

**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**STATEMENT OF ADMISSIONS AND CONTINUED  
OCCUPANCY POLICY FOR PUBLIC HOUSING FAMILY DEVELOPMENTS,  
SCATTERED SITES AND SENIOR PROPERTIES**

The following policy shall be known as Admission and Continued Occupancy Policy for Public Housing and shall apply to all HACLA owned and operated public housing properties covered by The United States Housing Act of 1937 (42 USC 1437).

**I. ELIGIBILITY FOR ADMISSION AND PROCESSING OF APPLICATIONS**

A. Nondiscrimination

1. It is the policy of the Housing Authority of the City of Los Angeles, hereinafter referred to as HACLA or the Authority, to comply fully with the following:

- Title VI of the Civil Rights Act of 1964;
- The Fair Housing Act;
- Executive Order 11063 on Equal Opportunity in Housing;
- Section 504 of the Rehabilitation Act of 1973;
- The Age Discrimination Act of 1975;
- The Americans with Disabilities Act; and
- The Violence Against Women Act (VAWA)

2. The Authority will comply with any legislation protecting the individual rights of applicants or staff, which may subsequently be enacted.

The Authority shall not discriminate because of race, color, sex, age, religion, national origin, ancestry, disability, handicap, sexual orientation, marital status, source of income, or familial status in the leasing, rental or other disposition of housing or related facilities (including land) included in any development or developments under its jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

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3. The Authority shall not on account of race, color, sex, age, religion, national origin, ancestry, disability, handicap, sexual orientation, marital status, source of income, or familial status:
  - Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;
  - Provide housing which is different than that provided others;
  - Subject a person to segregation or disparate treatment;
  - Restrict a person's access to any benefit enjoyed by others in connection with the public housing program;
  - Treat a person differently in determining eligibility or other requirements for admission;
  - Deny a person access to the same level of services; or
  - Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the public housing program.
4. The Authority shall not automatically deny admission to a particular group or category of otherwise eligible and qualified applicants (e.g., families with children born to unmarried parents, or families whose head or spouse is a student). Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.
5. The Authority will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, the Authority will make such physical or procedural changes as will reasonably accommodate people with disabilities.
6. The Authority records with respect to applications for admissions to any low-income housing assisted under the United States Housing of 1937, as amended, shall indicate for each application the date and time of receipt; the determination of the Authority as to eligibility or non-eligibility of the applicant; where eligible the unit size required; the preference rating, if

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any; and the date, location, identification, and circumstances of each vacancy offered and accepted or rejected.

7. The Authority shall not discriminate against an applicant or public housing resident on the basis of the rights or privileges provided under the VAWA (2005 Violence Against Women Act Pub L. 109-162 Stat 2960).

**B. Marketing**

1. It is the policy of the Authority to conduct outreach as needed to maintain an adequate application pool representative of the eligible population in the area.
2. Outreach efforts will take into consideration the level of vacancy in the Authority's units, unit availability through turnover, and waiting list characteristics.
3. The Authority will periodically assess these factors in order to determine the needs and scopes of the marketing effort.
4. In the event that additional applications are required to attain any of the objectives and preferences established in this statement, Authority will engage in an outreach effort directed towards those potential applicants who might fulfill that need. However, HACLA will avoid any outreach methods which are likely to result in the receipt of applications from large numbers of applicants whom it will be unable to serve within a reasonable period of time.

**C. Eligibility for Admission**

The Authority will consider for admission to its family developments all applicants who, at the time of admission, meet all of the following requirements and conditions:

1. The applicant's family income (as defined in Exhibit 201:1A) must not exceed the Income Limits for Occupancy (as stated in Exhibit 201:1B) approved by the U.S. Department of Housing and Urban Development (HUD). These income limits will be adjusted periodically. A copy of the current income limits is included in this statement as Exhibit 201:1B.
2. The applicant, or at least one member of the applicant's family, must be a citizen, or have eligible immigration status. Where

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some family members are not citizens, nationals or do not have eligible immigration status, assistance shall be subject to proration.

3. The applicant must satisfy in full any overdue accounts or indebtedness owned HACLA resulting from previous tenancies in any housing development or housing program administered or managed by the HACLA.
4. The applicant's previous lease with HACLA (if any) must not have been terminated for cause within the previous:
  - a) 24 months for a default in the payment of rent or charges;
  - b) 120 months for a termination due to drug related criminal activity or criminal activity including crimes of physical violence to persons or property, crimes that adversely affected the health, safety or welfare of other tenants, or termination for failing to report family income; or
  - c) 60 months for all other terminations

The applicant must not have had an application for housing with the HACLA denied within the last 12 months.

