family may be allowed to remain in their unit and a written waiver to the over-income procedure will be issued and kept in the tenant's file.

X.

LEASE TERMINATIONS

A. Family Initiated

1. The family may terminate the Lease by giving at least 30 days, but not more than 60 days, written notice to HACC.
2. The notice period begins upon receipt by HACC of the termination notice.
3. The family shall be responsible for the rent through the date given in the notice, or for 30 days, whichever is later. If the unit is rerented prior to this date, the family will be responsible for the rent only up to the rental date.
4. When the premises are vacated for reason of illness, requiring removal to a hospital or a rest home, or because of death of the head of household, the obligation to pay rent shall cease when the premises are vacated, and the Housing Authority has been so notified.
5. The Lease shall be deemed terminated upon abandonment of the premises.

B. Housing Authority Initiated

1. Lease terminations shall be done in compliance with HUD regulations, Oregon Revised statutes and Section XII of the Lease agreement. When HUD mandates changes to the Lease agreement, a revised Lease for use between HACC and its tenants will be developed (in accordance with HUD's notice and comment period requirements). Upon Board approval of the revised Lease agreement, HACC tenants will be required to enter into the new Lease. Any tenant who fails to enter into the revised Lease agreement is subject to termination of their existing Lease and subsequent eviction from their unit.
2. All notices of Lease termination will state the specific grounds for termination. The family will also be informed of their right to request a hearing in accordance with the Grievance Procedure, to examine or copy documents directly relevant to the termination, and be given the opportunity to make such a reply as they may wish.
3. Termination of tenancy will result of any person who HACC determines is illegally using a controlled substance or whose abuse of alcohol is determined to interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

4. HACC will immediately and permanently terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.
5. Certain actions are excluded from the Grievance Procedure, specifically: Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the HACC; any violent or drug-related criminal activity on or off such premises; or any criminal activity that resulted in felony conviction of a household member.
6. When HACC evicts an individual or family from a dwelling unit for criminal activity, HACC will notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit.

B. Record Keeping Requirements

A written record of every lease termination will be maintained by HACC, and will contain the following information:

1. Name of resident, number and identification of unit occupied;
2. Date of the notice of Lease termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;
3. Specific reason(s) for the notice, with Section(s) of the lease violated, and other facts pertinent to the issuing of the notice, described in detail;
4. Date and method of notifying Resident;
5. Summaries of any conferences held with resident including dates, names of conference participants and conclusion;
6. Records shall be retained for three years.

XI.

UTILITIES

In some of the HACC's developments residents pay the cost of certain utilities directly to the supplier. When this is the case, resident rents are reduced by an Allowance for Utilities that is developed by HACC using data on rates and usage obtained from the utility suppliers and from HACC files of usage history. Utilities include water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewer services. Telephone and cable services are not included as a utility.

A. Resident-Paid Utilities

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

1. When the utility supplier offers a budget or level payment plan, it may be suggested to the resident to pay his/her utility bills according to this plan. This protects the resident from large seasonal fluctuations in utility bills and ensures adequate heat in the winter.
2. Third Party Notification -- When a family makes application for utility service in his/her own name, he or she must sign a third-party notification agreement so that HACC will be notified if the resident fails to pay the utility bill.
3. Ability to Get Utilities Connected -- If a family is unable to get utilities connected because of a previous balance owed the utility company at a prior address, the family will not be permitted to move into a unit with resident paid utilities.
4. The family must put the utilities in the name of the head or the co-head. Using other names, real or fictitious, may be grounds for eviction or for denying the family assistance.
5. Paying the utility charges is the resident's obligation under the Lease agreement with HACC. Failure to pay utilities is grounds for eviction.

B. Excess Utilities Charges

Residents in units where the HACC pays some or all of the utilities may be charged for excess utility consumption if additional appliances or equipment are used in the unit (e.g., air conditioners, additional freezers) or the family has other excess utility consumption (e.g., water, garbage). This charge shall be

applied as specified in the lease and in accordance with HUD regulations (CRF 965.506).

Requests for relief from surcharges for excess consumption of HACC-purchased utilities, or from payment of utility supplier billings in excess of the allowances for resident-purchased utilities, may be granted by HACC in special circumstances. This includes the special, on-going needs of elderly, ill or disabled residents, or special on-going factors affecting utility usage not within the control of the resident. The Housing Services Manager will approve or disapprove such requests.

C. Utility Reimbursements

If the applicable Utility Allowance exceeds the Total Tenant Payment, a utility reimbursement equal to the difference between the utility allowance and the TTP will be issued to the family, to be used exclusively for utility payments.

Upon agreement with the resident, the utility reimbursement may be applied toward any outstanding charges owed by the resident to the Housing Authority.

XII.

FLAT RENTS

A. Intent and Purpose

Flat rents are intended for families whose incomes have increased to the point that an income-based rent is unreasonable for the housing being provided. In addition, by allowing the family the option of staying in place and paying the flat rent, it will contribute in attaining a range of incomes and in helping to create an economic and social mix that is desirable in preventing the isolation of the very poor in public housing developments. 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.

B. Establishing Flat Rents

1. HACC has set a flat rent for each public housing unit. In doing so it considered the size and type of the unit, as well as the unit's location, quality, degree of remodeling, age and amenities
2. HACC has determined the market value of each unit and has set the flat rent at the market value.
3. If the family chooses to pay a flat rent, there is no utility allowance and HACC does not pay any utility reimbursement.

C. Process in Selecting a Flat Rent

1. Each family in public housing may choose to pay rent based on income or pay a flat rent. At initial placement and at each annual reexam, the family will be offered a choice of rent. Both the projected income-based rent (TTP minus utility allowance) and the flat rent for the unit will be entered on the "Choice of Rent" form. The family will select a rent and sign the form. The form is retained in the tenant file.
2. Once during an annual term a family on flat rent may change to an income-based rent because of financial hardships. These financial hardships include:
 - (a) A decrease in income resulting from changed circumstances, loss or reduction of employment, death in the family, and reduction in or loss of earnings or other income; and,
 - (b) An increase in expenses resulting from changed circumstances, medical costs, childcare, transportation, education or other similar items, if the result

would be a lower Total Tenant Payment due to the increased expenses being allowable income deductions or exclusions.

This is done in the same manner and on the same time schedule as an interim reexam. A family making this switch would remain on income-based rent until the next annual reexam.

D. Flat Rent Adjustments

1. The amount of the flat rent will be reevaluated at least biannually, and whenever there is such a change in market conditions that the flat rent is obviously out of line with the market.

XIII.

RESTRICTIONS ON ASSISTANCE TO NONCITIZENS

A. General --- Effective June 19, 1995, housing assistance may only be provided to:

1. U.S. Citizens: or
2. Noncitizens who have eligible immigration status in one of the following categories:
 - (a) Lawfully admitted for permanent residence as an immigrant, including special agricultural workers;
 - (b) Entered the U.S. before January 1, 1972, and has maintained continuous residence thereafter, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General;
 - (c) Lawfully present in the U.S. pursuant to the granting of asylum (refugee status);
 - (d) Lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest (parole status);
 - (e) Lawfully present in the U.S. as a result of the Attorney General's withholding deportation (threat to life or freedom); or
 - (f) Lawfully admitted for temporary or permanent residence (amnesty granted under Immigration and Naturalization Act Section 245A).