5. In accordance with HUD guidelines and California Penal Code 11105.3, in order to avoid admitting residents whose presence might be damaging to the health, safety and welfare of the residents, the HACLA will obtain criminal summary history information from State and/or Local law enforcement agencies, and the FBI on all prospective adult residents of public housing owned or operated by the HACLA for the purpose of determining resident eligibility. The HACLA will test all applicants against the following additional criteria:
  - a. Is there a history of criminal activity involving crimes of physical violence to persons or property or other criminal acts which might have an adverse effect on the health, safety and welfare of other residents?
  - b. Is there a history of any drug-related or violent criminal activity which would adversely affect the health, safety, well being or right of peaceful enjoyment of the premises by other residents or HACLA employees?
  - c. Is there a history of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful

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enjoyment of the premises by others?

Alcohol abuse shall only be evaluated as an aggravating factor in the context of a criminal conviction, as determined in Exhibit 201:1F hereof, or in the context of a prior housing eviction.

- d. Is any family member registered as a lifetime sex offender? Such individuals are ineligible for assisted housing for life; and
- e. Has any family member been convicted of producing or manufacturing methamphetamines on the premises of an assisted housing unit?

Such individuals are ineligible for assisted housing for life.

This information shall be used only for the purpose of determining eligibility.

- 6. In accordance with HUD guidelines and in order to avoid admitting residents whose presence might be damaging to the health, safety and welfare of the residents, the HACLA will evaluate all applicants against the following additional criteria (applicable to all adult members of the applicant's household):

- a. Is there evidence of a record of disturbing neighbors, destruction of property, or living and housekeeping habits at prior residences that might adversely affect the health, safety and welfare of other residents?

Applicants with prior evictions for nuisance and/or breach of lease agreement within the past three years will be denied admission.

- b. Does the applicant have a poor past performance in meeting financial obligations, especially rent? At a minimum, the applicant shall:

- (1). Have a consistent record of timely rent payments during the immediate three years prior to the evaluation.

Applicants who have had 2 or more evictions for

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non-payment of rent in the immediate three years prior to the evaluation will be denied admission.

- (2). Not have a consumer debt balance (excludes medical bills and student loans) such that the minimum monthly payments exceed 60% of the gross income of the household.
  - c. Does the family have the ability to maintain (or with assistance have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits, and whether such habits could adversely affect the health, safety, or welfare of other residents? and
  - d. Has a family member committed fraud in connection with any Federally assisted housing program, including the intentional misrepresentation of information related to their application or benefits derived therefore?
7. The applicant must provide the complete and accurate Social Security numbers assigned to the applicant and to each member of the applicant's household who is at least six years of age and the documentation to verify each Social Security number;

OR

If the applicant or any member of the applicant's household who is at least six years of age has not been assigned a Social Security number, execute a Certification that family member(s) have not been assigned a Social Security number.

8. The applicant, spouse, and each member of the applicant's household who is 18 years of age or older must sign and submit a Form HUD-9886, "Authorization for the Release of Information" and other release forms necessary for the Housing Authority to verify the family's income and other eligibility factors.

D. Application Procedure

1. Any applicant wishing to apply for admission must submit a written application to the HACLA Application Center. The

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application must be signed by the head of the household who must be at least 18 years of age or have minor status removed by marriage or previous court order, and may be completed and submitted to the HACLA Application Center.

2. All applications will be dated and time marked as received in their complete form.
3. All information received will be verified and all verification documents kept in the applicant file.
4. At the very least, the HACLA will verify the following:
  - a. Income Information, both earned and unearned income sources and amounts, for all household members.
  - b. Family size, composition and ages of family members.
  - c. Citizenship or eligible immigration status of the applicant and each member of the applicant's household.
  - d. Full-time students status.
  - e. The value of and income from all assets.
  - f. Any condition(s) which allow an applicant a preference or determines eligibility.
  - g. Assigned Social Security numbers for the applicant(s) and each member of the applicant's household who is at least six years of age.

**E. Removal of Applicant from the Waiting List**

1. Under any of the following conditions, applicants will be removed from the waiting list:
  - a. The applicant has already accepted an offer of public housing from the HACLA;
  - b. The applicant requests that their application be removed, such request must be in writing;
  - c. The applicant failed to respond to the HACLA's first class mail correspondence to confirm their continued interest in

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public housing during an update of the waiting list;

- d. The applicant has not responded to reasonable efforts to schedule an interview to complete the application or to provide clarification to information provided on their application; or
- e. The applicant failed to keep a scheduled interview or failed to respond to the HACLA regarding information that is necessary to process the application or to remain on the waiting list.

For these applicants, the HACLA will notify the applicant via first class mail that they have 10 working days to reschedule the interview or to provide the requested information. The applicant will be removed from the waiting list if they failed to respond within the period.

The HACLA will consider mitigating circumstances such as health problems or lack of transportation when determining to withdraw an application from the waiting list.

- 2. Under the following conditions an Applicant or Co-Applicant can be removed from the application:
  - a. If the individual being removed submits in writing to the Conventional Application Center that they would like their name removed from the application.
  - b. If the Applicant or Co-Applicant does not attend the scheduled interview.

F. Reinstatement to the Waiting List

HACLA will reinstate applicants who have been withdrawn from the waiting list based upon proof of mitigating circumstances such as health problems or lack of transportation to attend scheduled interviews.

G. Splitting of an Application

- 1. At any time before the interview, the Applicant and Co-applicant can split their application and their place(s) on the waiting list shall be appropriately adjusted.

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2. Under no circumstances will an application be split between either the Applicant or Co-applicant and any other household members.

H. Updating the Waiting List

The Authority shall have sole discretion in determining when to update the waiting list.

I. Suspension of Application Taking.

1. Any time the number of eligible applicants on the waiting list is such that there is no reasonable prospect that additional applicants could be housed within the next twelve months, the Executive Director may suspend the taking of further applications. Such suspension shall be publicly announced. When the decision is made to resume taking applications, that action shall also be publicly announced.
2. During periods of suspension, HACLA shall maintain a listing of the names and addresses of persons expressing a desire to apply for participation in the program.

This list is not for the purpose of establishing a date and time of application, but so that persons can be notified of the date upon which the application process will be resumed.

J. Determination of Eligibility and Notification of Applicants

Once HACLA staff have received and verified a complete and full application, the eligibility or ineligibility of the applicant will be determined.

Each applicant determined to be eligible will be promptly notified in writing of his/her eligibility and informed, if possible, of the approximate date he/she will be offered housing subject to suitability. A copy of this notification will be retained in the application file.

Each applicant determined to be ineligible will be promptly notified in writing by the Application Center Manager that he/she is ineligible. This notice shall advise the applicant:

1. Of the specific grounds for denial of the application;

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2. That he/she has a right to request an informal hearing;
3. That he/she may be assisted by Counsel and witnesses may offer testimony;
4. That the informal hearing is the sole remaining opportunity for the applicant to offer information or argument in support of why the action should not have been taken; and
5. That the request for an informal hearing must be received within 30 days of the date of the letter.

K. Local Preferences

1. Applicant families who qualify for a local preference shall have preference for admission.
2. Definition of a Local Preference
  - a. Preference shall be given to applicant families whose head or cohead is:
    - (1). working at least 20 hours per week at the State's minimum wage; or
    - (2). is attending an accredited institution of higher learning (college, trade school, vocational school) full-time, and the course of study is expected to lead to employment; or
    - (3). is working and attending an institution of higher learning, and the combined total is at least 20 hours per week; or
    - (4). otherwise equally income self-sufficient.
    - (5). Families whose family head and cohead, or whose sole member, are disabled or age 62 years of age and older will also receive this preference.
    - (6). HACLA may, during periods when the vacancy rate exceeds 10%, provide a first preference to homeless families who have been referred to the HACLA by homeless agencies that have entered

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into a written memorandum of understanding with the HACLA regarding placement of homeless families. Such families must be otherwise eligible and suitable for the public housing program.

For the purposes of this section, income shall mean the amount of money or its equivalent received during a period of time in exchange for labor or services, or the sale of goods or property, or as profit from financial investments.

- b. Second preference shall be given to families who have been displaced by public or private action within six months of application shall also receive this preference. Such families must be certified as displaced by a public or private agency that has an agreement with the HACLA regarding the displacement.
- c. Priority among each preference shall be given to families of veterans or servicemen of the United States armed forces.
- d. If two or more applicant families still share the same preference and priority rating for the same size unit, the date and time of the application shall determine the place on the waiting list.
- e. Exception for Disabled Applicants Whose Sole Disability Is Drug or Alcohol Related

Applicants whose *sole* disability is drug or alcohol dependent shall not be considered disabled for the purpose of determining preference. The provision in paragraph 2, e applies to these applicants.

- 3. Applicants may claim qualification of a local preference when they apply for admission to the program or thereafter until they are offered a unit.
- 4. Prior to executing a Rental Agreement, the applicant must provide the HACLA with verification that by the applicant's current status he/she qualifies for a local preference or priority.
- 5. Should the HACLA exhaust the pool of applications with local

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preferences, applications shall be accepted at any time from those families who claim a local preference.