B. Submission of Evidence of Citizenship or Eligible Immigration Status --- Each family member, regardless of age, must submit the following:

1. For Citizens: A signed declaration of U.S. citizenship;
2. For Noncitizens who are 62 years of age or older and who received assistance on June 19, 1995: (i) A signed declaration of eligible immigration status and (ii) Proof of age document;
3. For all other Noncitizens: (i) A signed declaration of eligible immigration status; and, (ii) Immigration and Naturalization Service (INS) documents of eligible immigration status; and, (iii) a signed certification consent form.

C. Verification Timeline --- This verification process needs to be done only one time. The citizenship status of every family member must be verified according to the following schedule:

1. For new family members, at the first interim or annual reexamination following the person's occupancy;
2. For applicants, at the same time that other required information is being verified.
3. Extension of time to submit evidence of eligible status will be granted by the Housing Authority if the family member:
 - (a) Submits the required declaration which certifies that any person for whom required evidence has not been submitted is a noncitizen with eligible immigration status; and
 - (b) Certifies that the evidence needed to support a claim of eligible immigration status is temporarily unavailable, additional time is needed to obtain and submit the evidence, and prompt and diligent efforts will be undertaken to obtain the evidence.

The extension of time must be for a specific period. The HACCC's determination of the length of extension granted will be based on the circumstances of the individual case, and will be sufficient to allow the family time to obtain the required evidence.

4. For families who began receiving assistance after June 19, 1995, and these rules were not applied at the time of admissions, the citizen status of every family member will be verified at the first annual reexamination or at the time a new family member is added. A family in this circumstance is not eligible for continued assistance or temporary deferral. A mixed family will be eligible for proration of assistance and a family with no eligible members will be terminated.

D. Acceptable INS Documents of Eligible Immigration Status --- The HACC shall request and review original documents of eligible immigration status. Photocopies of the documents shall be retained in the family's file. Acceptable INS documentation includes:

1. Form I-551 --- Permanent Resident Card (formerly Alien Registration Receipt Card);
2. Form I-94 --- Arrival-Departure Record --- , with one of the following annotations:
 - (a) Admitted as a refugee (Section 207)
 - (b) Asylum (Section 208)
 - (c) Deportation stayed by Attorney General (Section 243(h))
 - (d) Paroled (Section 212(d)(5))
3. Form I-94 --- Arrival Departure Record ---, not annotated but accompanied by one of the following documents:
 - (a) A final court decision granting asylum (but only if no appeal is taken)
 - (b) A letter from an INS asylum officer or from an INS district director granting asylum
 - (c) A court decision granting withholding of deportation; or
 - (d) A letter from an INS asylum officer granting withholding of deportation
4. Form I-688 --- Temporary Resident Card --- annotated "Section 245A" or "Section 210"
5. Form I-688B --- Employment Authorization Card --- annotated "Provision of Law 274a.12(11)" or "Provisions of Law 274a.12"
6. A receipt issued by the INS 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
7. Other --- as announced by notice published in the Federal Register

E. Verification of Eligible Immigration Status --- The HACC will verify eligible immigration status in accordance with the following INS procedures:

- 1. Primary Verification** --- Primary verification is conducted by the HACC through the INS automated System Alien Verification for Entitlements (SAVE) system. The INS SAVE system provides access to names, file numbers and admission numbers of non-citizens. The search and resulting verification is done by HACC through a secure computer connection using INS software.
- 2. Secondary Verification** --- If the INS SAVE system fails to verify eligible immigration status, secondary verification will be performed. This involves a manual search by the INS of its records to determine an individual's immigration status. The HACC must request the secondary verification within 10 days of receiving the results of the failed primary verification. This written request is made using INS Form G-845S, "Document Verification Request". The HACC will attach photocopies of the original INS documents to Form G-845S when making their request. A response from INS should be received within 3-10 days.
- 3. Failure of Secondary Verification to Confirm Eligible Immigration Status** -- If the secondary verification fails to confirm eligible immigration status, the HACC will issue a notice to the family advising them of their rights to appeal to the INS. Additionally, the notice will contain all the provisions of CFR 5.514(d) and (e). The family will have 30 days from the date of the HACC notice to appeal to the INS. The INS will issue to the family and the HACC a decision within 30 days of their receipt of documentation concerning the appeal. If they are unable to do so within the 30 day period, the INS will inform the family and the HACC of the reasons for the delay.
- 4. Informal Hearing Procedures** --- After notification of the INS decision on appeal, or in lieu of request of appeal to the INS, the family may request an informal hearing with the HACC. This request must be made either within 14 days of the date the HACC mails or delivers the notice to appeal (described above) or within 14 days of the mailing of the INS appeal decision, established by the date of postmark.

The procedures for the hearing, for both applicants and tenants, will be that described in the Housing Authority's Public Housing Grievance Procedure. This Grievance Procedure complies with CFR 966. Additionally, the family will be entitled to have the hearing recorded by audiotape.

The HACC will provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 days of the date of the informal hearing.

F. Delay, Denial or Termination of Assistance

1. Assistance to an applicant will not be delayed or denied, and assistance to a participant will not be delayed, denied or terminated, on the basis of ineligible immigration status of a family member if:
 - (a) The primary and secondary verification of any immigration documents that were timely submitted has not been completed;
 - (b) The family member of whom required evidence has not been submitted has moved from the dwelling unit;
 - (c) The family member who is determined not to be in an eligible immigration status following INS verification has moved from the dwelling unit;
 - (d) The INS appeals process has not been concluded;
 - (e) Assistance is prorated; or
 - (f) For a participant, the HACC hearing process has not been concluded.
2. Assistance to an applicant may be delayed after the conclusion of the INS appeal process, but not denied until the conclusion of the HACC informal hearing process, if an informal hearing is requested by the family.
3. Assistance to an applicant will be denied, and a participant's assistance will be terminated, upon the occurrence of any of the following events:
 - (a) Evidence of citizenship and eligible immigration status is not submitted in accordance with the timelines described in paragraph 3. of this Section, or by the expiration of any extension granted by the HACC; or
 - (b) Evidence of citizenship and eligible immigration status is timely submitted, but INS primary and secondary verification does not verify eligible immigration status of a family member; and
 - (i) The family does not pursue INS appeal or PHA informal hearing rights; or
 - (ii) INS appeal and informal hearing rights are pursued, but the final appeal or hearing decision is decided against the family member.