6. No applicant shall be denied a local preference for which the family otherwise qualifies on the basis that the applicant already resides in assisted housing.
7. Prohibition of Preference If Applicant Was Evicted For Drug-Related Criminal Activity

The Housing Authority shall not give any preference to an applicant if any member of the family is a person who was evicted during the prior three years because of drug-related criminal activity from housing assisted under a 1937 Housing Act program. The Authority may give an admission preference in any of the following cases:

- a. If the HACLA determines that the evicted person has successfully completed a rehabilitation program approved by the HACLA;
  - b. If the HACLA determines that the evicted person clearly did not participate in or know about the drug-related criminal activity; or
  - c. If the HACLA determines that the evicted person no longer participates in any drug-related criminal activity.
8. Transfer of Residents

Transfer of a family within a HUD-aided, low rent development or transfer to such a development from any other HUD-aided, low-rent development operated by this Authority, when such family is eligible for continued occupancy in the dwelling to which it is transferred, is not for any purpose deemed to be an admission to the development and is not subject to the established preferences.

Required transfers shall have precedence over new admissions.

L. Income Targeting

Applications will be grouped as follows:

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1. Extremely Low Income Applicants

40% of *new* admissions annually to the low rent public housing program shall be to families with incomes which are 30% or below the City of Los Angeles area median income limits.

This is the *minimum* percentage of *new* admissions.

2. Very Low Income Applicants

40% of *new* admissions annually to the low rent public housing program shall be to families with incomes which are between 30.1 - 50% of the City of Los Angeles area median family income limits.

This is the *maximum* percentage of *new* admissions.

3. Low Income Applicants

20% of *new* admissions annually to the low rent public housing program shall be to families with incomes which are between 50.1 - 80% of the City of Los Angeles area median family income limits.

This is the *maximum* percentage of new admissions.

4. Fungibility

If the Section 8 program admissions of extremely low income families exceeds 75%, the public housing requirements for extremely low income family admissions can be reduced percentage point by percentage point up to a maximum of 10%. The reduced percentage shall be divided between the very low income and low income *new* admission percentages.

See Exhibit 201:1B for the income limits according to the number of family members.

M. Method of Applying Local Preferences/Income Targeting

1. The HACLA will rank the applications within each income tier.
2. In order to ensure the HACLA admits the statutory required percentage of extremely low income applicants, and to avoid

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concentration of families by income at any of the sites, a *minimum* of four out of ten applicants admitted will be families with extremely low incomes.

Families who qualify for the first local preference and have extremely low incomes will be offered housing first. Families who qualify for the second local preference and have extremely low incomes will be offered housing next. Families who do not qualify for a local preference and have extremely low incomes will be offered housing last.

3. In order to ensure the HACLA admits very low income applicants, and to avoid concentration of families by income at any of the sites, a *maximum* of four out of ten applicants admitted will be families with very low incomes.

Families who qualify for the first local preference and have very low incomes will be offered housing first. Families who qualify for the second local preference and have very low incomes will be offered housing next. Families who do not qualify for a local preference and have very low income will be offered housing at last.

4. In order to ensure the HACLA admits low income applicants, and to avoid concentration of families by income at any of the sites, a *maximum* of two out of ten applicants admitted will be families with low incomes.

Families who qualify for the first local preference and have low incomes will be offered housing first. Families who qualify for the second local preference and have low incomes will be offered housing next. Families who do not qualify for a local preference and have low incomes will be offered housing last.

5. Exception For Single Applicants and Disabled Applicants Whose Sole Disability is Drug or Alcohol Related

See H, 2, e and f of this subsection.

N. Deconcentration Policy

1. Prior to the beginning of each Fiscal Year, the Housing Authority will analyze the incomes of families residing in each of the developments, the income levels of the census tracts in which the developments are located, and the income levels of

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families on the waiting list.

2. Based on this analysis, the Housing Authority will determine the level of marketing strategies and which deconcentration incentives to implement.
3. The Housing Authority will affirmatively market its housing to all eligible income groups.

Applicants will not be steered to a particular site based solely on the family's income.

4. The deconcentration policy, and any incentives adopted in the future, will be applied in a consistent and non-discriminatory manner.
5. The Authority shall provide in its Annual Plan an analysis of Deconcentration and Income Mixing each fiscal year. The analysis will identify those sites whose average incomes are below 85% and above 115% the Authority's average income for covered properties. Incomes that are above 115% of the Authority's average but still below 30% of the area median income shall not be considered "higher income." The analysis shall provide explanations as to why sites are outside of the 85% - 115% range and strategies the Authority will implement to address if needed.
6. Strategy for Deconcentration
  - a. The Housing Authority will continue the employment self-sufficiency efforts for residents living in public housing to increase the incomes of these families.