- G. Notice of Denial or Termination of Assistance --- The HACC will notify the family in writing of denial or termination of assistance. The notice will advise the family:**

1. That assistance will be denied or terminated, and will provide a brief explanation of the reasons for the proposed denial or termination;
 2. That they may be eligible for proration of assistance:
 3. That they have a right to request an appeal to the INS of the results of the secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal;
 4. That they have a right to request an informal hearing with the Housing Authority, in accordance with paragraph E.4. of this Section;
 5. For applicants, that assistance will not be delayed until the conclusion of the INS appeal process, but assistance may be delayed while the HACC's informal hearing process is pending.
- H. Proration of Assistance** --- For mixed participant families (those families consisting of both eligible and ineligible members).

Prorated assistance for the public housing program is calculated as follows:

- (a) Determine total tenant payment;
 - (b) Subtract the TTP from the applicable maximum rent (this is determined by HACC using the methodology specified in Appendix H of HUD handbook 7465.7. This results in the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy");
 - (c) 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. This results in the maximum subsidy per eligible family member;
 - (d) Multiply the maximum subsidy per eligible family member by the number of eligible family members. This results in the amount of subsidy for which the family is eligible;
 - (e) The family's rent is the maximum subsidy (line b) minus the amount of the eligible subsidy (line d).
- I. Prohibition of Assistance to Noncitizen Students** --- Noncitizen students are not eligible for rental assistance nor are they eligible for any of the preservation of family options, described in paragraph 8 of this Section.

Noncitizen students and the family of noncitizen students are defined in CFR 812.12. The prohibition of providing assistance to a noncitizen student does not

extend to the citizen spouse of the noncitizen student and the children of the citizen spouse and noncitizen student.

- J. Retention of Documents** --- For families where there has been an INS appeal, or the HACC informal hearing process has been used, all file documents will be retained for a minimum of five years.

XIV.

TRESPASS EXCLUSION

The “Trespass Exclusion Policy and Procedures” for all properties owned or managed by the Housing Authority of Clackamas County (HACC) was approved by the Board of Housing Authority Commissioners on 10/21/04. The applicability of that Policy, as it relates to public housing, is restated herein.

STATEMENT OF PURPOSE

The purpose of this document is to outline the HACC’s Policy and Procedures on the exclusion of non-residents from HACC owned and managed premises, and to ensure the enforcement of those exclusions through criminal trespass arrests.

The purpose of this Policy is to create a tool that HACC and its authorized representatives can use to:

- (1) Secure public housing tenants’ peaceful enjoyment of their residences;
- (2) Keep public housing properties clean, sanitary and in good condition;
- (3) Limit behavioral risks associated with consumption of alcoholic beverages in and around public housing residences;
- (4) Combat criminal activity in and around public housing residences;
- (5) Combat the risks associated with drug related activity in and around public housing residences; and
- (6) Combat dangers associated with the presence of weapons in and around public housing residences;

It is not the purpose of this Policy to unreasonably interfere with the exercise of any person’s Constitutional rights to free speech, free association, or any other Constitutional right on or around public housing residences.

This Policy is intended to cover all properties owned or managed by HACC. These properties include, but are not limited to: Clackamas Heights; Oregon City View Manor; Hillside Park; Hillside Manor; Public Housing Scattered-Site units, Housing Authority-owned or managed units located throughout Clackamas County, and the Janssen Road Apartments.

A. Definition of Terms

- * **Complaint Signer:** The person designated by the Housing Authority to sign the necessary complaints for trespass prosecutions with the District Attorney’s Office.

- * **Criteria for Exclusion:** A list of behaviors compiled by the Housing Authority that will cause a non-resident to be cited and/or excluded from properties owned and managed by the Housing Authority. (See Section E)
- * **Exclusion Maintenance File (EMF):** A file maintained by the policing agency (Clackamas County Sheriff or City Police Departments), which will be monitored, maintained and updated by the designated person. The information kept in the EMF will include copies of the materials maintained by the Housing Authority's Trespass Control Officer (TCO).
- * **Non-Resident:** Any person who does not lawfully reside on the Premises.
- * **Notice of Exclusion:** The notice given to a person who has violated one or more criteria for exclusion, in order to trespass the person from the Premises for one year. The Notice of Exclusion will be completed, whenever possible, with personal data and a photo of the subject, a statement that to enter or remain on the Premises during the exclusion period will result in prosecution for criminal trespass, a copy of the procedure to appeal, and a description of the excluded Premises. There will be four copies of the Notice of Exclusion. One copy given to the Subject, one for the Housing Authority's TCO, one for the Policing Agency's Records Department and one for the Policing Agency's Program Manager to be maintained in the EMF. (Copies of this form are attached to the HACC overall Policy as Attachment C.)
- * **Person in Charge:** A person, representative or employee of HACC deemed to have lawful control of the Premises by designation of the Executive Director of HACC. There can be more than one "Person in Charge". (See Section C(2).)
- * **Premises:** Any building, real property or common areas owned or managed by HACC. Premises do not include public rights of way such as public streets and public sidewalks.
- * **Trespass Control Officer (TCO):** An individual designated by HACC's Executive Director to have the authority to: (1) process Notices of Exclusion and other documents relating to trespass; and (2) act as a hearings officer and set up the hearings schedule for those individuals seeking appeal of Notices of Exclusion. The TCO will maintain and update HACC files in all trespass matters.

B. General

Members of the Clackamas County Sheriff's Department and any City Police Department who have been authorized to act as a "**Person in Charge**" may instigate trespass exclusions under this Policy, in addition to enforcing the criminal trespass laws. Deputies, Police Officers, Housing Authority personnel and on-site managers will be trained in the application of these HACC procedures prior to being named a "Person in Charge."

The criminal trespass statutes applicable to all Premises are:

1. **ORS 164.245** --- Criminal trespass in the second degree --- A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in or upon the premises. Criminal trespass in the second degree is a Class C misdemeanor.
2. **ORS 164.255** --- Criminal trespass in the first degree --- A person commits the crime of criminal trespass in the first degree if the person enters or remains unlawfully in a dwelling. Criminal trespass in the first degree is an A misdemeanor.
3. **ORS 164.265** --- Criminal trespass while in possession of a firearm --- a person commits the crime of criminal trespass while in possession of a firearm who, while in possession of a firearm, enters or remains unlawfully in or upon the premises. Criminal trespass while in possession of a firearm is a Class A misdemeanor.

The Oregon Residential Landlord and Tenant Act applies in all cases involving residents and nothing in this Policy shall be read to supersede established statutory procedures for eviction.

Nothing in this Trespass Exclusion Policy removes the policing agency's ability to act when dealing with other criminal matters detected on any premises during the course of their duties.

The Notice of Exclusion and the Criteria for Exclusion forms may be altered to conform with the policing agency's reporting and recordkeeping requirements.

C. Housing Authority's Responsibilities

1. HACC has specifically incorporated a "**Lease Enabling Provision**" in all their Public Housing Leases. Section I.F. of the Lease form states, in part, "The HACC retains control over any and all common areas of the project for the purposes of enforcing state trespassing laws." By including this provision HACC asserted control over all areas deemed common areas within all of its

Public Housing properties. This ensures that HACC's Executive Director is the **"Person in Charge"** of these common areas under **ORS 164.205 (5)**, and can delegate the authority to act as a Person in Charge to any other person he deems qualified, either by naming the person in this Policy, or by executing an additional signed written instrument.

2. HACC's Executive Director must name those who are authorized to act as **"Persons in Charge"**. Because there are units and complexes scattered throughout Clackamas County, the "Persons in Charge" will be different for each location. With regard to staff, there are Occupancy Specialists (Craig Beals or Skip Walker) assigned to Clackamas Heights, Oregon City View Manor, Hillside Park, and Hillside Manor. Each Occupancy Specialist is designated as a "Person in Charge". For all other HACC owned and managed units and administrative buildings scattered throughout the County, Tim Nielsen, the Housing Services Manager, is designated the "Person in Charge". Maintenance Department staff may be designated by the Executive Director as "Persons in Charge".

The Jannsen Road Apartments in Clackamas have a Resident Manager. The Resident Manager, Jared Ivie, is designated as a "Person in Charge" for that specific property.

Lorelei Young of Clackamas County Social Services is also designated as a "Person in Charge."

The Executive Director of HACC has the discretion to designate additional or alternative "Persons in Charge" without affecting the validity of this Policy. Notification will be made to the applicable policing agency of any revisions to the "Persons in Charge".

Pursuant to this Policy, HACC will empower Clackamas County Sheriff's Deputies as "Persons in Charge" for the purpose of enforcing its trespass rules pursuant to this Policy. Additionally, HACC has empowered Police Officers of various City Police Departments as "Persons in Charge". Agreements with each individual Police Department will confirm this designation. This authorization to act as "Persons in Charge" will be done formally, through a letter from the Executive Director of HACC to the Clackamas County Sheriff and individual chiefs of Police. (Copies of these letters are attached to the HACC overall Policy as Attachment A.)

3. A **"Criteria for Exclusion"** have been developed after consultation with the Clackamas County Sheriff's Department, and will be used as grounds to exclude non-residents from the Premises. A list of these criteria will be sent with the letter described in paragraph C.2 above, with updated lists sent as

necessary to keep the police promptly apprised of all amendments. (Example attached to the HACC overall Policy as Attachment B).

4. The Executive Director of the HACC designates Toni Karter to be the **“Trespass Control Officer (TCO)”**. The TCO is based at the HACC’s Administration Office located at 13930 South Gain Street, Oregon City, Oregon. She may be reached by phone at 503-650-3139. The TCO’s primary duty will be to process the exclusion forms and to organize, maintain and update the necessary files. The TCO will also act as a hearings officer and will receive the appeal requests and will set up the hearings schedule for those individuals seeking appeal of trespass exclusion notices.

It will be the TCO’s responsibility to inform the appropriate policing agency whenever an appeal on an exclusion is pending. This will be done within 48 hours of receiving the appeal request. Within 48 hours after the appeal process is completed, the TCO will notify the policing agency of the outcome in person or over the phone. Notification will then be sent in writing. The letter can be used to confirm cancellation or modification of an exclusion. The TCO will give written documentation to the appellant, indicating that s/he can return to the Premises. The TCO will advise any successful appellant to carry the documentation on his/her person.

In the event that a person has been granted an exception that allows him/her to enter the Premises during specific days and/or hours during the term of the exclusion, the TCO will contact the Program Manager in the same manner as described above for contacting policing agencies.

5. HACC will provide a supply of the “Notice of Exclusion” forms to each policing agency and they may use it or, if preferred, on of their own forms. HACC currently uses the Clackamas County Sheriff’s Department form entitled “Notice of Exclusion Private Property and Public Subsidized Property.” HACC’s Notice of Exclusion is a 4-part NCR; one copy for the subject, two copies for the policing agency and one copy for HACC. The Notice should contain a description of the Premises and instructions on how to appeal the exclusion. If possible, a photo of the subject should be attached. (Attachment C of the overall Policy shows an Example of the “Notice of Exclusion.”)
6. When authorized Housing Authority staff or on-site managers are planning to act as a “Person in Charge”, they will assess the situation to determine whether it is likely to result in a confrontation. If there is **any** possibility of the contact being confrontational, the appropriate policing agency will be contacted to handle the situation as described under Section D. There must be reasonable suspicion to believe that the person to be contacted is a non-resident and that the person has violated or is violating one or more of the criteria for exclusion

on the Premises. If staff chooses to act on their own, the following process will be followed:

- (a) Make contact with the non-resident and advise the non-resident of the violation of the “Criteria for Exclusion”;
 - (b) Complete the “Notice of Exclusion” in as much detail as possible. Describe in the narrative section the person’s actions that violated the exclusion criteria;
 - (c) Give the excluded person the gold copy of the exclusion form, which also describes the process to appeal the trespass and which contains a description of the excluded area. Note in the description where the person was contacted. If the person refused to accept the Notice, or if they leave the area, note this on the Notice of Exclusion; and
 - (d) Give the remaining three copies of the exclusion notice to the TCO. The TCO will keep one copy of the Notice of Exclusion and provide the policing agency with the remaining two copies.
7. Law Enforcement may initiate the Trespass & Exclusion Procedure. Law Enforcement should forward copies of any served Notice of Exclusion to Lorelei Young of Clackamas County Social Services and the TCO, Toni Karter of HACC.

D. Deputy’s and Police Officer’s Responsibilities

1. **Exclusion Process** ---- When an Officer responds to HACC owned or managed Premises to handle an exclusion/trespass matter, the officer should determine whether there is reasonable suspicion to believe that both:
- (a) the person to be contacted is a non-resident, and
 - (b) the person has violated one or more of the criteria for exclusion on the Premises or is violating one or more of the criteria for exclusion on the Premises.

If the Officer determines that both requirements are met to justify an exclusion, s/he is authorized to contact the non-resident and advise the non-resident of the violation of the criteria for exclusion. The Officer is then authorized to complete the Notice of Exclusion form, specifically detailing the justification for the exclusion.

2. **Arrests for Offenses and Issuance of Notice of Exclusion** ---- When making an arrest for an offense, the Officer will complete the reports required by his/her agency (custody, crime, etc.). If the Officer decides to exclude the

person as well, a Notice of Exclusion form must also be completed, describing the specific violations of HACC exclusion criteria. The Officer must provide the person with a copy of the Notice of Exclusion form, which describes the process to appeal the trespass. The Officer may use the same file number for the Notice of Exclusion that is used on the reports for his/her agency, and may attach copies of the Notice of Exclusion to his/her original case.

This procedure will be followed whether the Officer decides to cite the person in lieu of custody or to take the person in custody at the time of contact.

- 3. Exclusions Issued Without Arrests ----** Officers will complete the Notice of Exclusion and describe in the narrative section the person's actions which violated HACC's exclusion criteria. The officer will give the excluded person the gold copy of the exclusion form, which describes the process to appeal the trespass. The color of the copy given to the excluded person will not affect the validity of the exclusion.
- 4. Report Requirements ----** The following process will be followed when completing Notices of Exclusion:
 - (a.)** Officers will use the Premises address as the location of occurrence.