The self-sufficiency programs include the Family Investment Center, Computer Learning Centers, Community Service Centers, and Resident Service Centers. The programs also include JOBS PLUS, resident owned businesses, after school tutoring programs, Force Account Construction, Welfare-to-Work, and units off the rent roll for a variety of service providers.

- b. The Housing Authority will utilize the local preferences and income targeting to admit families whose incomes exceed 30% of the City's median income.

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## O. Rent Ranges

1. The HACLA will, to the maximum extent feasible, maintain a resident body at each development that is composed of families with a broad range of incomes.
2. In order to maintain the basic objective of admitting families with a broad range of incomes representative of the incomes of low income families in the City of Los Angeles, and with rent-paying ability sufficient to achieve financial stability, the HACLA will conduct studies and maintain data concerning the income distribution of its residents, the applicants on its waiting lists, and the City of Los Angeles as a whole.
3. The HACLA shall seek to maintain a broad range of incomes through a marketing/outreach program to attract applications from a cross section of low-income families.

## P. Application Procedure; Offers of Housing

Subject to the factors affecting preferences set forth in subsections G, H, and I, each applicant shall be assigned his/her appropriate place on the waiting list in sequence based upon the time and date of receipt of a completed application and the suitable size and type of unit.

In accordance with HUD's Public Housing Occupancy Guidebook, the selection of applicants and assignment of units shall be as follows:

1. When an applicant reaches the top of the waiting list, the number of Conventional housing development locations that have available units of suitable size and type will be determined. If a suitable unit is available in:

Three or more locations, the applicant must be offered a suitable unit in the location with the highest number of vacancies. If the offer is rejected, the applicant must be offered a suitable unit in the location with the second highest number of vacancies.

If that offer is rejected, the applicant must be offered a suitable unit in the location with the third highest number of vacancies. If that offer is rejected, the applicant's name shall be dropped from the waiting list.

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Two locations, the applicant must be offered a suitable unit in the location with the higher number of vacancies. If the offer is rejected, the applicant must be offered a suitable unit at the other location. If the offer is rejected, the applicant's name shall be dropped from the waiting list.

One location, the applicant must be offered a suitable unit in the available location.

If the offer is rejected, the applicant must be offered the next suitable unit that becomes available, whether it is at the same location as the first offer or at another location. If the applicant rejects the second offer, the applicant's name shall be dropped from the waiting list.

2. An applicant will have 5 business days to accept an offer. If an applicant does not respond within the 5 business days to the request, it shall be deemed a refusal.
3. If an application is withdrawn due to the applicant's refusal to accept up to three offers of suitable housing the applicant is ineligible to be placed on the active waiting list unless a new application is made during an open application period.

An offer made, but not expressly accepted during the offering period, shall be deemed a refusal.

4. In carrying out the above plan, any applicant who is able to provide clear and convincing evidence that an offer was refused or deemed refused as a result of an undue hardship or handicap such as:
  - (a). Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities;
  - (b). The family demonstrates to the Housing Authority's satisfaction that accepting the offer will place a family member's life in jeopardy. The family should offer

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specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

- (c). A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each listed on the final application) or live-in aide necessary to take care of the principal household member.
- (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 30-day notice to move;
- (e). The unit has lead-based paint and the family includes children under the age of six;
- (f). Serving on a jury which has been sequestered; or
- (g). The unit offered to the applicant is not available for occupancy.

If good cause is verified, the refusal of the offer will not require that the applicant be dropped from the waiting list or otherwise affect the family's position on the waiting list. The family's application should remain at the top of the waiting list until the family receives an offer which they have no good cause refusal.

- 5. The Application Center Manager must maintain a record of the units offered to the applicants. The record must include location, date, circumstances of each offer, and each rejection or acceptance. The reason for any rejection must be documented.

**Q. Offers of Accessible Units or Units With Accessible Features**

- 1. Accessible units or units with accessibility features which are vacant and available for occupancy shall be offer to qualified applicants and residents who have requested and have

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verified a disability-related need for those units. Priority is determined as follows:

- a. A current resident family with a member with disabilities living at the same site;
  - b. A current resident family with a member with disabilities who lives at other sites; and
  - c. An applicant family with a member with disabilities who needs the accessibility features.
2. If there are no resident or applicant families with a member with disabilities interested or available, then the unit may be leased to an applicant or resident without a disability.
  3. The Rental Agreement for all residents will include a provision requiring the resident family with no member with disabilities to transfer to a non-accessible unit if a family with a member with disabilities subsequently requires the accessible unit.