These addresses are:

 - i.** Clackamas Heights, 500 A St., Oregon City, OR 97045
 - ii.** Oregon City View Manor, 200 Longview Way, Oregon City, OR 97045
 - iii.** Hillside Park, 10203 SE "D" St., Milwaukie, OR 97222
 - iv.** Hillside Manor, 2889 SE Hillside St., Milwaukie, OR 97222
 - v.** Scattered Site units -- use their actual unit address.
 - vi.** HACC Admin Office, 13930 S. Gain St., Oregon City, OR 97045
 - (b)** Officers will complete the Notice of Exclusion form in full. This will include: the subject's name, address, date of birth and personal description; a narrative describing the basis for the exclusion; an explanation of how to appeal the exclusion and how to contact the HACC's TCO: a description of the excluded Premises, and whenever possible, a photo of the subject. (A sample Notice of Exclusion form is appended to the overall policy as Attachment C.)
 - (c)** If the person is arrested under ORS 164.245, ORS 164.255 or ORS 164.265, within these guidelines, the Officer may issue an additional Notice of Exclusion to the person for violating the Criteria for Exclusion (engages in any activity that constitutes a criminal offense). ***

- (d) If the person is arrested under ORS 164.245, ORS 164.255 or ORS 164.265, within these guidelines, the Officer will mark on the specific Premises map where the person was at the time he or she was found to be entering or remaining unlawfully on the excluded Premises. The map will be attached to the report submitted to the District Attorney's Office, The City Attorney's Office or the Juvenile Department. ***

*** This person has been excluded from the common areas of a HACC owned or managed property under the authority of a "Person in Charge". Therefore, the person can be arrested for criminal trespass only if they are trespassing on that specific property. If the individual is on a public street or public sidewalk adjacent to the excluded Premises, an arrest for trespass on the property should not be made.

- 5. **Records and Data Processing Requirements** ---- The three remaining copies of the Notice of Exclusion (the subject was given the gold copy) will be distributed as follows: top copy (white) to Records. This will be the Department's copy; the pink copy to the Enhanced Safeties Property Program Manager; and, the yellow copy to HACC's TCO, at the HACC's Administrative Office.

Where the Clackamas County Sheriff's Office (CCSO) is involved, the pertinent information will be entered into "C.L.A.S.S.", under the "Trespass" category as well as any other categories that CCSO find to apply.

The ending trespass date will be one year from the exclusion date.

If a person is arrested for criminal trespass, a copy of the arrest report will be sent to the Program Manager and the TCO.

- 6. **Program Manager Responsibilities** ---- The Program Manager will be responsible for the following:

- (a) Maintaining an **Exclusion Maintenance File (EMF)**. The EMF will include every exclusion issued on HACC owned or managed premises, with sub-files broken down into individual properties (e.g., Clackamas Heights, Hillside Park, etc.);
- (b) Updating the EMF to reflect any modifications, exceptions or expungements and made to exclusions by the TCO;
- (c) Be the contact person for the Complaint Signer and the TCO to ensure that the exclusion list is kept current and accurate; and
- (d) Ensure that persons who are successful in their appeal are removed from the "Trespass" category in C.L.A.S.S.

The Program Manager may wish to pursue involvement in the appeals process, as outlined in this policy and as carried out by the TCO.

- 7. Complaint Signer Responsibility** ---- The Executive Director of HACC has designates Toni Karter to be responsible for signing complaints with the District Attorney's Office. The Complaint Signer will be responsible for the following:
- (a) Maintaining foundation files of all involved Premises, to include:
 - (i) A letter authorizing Sheriff's Deputies or Police Officers to act as "Persons in Charge" of HACC owned and managed properties, for the purpose of enforcing trespass laws;
 - (ii) A letter of declaration outlining the "Criteria for Exclusion";
and
 - (iii) Maps of all involved Premises.
 - (b) Filing all copies of the Custody, Crime or Special Reports with the corresponding exclusion reports;
 - (c) Maintaining a list of excluded persons for each HACC property;
 - (d) Maintaining contact with the Program Manager to ensure they have the most current updated lists; and
 - (e) Signing the necessary complaints when requested by the District Attorney's Office.

E. Criteria for Exclusion of Non-Residents from HACC Premises

Any non-resident will be directed to leave, and will be barred from returning, to any Housing Authority of Clackamas County (HACC) owned Premises within which that person:

1. Makes unreasonable noise, or engages in fighting or in violent, tumultuous or threatening behavior;
2. Interferes with any Resident's right to peaceful enjoyment of the Premises, or the right to peaceful enjoyment of the Premises extended to any authorized guests of a Resident.
3. Unreasonably harasses an employee or agent of HACC in any manner;
4. Engages in any activity which constitutes a criminal offense;
5. Engages in any activity involving firearms, illegal drugs or violence;
6. Possesses paraphernalia commonly used with illegal drugs;

7. Damages, defaces or destroys any property belonging to the HACC, any Resident or their authorized guests, HACC employees or their agent(s);
8. Litters on the Premises;
9. Consumes or possesses an open container of any alcoholic beverage in the common areas;
10. Violates any applicable City, County or State Curfew Ordinance; or
11. Camps, urinates or otherwise remains on the premises without a discernibly legitimate purpose;
12. Remains after having been evicted from any Housing Authority property, whether at the time of eviction the person was a public housing tenant, household member, or unauthorized person occupying temporarily or permanently with a public housing tenant.

Any person who fails to leave the property after being directed to do so, or who returns to the property after being given such direction, will be subject to arrest and prosecution for Criminal Trespass under ORS 164.245, ORS 164.255 or ORS 164.265.

XV.

CODE OF CONDUCT

- A.** Pursuant to the requirement of 24CFR84.42, Codes of Conduct, and 24CFR85.36, Procurement standards, no employee, officer or agent of the Housing Authority shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the entity selected for award.
- B.** Without the prior approval of the Executive Director, employees are prohibited from:
- 1.** Processing an application (or any part of an application) or any recertification for a relative, friend, co-worker, or business associate or on behalf of a relative or business associate of a co-worker;
 - 2.** Serving as third party verification or as a reference for anyone applying or being recertified for housing assistance with HACC;
 - 3.** Participating in an assisted housing program administered by HACC, either as a tenant or as a landlord;
 - 4.** Entering into contracts or agreements in connection with the tenant-based programs in which any of the classes of persons outlined under 24CFR982.161, Conflict of Interest, has any interest, direct or indirect. Prior HUD approval is required if it is necessary to enter into such a contract or agreement.
 - 5.** Inspecting units associated with the tenant-based programs if the employee has any direct or indirect interest.
- C.** Pursuant to 24CFR84.42, Codes of Conduct, The Housing Authority's officers, employees or agents will neither solicit nor accept gifts, gratuities, favors or anything of monetary value from parties to any agreement involving federal funds.
- D.** All employees shall follow the Ethical Standards Governing Employee Conduct defined in the Housing Authority's Personnel Policy, Section XIV.

- E.** Employees found to be in violation of any of the Code of Conduct Policy guidelines mentioned above will be disciplined according to the Housing Authority's Personnel Policy, Section XVI.

XVI.

PETS AND SERVICE ANIMALS

A. Pet Policy

1. Dogs and Cats

HACC will permit tenants to keep one dog or one cat in their unit. A Pet Agreement, signed by the tenant and a Housing Authority representative, will be incorporated into the Public Housing Lease by reference. Tenants approved to have pets in their units must agree to abide by all rules in the Pet Agreement. Violation of any provision of the Pet Agreement may be grounds for removal of the pet, or termination of the pet owner's tenancy, or both, in accordance with HUD regulations, the Public Housing Lease and the Oregon Residential Landlord and Tenant Act.

The following requirements must be met:

- (a)** A pet deposit as described in the Pet Agreement must be paid in full or, where allowed, a partial payment agreement must be entered into, prior to a Pet Agreement being executed.
- (b)** The Pet Agreement must be executed prior to bringing the pet on the premises. The Pet Registration/Authorization form must be completed and submitted to the Housing Authority within 30 days of executing the Pet Agreement.
- (c)** The maximum weight for a dog is set at thirty pounds. In the case of young animals, a weight estimate by a veterinarian would be acceptable documentation.
- (d)** The tenant must provide written proof of the following:
 - (i)** Current license from Clackamas County
 - (ii)** Inoculation against rabies
 - (iii)** Inoculation against distemper
 - (iv)** Inoculation against parvo virus
 - (v)** Neutering or spaying

All appropriate documentation will be kept in the tenant's file

The HACC will make the final determination in approving which breeds of dog will be permitted.

The HACC may establish "pet" and "no pet" areas within housing authority sites and premises.

2. Other Household Pets

The following common household pets are allowed without Housing Authority approval: Fish (bowl or aquarium) -- not to exceed 20 gallons; caged birds (limit of two); turtles (limit of two); hamsters (limit of two). Hamsters, turtles and birds must be contained in appropriate enclosures and maintained in a safe and sanitary condition.

To exceed these limits, or to bring another type of household pet onto the premises, prior Housing Authority approval must be obtained.

No birds of prey are permitted.

3. General Provisions

For those units classified as group homes, where three or four individual tenants live in one dwelling unit, the previously stated limits on number of pets apply to the unit as a whole and not to each tenant individually. In determining which tenant(s) will be allowed to have a pet, preference will be given based on the length of time in the unit, with the tenant in occupancy the longest given the first choice.

All pets must be kept inside the tenant's unit at all times, unless cats or dogs are taken outside. In this event, they must always be kept on a leash and under the continuous and complete control of the owner or handler. Other pets that are to be transported outside the unit must always be carried in a proper cage or carrier. No outside cages, containers, perches, etc. may be constructed or used on Housing Authority property. No pet is allowed to be loose on the site or roadways or in surrounding areas.

In addition to other inspections permitted under the Lease, HACC staff may inspect a unit with a pet as often as required to ensure compliance with the Pet Agreement. The specific circumstances under which these inspections may be made are detailed in the Pet Agreement. Proper notification to the tenant will be given in accordance with the Public Housing Lease.

HACC staff may enter a unit to remove or transfer an animal to the proper authorities (Clackamas County Animal Control) when it is for the protection of

the pet or when there is a threat to the health or safety of others. Entry will be made in accordance with the Public Housing Lease.

If valid complaints are received by the HACC concerning a pet causing a problem, and these complaints are verified, an eviction notice shall be given, in accordance with the Public Housing Lease and the Oregon Residential Landlord and Tenant Act. All tenants having a dispute about pet problems are eligible to use the HACC Grievance Procedure.

Tenants shall not take care of pets for other persons, shall not allow their guests to bring pets onto the project and shall not feed or provide water for stray animals.

The HACC may, if necessary, amend the Pet Policy and Pet Agreement to meet HUD regulations, State and Local laws and the concerns of the Housing Authority.

B. Service Animals Policy

1. General

Service animals are those animals that help a person to cope with a disability and to help a disabled person perform daily activities. This includes “assistance” animals such as seeing-eye dogs and hearing-ear dogs, and “comfort” or “companion” animals, required for emotional or psychological support.

It is up to the applicant or tenant to request approval for a service animal. To be eligible for a service animal, documentation of two things is necessary:

- (a)** That the applicant or tenant is a qualified individual with disabilities; and
- (b)** that there is a need for the service animal to help cope with the disability.

Usually, a doctor’s letter can cover both points.

A service animal registration form and a service animal agreement must be completed. This includes documentation of the inoculation against rabies (and any other legally required inoculations).

2. Exceptions

The following do not apply to service animals:

- (a)** Deposits;
 - (b)** weight limit;
 - (c)** restrictions in allowing animals in common areas (e.g., meeting and laundry rooms);
 - (d)** Proof of current license from Clackamas County; and
 - (e)** Proof of neutering or spaying
- 3.** The HACCC may, if necessary, amend the Service Animal Policy and Service Animal Agreement to meet HUD regulations, State and Local laws and the concerns of the Housing Authority.

XVII.

COMMUNITY SERVICE AND CONTINUED OCCUPANCY

A. General

In order to be eligible for continued occupancy, each adult family member must either: (1) contribute eight hours per month of community service (not including political activities); or (2) participate in an economic self-sufficiency program; or (3) perform eight hours per month of a combination of these two activities, unless they are exempt from this requirement. This will translate into an annual requirement of 96 hours. Once 96 hours have been completed and documented, tracking will no longer be required until the beginning of the next twelve-month period.

The lease shall specify that it will be renewed automatically, or continued on a month to month lease term basis, unless the family fails to comply with the service requirement. Violations of the service requirement is grounds for non-renewal of the lease at the end of the twelve month period that begins with the annual renewal date, but not for termination of tenancy during the course of the twelve month period.

B. Definitions

- 1. Community Service** -- The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.
- 2. Exempt Individual** -- An adult who:
 - (a)** Is 62 years or older;
 - (b)** Is a blind or disabled individual, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1) and who certifies that because of this disability she or he is unable to comply with the community service requirements provisions;
 - (c)** Is the primary care giver for someone who is blind or disabled as set forth in subsection 2.b., above;
 - (d)** Is engaged in work activities;

- (e) Meets the requirements for being exempted from having to engage in a work activity under the State program funded under Part A of title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program; or
- (f) Is a member of a family who is 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 State welfare program, including the welfare-to-work program, and who is in compliance with such a program.

The fact that a person with disabilities may be exempt from the community service work requirement does not preclude such a person from participating in this program. All exempt persons may still participate in the community service program. In these instances verification and documentation of work performed will not be required and noncompliance actions will not be followed.