## II. VERIFICATION HIERARCHY

The HACLA shall use the following four methods of verifying information.

### A. Up-Front Income Verification (UIV)

Upfront Verification is that method of verifying information from a governmental agency under a cooperative computer matching agreement. When and where available, HACLA shall first attempt to verify family members income, and any other available information, using this method.

### B. Third-Party Verification

Third party verification is that method by which information is verified by direct contact with someone other than the applicant or a member of the applicant's family. Third Party verification may be written or oral; however, written third party verification must be attempted before oral third party verification may be used. In the case where UIV is not available the HACLA will first attempt to utilize this method to verify information.

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C. Documentary Verification

1. Documentary Verification is that method of verification utilizing documents. This method requires that a HACLA staff member examine an original document, prepared by a third party, for the purposes of verifying information and concludes that the document is genuine, unaltered and complete with respect to that information.
2. Before requesting third party verification, and after reviewing the documents provided by the family, if it appears that the cost, both direct and indirect, of obtaining third party verification exceeds the potential economic benefits to the HACLA, Documentary Verification may be used in lieu of third party verification.
3. If the third-party verification is unavailable, or if the information is not subject to third party verification, HACLA must verify information by this method before accepting Self Certification by the family.

D. Self Certification

Self-Certification verification is that method whereby information is verified by the appropriate member of the family attesting to the truthfulness, accuracy and completeness of the information provided. This method of verification may only be used when all other forms of verification are not possible

Refer to the Housing Management Income Verification Guidebook for verification procedures.

**III. RENT DETERMINATIONS**

A. Rent Choice

Once a year, families will be offered a choice in the type of rent method their monthly tenant rent will be determined. The choices are between the Income Based method or Flat Rent.

The initial amount of the family's rent payment will be determined on the information verified during the application process, provided that information is not over 120 days old.

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In the event the 120-day limitation has been exceeded, the income and other information will be re-verified prior to calculation of the initial rent level. Income will be included according to the definitions included in Exhibit 201:1A.

Unless one of the provisions under II, D is applicable, the total tenant payment charged to a family (new move-in) by HACLA shall be the lowest of Income-Based Rent or Flat Rent, unless the family chooses otherwise.

- B. Income Based Formula shall be the highest of:
1. 10% of the total monthly income;
  2. 30% of the adjusted monthly income; or
  3. Minimum rent of \$0.
- C. Flat Rents
1. The Flat Rent is set based upon comparable rents in the private market. In determining the flat rents, factors include, but are not limited to: age of unit, location, size of unit, types of units, amenities, housing services, utilities, maintenance, and quality. Families paying flat rent do not receive the utility allowance deduction.
  2. In setting the Flat Rents, the HACLA may use information obtained from the Section 8 program or comparable rent data provided by an independent third party. The Flat Rent will be set to such a level so as to continue to encourage families to become economically self-sufficient.
  3. If there is a change in the family's economic situation between regular examinations that would make it a financial hardship for the family to continue to pay the Flat Rent, the family may request a special review and have their rent calculated in accordance with the Income Based method during the period of the hardship. Situations that would create a financial hardship include a loss of income or an increase in deductible expenses.

The period of hardship shall commence on the first of the month following the month the hardship was reported and continue until the earlier of the next scheduled annual review or

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until such time the rent calculated on the Income Based method equals or exceeds the Flat Rent.

4. Without affecting any other part of the annual review process, families who choose to pay the Flat Rent will only have their income reexamined once every three years.
5. Any changes to the Flat Rent schedule will be conducted through the Annual Plan process.

The Flat Rent schedule is found in Exhibit 201:1E.

D. Other Rental Amounts

1. Prorated rents are applicable for families where some family members are citizens or have eligible immigration status and some do not. The prorated rents are *more* than 30% of adjusted family income.

See Chapter 201:8 and the related Exhibits.

2. Rent adjustments due to reductions in welfare grant amount:
  - a. If a family's welfare grant is reduced because of a sanction for noncompliance with the CalWORKS self-sufficiency or work requirements or fraud, the HACLA shall not reduce the amount of tenant rent.

The total tenant payment shall be based on the eligible welfare grant amount received before the sanction reduction, and will be more than 30% of adjusted income.

- b. Families whose income increases *after* the sanctioned welfare reduction shall have the higher old welfare grant amounts (upon which the rent is calculated) reduced dollar for dollar of the *new* income source up to the grant reduction amount.
- c. If the family's welfare grant is reduced because of the expiration of the CalWORKS time limits or the resident's inability to locate employment after completing the requirements, the rent shall be based on the amount of welfare actually received. Section II, B would apply.