3. **Economic Self-sufficiency Program** -- Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.
4. **Service Requirement** -- The obligation of each adult resident, other than an exempt individual, to perform community service or participate in an economic self-sufficiency program, as described in this Policy.
5. **Work Activity** -- Work activity is defined in section 407(d) of the Social Security Act [42 U.S.C. 607(d)]. It includes: unsubsidized employment; subsidized private sector employment; work experience, if sufficient private sector employment is not available; on-the-job training; job search and job readiness assistance; community service programs; vocational education training; 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; and the provision of child care services to an individual who is participating in a community service program.

C. Notification of the Requirements

The Housing Authority will identify all adult family members who are apparently not exempt from the community service requirement.

The Housing Authority shall notify the family of its determination, identifying the family members who are subject to the community service requirement and of the status of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The Housing Authority will verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after July 1, 2001. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

The notification will state that exempt persons with disabilities and all other exempt persons may still participate (see last paragraph of Section B.2.).

D. Qualifying Activities to Fulfill Community Service Requirement

The Housing Authority may coordinate with Clackamas County Social Services Division, local schools, other social services and volunteer agencies, as well as with Adult and Family Services in identifying a list of volunteer activities which will count towards fulfillment of the community service requirement. These parties may also be used to monitor and to certify the number of hours to be credited toward the community service requirement. Housing Authority staff and the Resident Associations may also be used in the development of this list as well as assisting in certifying and monitoring functions.

E. The Process

At the first annual reexamination effective on or after July 1, 2001, and each annual reexamination thereafter, the Housing Authority will do the following:

1. Provide to the family members a list of potential volunteer activities (this list will not be all-inclusive, but provided only as an aid to the family);
2. Provide information about who to contact and how to contact the appropriate person or agency for each volunteer activity;
3. Provide a time sheet or other method of service requirement documentation to the family member. Instructions for the documentation will require the

individual to complete the form and have a supervisor (or other overseer) date and sign for each period of volunteer activity;

4. The Occupancy Specialist or Resident Services staff person assigned to the family will be responsible for tracking the family member's progress. The assigned staff person will determine the frequency of contact between the family and the HACC.
5. At the beginning of each annual renewal process (generally 90-120 days prior to the recertification date) the family will be asked to provide documentation of the hours credited toward the community service requirement, for each nonexempted person.
6. At least thirty (30) days before the family's next lease anniversary date, the assigned staff person will determine if each applicable adult family member is in compliance with the community service requirement, and will determine if noncompliance action needs to be taken.

F. Notification of Noncompliance with Community Service Requirement

The Housing Authority will notify any family found to be in noncompliance of the following:

1. The identity of the family member(s) who has been determined to be in noncompliance, and the reason(s) for such determination;
2. That the determination is subject to the grievance procedure; and
3. That, the lease will not be renewed at the end of the twelve month lease term, or will be terminated, unless the family member(s):
 - (a) enters into an agreement with the Housing Authority to cure the noncompliance;
 - (b) documents that the community service requirement was met; or
 - (c) verifies that the noncompliant resident no longer lives in the unit.

G. Opportunity for Cure

Prior to the anniversary of the lease (the first twelve-month period), the Housing Authority will offer the family member(s) not in compliance the opportunity to enter into an agreement to cure the noncompliance. The agreement shall state that the family member(s) agrees to complete the additional hours of their service requirement needed to make up the current twelve month period commitment, in addition to the service requirement for the next twelve month term.

In essence, by the end of the second twelve month period, all families who were granted a first-twelve-month-period cure, by entering into a written agreement, must have completed the full two years of commitment (192 total hours) in order to continue in occupancy. If not, the Housing Authority must take action to terminate the tenancy.

If the family member has completed the service requirement in accordance with the agreement to cure, tenancy will be continued for an additional twelve month term, provided all other members of the family who are subject to the service requirement are currently complying with the service requirement or are no longer residing in the unit.

The HACC and its designees will assist the family member(s) in identifying qualifying activities and may track compliance on up to a monthly basis.

H. Prohibition Against Replacement of Housing Authority Employees

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

XVIII

REVIEWS AND GRIEVANCE HEARINGS

A. Informal Review for Applicants

1. An applicant may request an informal review if denied placement on the waiting list or if determined ineligible for admissions to the Public Housing program.
2. The HACC will give the applicant prompt written notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reason for the decision and will inform the applicant on how to obtain an informal review of the decision. The notice will further state that the family must request an informal review within ten calendar days from the date of the determination letter from the HACC. The request may be made either orally or in writing.
3. During the informal review, the HACC will consider oral and written material submitted by the applicant. The Housing Services Manager or his designee will conduct these reviews. The final decision, including a brief statement of the reasons for the final decision, will be sent by first class mail within ten working days of the completion of the informal review.
4. The denial and appeal provisions for denials based on ineligible immigration status are contained in Section XIII of this Policy.

B. Grievance Procedure for Tenants

1. Purpose and Scope

The purpose of this Grievance Procedure is to set forth the requirements, standards and criteria used by the HACC to assure that a HACC tenant is afforded an opportunity for a hearing if the tenant disputes within a reasonable time any HACC action or failure to act involving the tenant's Lease with the HACC or HACC regulations which adversely affect the individual tenant's rights, duties, welfare or status.

2. Applicability

- (a)** The HACC Grievance Procedure shall be applicable (except as provided in subsection 2.(b)) to all individual grievances as defined in subsection 3.(a).
- (b)** HUD has issued a due process determination for the State of Oregon and the HACC will exclude from its administrative grievance procedure any grievance concerning a termination of tenancy or eviction that involves:
 - (i)** Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the Housing Authority;
 - (ii)** Any violent or drug-related criminal activity on or off such premises; or
 - (iii)** Any criminal activity that resulted in felony conviction of a household member.
- (c)** The HACC grievance procedure shall not be applicable to disputes between tenants not involving the HACC or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the HACC's Board of Commissioners.

3. Definitions

- (a)** "Grievance" shall mean any dispute that a tenant may have with respect to HACC action or failure to act in accordance with the individual tenant's lease or HACC regulations, which adversely affect the individual tenant's rights, duties, welfare or status.
- (b)** "Complainant" shall mean any tenant whose grievance is presented to the HACC at, 13930 South Gain St., P. O. Box 1510, Oregon City, Oregon, 97045 in accordance with subsections 4. and 5. a.
- (c)** "Elements of Due Process" shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:
 - (i)** Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;

- (ii) Right of the tenant to be represented by counsel;
 - (iii) Opportunity for the tenant to refute the evidence presented by the HACC including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have; and
 - (iv) A decision on the merits.
- (d) "Hearing Officer" shall mean a person selected in accordance with subsection 5.(b) of this Section to hear grievances and render a decision with respect thereto.
- (e) "Tenant" shall mean an adult person (other than a live-in aide):
- (i) Who resides in the unit and who executed the lease with the HACC as lessee of the dwelling unit; or, if no such person now resides in the unit,
 - (ii) who resides in the unit and who is the remaining head of household of the tenant family residing in the dwelling unit.
- (f) "Resident Organization" includes a resident management corporation. The HACC has four existing resident associations: Clackamas Heights, Hillside Park, Oregon City View Manor, and Hillside Manor. These associations represent not only the residents of these individual complexes, but they also represent residents of the scattered site units.
- (g) "Due Process Determination" means a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit.