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3. Families who meet all of the requirements for the exclusion of incremental income under the Earned Income Disallowance (EID) for 12 months, and exclusion of 50% of the incremental income for an additional 12 months, will pay a rent which is less than 30% of adjusted income.

See Exhibit 201:1D for the provision details.

**E. Other Charges**

In accordance with the Rental Agreement, the Resident may be charged by the Management for delinquent rental payment, damages, and excess utility usage. Payment of these charges shall be in accordance with the Rental Agreement.

**F. Utility Reimbursement**

1. The family shall receive a utility reimbursement from the HACLA if the total tenant payment is less than the utility allowance.
2. The utility reimbursement amount is the difference of the total tenant payment and the utility allowance.

**G. Posting of Charges Payments**

Payments made for rent, excess utility usage, services, or other charges shall be posted in the following order:

1. Security deposit
2. Excess utility
3. Services
4. Other charges
5. Rent

It is the responsibility of the tenant to ensure that all charges are paid in full and on time.

Payments made that do not cover all charges and rent shall result in a late fee charged on the next rental statement.

**IV. OCCUPANCY STANDARDS**

- A. Each unit shall be used solely as a residence for the family as represented in the application and on the lease. The following standards will govern the number of bedrooms required to

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accommodate a family of a given size and composition:

Number of Bedrooms	Number of Persons Minimum	Number of Persons Maximum
0	1	1
1	1	2
2	2	4
3	4	6
4	6	8
5	8	12

- B. Families shall have the choice of the smaller or larger bedroom size for their family size. If the family enters into a lease for a smaller bedroom size the family will not be eligible to transfer to a larger bedroom size unless there is a change in the family composition.
- C. Single persons as defined in Exhibit 201:1A shall not be assigned units with more than one bedroom.
- D. Only bedrooms may be used as regular sleeping quarters.

When it is found that the size of the dwelling is no longer suitable for the family in accordance with these standards, the family shall be required to move as soon as a dwelling unit of the appropriate size becomes available, subject to a waiting list, if any. The family has a choice of unit size within the acceptable range.

A Manager may waive these occupancy limits when necessary to eliminate or reduce vacancies, or to house a family in urgent need. However, the reason for the waiver shall be documented in the applicant/resident file.

- E. If a family's composition has grown due to the addition of children thorough birth, adoption or court awarded custody, such that the family exceeds the occupancy guidelines for the largest unit available at a site, the family can be offered a split transfer into two units.

Each new family must have as its head at least one adult listed on the most recent lease (1 must be the original head of household) and each head of household must be legally capable of executing a lease.

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- F. Only 1 additional bedroom shall be provided for any Live-In Aide.
- G. Shared Custody

A dependent may not reside with more than one family at a time. The family that has the primary custody, the family with whom the dependent lives more than 50% of the time, shall be the dependent's family for the purpose of determining income, deductions, and the appropriate size of the apartment.

Additional guideline for shared custody is included in the Annual Income Guidebook.

**V. TRANSFERS**
**A. General**

1. The Authority does not transfer any family to any particular apartment, community, neighborhood or development because of race, color, sex, religion (creed), disability, familial status, national origin, ancestry, sexual orientation, marital status, source of income, or age.
2. The Authority will not transfer Residents except in accordance with this section and the Authority's *Public Housing Rental Agreement* ("Rental Agreement"). As used throughout this transfer policy, "Residence", "Resident" and "Household Member" shall have the same meaning as set forth in the *Rental Agreement*.
3. Site managers shall administer occupancy transfers in such a manner as to minimize vacancy loss, minimize the time families are over housed or under housed (as determined under the Authority's occupancy guidelines), and still provide housing opportunities for new admissions.
4. Transfers, whether to an Authority owned unit or to non-Authority owned accommodations, shall not be deemed to waive an existing breach of the Rental Agreement by the Resident; and the Authority may pursue, or continue to pursue, any legal action and remedy against the Resident as if no transfer had been made.

**B. Types of Transfers**

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There are two types of transfers, Emergency and Routine. Depending on the reasons for transfer, each transfer may also be:

1. Required or requested;
2. Compensable or noncompensable;
3. Temporary or permanent; or
4. Interdevelopmental (between developments owned or operated by HACLA) or intradevelopmental (within a development owned or operated by HACLA).
5. Interprogrammatic (from another HACLA administered housing program)

C. Emergency Transfers

1. An emergency transfer is a transfer determined at the sole discretion of the Executive Director, or his/her designee, to be required:
  - a. Due to the existence of one or more physical conditions of the Resident's dwelling unit, the building in which the dwelling is situated, or the grounds surrounding the dwelling, and which poses an imminent threat to the life, health, or the safety of the Resident or a Household Member;
  - b. To alleviate a doctor verified medical condition which is imminently life threatening or seriously impairs the health of the Resident or a Household Member (i.e. lead poisoning or amputation); or
  - c. To protect a Resident or a Household Member from a factually verifiable or documented threat of real and imminent criminal attack that is specifically directed towards that Resident, Household Member or other occupant of the Residence. In making such a determination, the Executive Director or designee may consider facts and circumstances including, but not limited to, recommendations by the District Attorney or a sworn peace officer with a rank equivalent to LAPD Detective II or higher attesting to the factual need for a transfer.