4. Informal Settlement of Grievances

Any grievance shall be personally presented, either orally or in writing, to the HACC office, 13930 South Gain St., P.O. Box 1510, Oregon City, OR 97045 so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within a reasonable time and one copy shall be given to the tenant and one retained in the HACC's tenant file. The summary shall specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons

therefore, and shall specify the procedures by which a hearing under subsection 5 may be obtained if the complainant is not satisfied.

5. Procedures to Obtain a Hearing

(a) Request for a Hearing

The complainant shall submit a written request for a hearing to the HACC within 10 days of the date of the summary of discussion pursuant to subsection 4. The written request shall specify the reasons for the grievance and the action or relief sought.

(b) Selection of a Hearing Officer

- (i)** A grievance hearing shall be conducted by an impartial person appointed by the HACC, other than a person who made or approved the HACC action under review or a subordinate of such person. One person will be selected as Hearing Officer to hear all grievances. At least one other person will be selected to be a back up Hearing Officer, to be used only in instances of conflicts of interest or if the primary Hearing Officer is unavailable to conduct the hearing in a timely manner.
- (ii)** The method for HACC appointment of a Hearing Officer is as follows:
 - a.** The HACC will solicit Letters of Interest from qualified individuals within the Portland Metropolitan area. Letters of Interest will be reviewed by the HACC's Lease and Grievance Committee to determine the most suitable applicants. The committee's recommendations will then be forwarded to the Executive Director. The Executive Director will review and rank the committee's recommendations.
 - b.** The HACC will submit the number one candidate, and the candidate recommended to be the back up Hearing Officer, to the Resident Organizations for their review. Any comments or recommendations submitted by the Resident Organizations shall be considered by the HACC before the appointment.

(c) Failure to Request a Hearing

If the complainant does not request a hearing in accordance with this paragraph, the HACC's disposition of the grievance under subsection 4 shall become final. Failure to request a hearing shall not constitute a waiver by the complainant of his right thereafter to contest the HACC's action in disposing of the complaint in an appropriate judicial proceeding.

(d) Hearing Prerequisite

All grievances shall be personally presented either orally or in writing pursuant to the informal procedure prescribed in subsection 4 as a condition precedent to a hearing under this subsection. If the complainant shall show good cause why he failed to proceed in accordance with subsection 4 to the Hearing Officer, the provisions of this subsection may be waived by the Hearing Officer.

(e) Escrow Deposit

Before a hearing is scheduled in any grievance involving the amount of rent as defined in Section III of the Public Housing Lease which the HACC claims is due, the Complainant shall pay to the HACC an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant shall thereafter deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the Hearing Officer. These requirements may be waived by the HACC in extenuating circumstances. The HACC has determined that all disputes concerning rent are extenuating circumstances. As a result, no rent will be required to be put into a formal escrow account. However, once a decision by the Hearing Officer is made, the entire amount of back rent is immediately due and payable. Failure to make payment shall not constitute a waiver of any right the complainant may have to contest the HACC's disposition of his grievance in any appropriate judicial proceeding.

(f) Scheduling of Hearings

Upon complainant's compliance with paragraphs a, d and e of this subsection 5, a hearing shall be promptly scheduled by the Hearing Officer for a time and place reasonably convenient to both the complainant and the HACC. A written notification specifying the time, place and the procedures governing the hearing lease shall be delivered to the complainant and the appropriate HACC official.

6. Procedures Governing the Hearing

- (a)** The hearing shall be held before a Hearing Officer.
- (b)** The complainant shall be afforded a fair hearing, which shall include:
 - (i)** The opportunity to examine before the grievance hearing any HACC documents, including records and regulations, that are directly relevant to the hearing. (For a grievance hearing concerning a termination of tenancy or eviction, see also Section XII of the Public Housing Lease). The tenant may request copies of all documents to be relied upon by the HACC, at no expense to the tenant. If the HACC does not make the document available for examination upon request by the complainant, the HACC may not rely on such document at the grievance hearing;
 - (ii)** The right to be represented by counsel or other person chosen as the tenant's representative, and to have such person make statements on the tenant's behalf;
 - (iii)** The right to a private hearing unless the complainant requests a public hearing;
 - (iv)** The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by the HACC or project management, and to confront and cross-examine all witnesses upon whose testimony or information the HACC or project management relies; and
 - (v)** A decision based solely and exclusively upon the facts presented at the hearing.
- (c)** The Hearing Officer may render a decision without proceeding with the hearing if the Hearing Officer determines that the issue has been previously decided in another proceeding.
- (d)** If the complainant or the HACC fails to appear at a scheduled hearing, the Hearing Officer 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 right to a hearing. Both the complainant and the HACC shall be notified of the determination by the Hearing Officer. A determination that the complainant has waived his right to a hearing shall not constitute a waiver of any right the complainant may have to

contest the HACC's disposition of the grievance in an appropriate judicial proceeding.

- (e) At the hearing, the complainant must first make a showing of an entitlement to the relief sought, and thereafter the HACC must sustain the burden of justifying the HACC action or failure to act against which the complaint is directed.
- (f) The hearing shall be conducted informally by the Hearing Officer and oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Hearing Officer shall require the HACC, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer 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.
- (g) The complainant or the HACC 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.
- (h) **Accommodation of Persons with Disabilities**
 - (i) The HACC must 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.
 - (ii) If the tenant is known to be visually impaired, any notice to the tenant that is required under this subsection must be in an accessible format.
 - (i) Where language is a barrier, the tenant shall have the right, upon request to the HACC, to have an interpreter provided at no expense to the tenant.

7. Decision of the Hearing Officer

- (a) The Hearing Officer shall prepare a written decision, together with the reasons therefor, within 30 days from the date of the hearing. A copy of the decision shall be sent to the complainant and the HACC. The HACC shall retain a copy of the decision in the tenant's file. A copy of such decision, with all names and identifying references deleted, shall

also be maintained on file by the HACC and made available for inspection by a prospective complainant, his representative, or the Hearing Officer.

- (b)** The decision of the Hearing Officer shall be binding on the HACC which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the HACC Board of Commissioners determines within a reasonable time, and promptly notifies the complainant of its determination that:
 - (i)** The grievance does not concern HACC action or failure to act in accordance with or involving the complainant's lease on HACC regulations, which adversely affect the complainant's rights, duties, welfare or status; or
 - (ii)** The decision of the Hearing Officer is contrary to applicable Federal, State or local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and the HACC.
- (c)** A decision by the Hearing officer or Board of Commissioners in favor of the HACC, or which denies the relief requested by the complainant in whole or in part, shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

8. Amendment

The provisions of this Grievance Procedure may be amended in the manner described in Section XIV of the Public Housing Lease.