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2. Request and Approval of Emergency Transfers
  - a. Except as provide below, all emergency transfer requests made by or on behalf of a Resident and all law enforcement recommendations shall be made in writing and submitted to the Housing Management Department or Executive Director. Upon receipt of a request and all other required documentation, the Housing Management Department shall immediately forward the relevant paperwork to the Executive Director or his/her designee for a decision.
  - b. In cases of extreme emergency, verbal requests, verbal recommendations and the verbal rendering of facts may be made directly to the Executive Director or his/her designee by law enforcement upon which the Executive Director or his/her designee may act, provided that verbal assurances from law enforcement that all written documentation supporting the transfer will be submitted within 48 hours.
  
3. Emergency Transfer Options
  - a. The Authority shall have sole discretion in determining whether an emergency transfer shall be interdevelopmental, intradevelopmental, or to a temporary housing accommodation not owned and/or operated by the Authority; and whether the transfer is permanent or temporary.
  - b. If the Executive Director or his/her designee determines there are no appropriate dwelling units available for the Resident at the time of the emergency, the Authority may utilize a tenant-based Section 8 voucher for the purposes of providing alternative housing, if one is available.
  - c. Pending a determination of the availability of an Authority-owned and operated dwelling and/or a determination of a Resident's eligibility for an emergency transfer, the Executive Director or his/her designee may offer the Resident temporary non-Authority housing accommodations under an agreement with a third party. Such accommodations shall not

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exceed five business days unless otherwise extended in writing by the Executive Director. However, before non-Authority accommodations are offered the Resident must (i) be informed of the five business day limitation rule, (ii) informed of the possibility that an emergency transfer may be denied and, (iii) given a copy of these policies and procedures governing emergency transfers.

4. Moving, Compensation For Move and Storage
  - a. Except as provided below, the resident shall pay for the move.
  - b. When the Resident cannot afford to pay for the move at the time of the emergency (as determined by the Authority), the Authority, at its sole discretion, shall either:
    - (1). Provide moving services to the Resident; or
    - (2). Allow the Resident to secure their own moving services and reimburse the Resident for all actual and reasonable out of pocket expenses connected with the move.
  - c. If the Authority determines that the Resident, Household Member, or a guest of the Resident's family created or caused the emergency, the Resident shall reimburse the Authority for any and all costs connected with the move.
  - d. Where the Resident is provided temporary accommodations in accordance with subsection C(3)(c) above, the Authority shall pack, move and store (at a public storage facility) all the personal property located within the Residence. Additionally, the Authority shall be obligated to move the property to the Resident's permanent dwelling upon the Resident's request, provided the move is within the first thirty days of storing said property. Although, the storage contract shall be in the name of the Resident, the Authority shall advance all security deposits for the storage and pay for the first month's rental. The Resident shall be obligated to reimburse the Authority for the security deposit within thirty days of the initial move and shall be required to

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pay for any and all storage costs beyond the first month, unless the Authority and the Resident specifically agree in writing to the contrary. Failure of the Resident to request the moving of the Resident's personal property from the storage facility within the first 30 days of storage shall be deemed a waiver of the Authority's obligation to move said property from storage.

**D. Routine Transfers**

1. A routine transfer is any transfer other than an emergency transfer, and which the Rental Agreement and this policy authorize. Such transfers are those:
  - a. *Required* by the Authority to adjust unit occupancy in accordance with the Authority's Occupancy Guidelines;
  - b. *Required* due to an approved reasonable accommodation request;
  - c. *Required* by the Authority to alleviate documented social conflicts between the Resident's family and their neighbors;
  - d. *Required* by the Authority due to proposed demolition, repair, alteration, rehabilitation or modernization of the unit;
  - e. Otherwise required by law or determined by the Authority's Board of Commissioners as necessary or convenient in the management of the public housing program;
  - f. *Requested* by a Resident for employment reasons rationally related to the transfer and duly verified by the applicable Resident's or Household Member's employer;
  - g. *Requested* by a Resident for verified medical reasons other than those subject to the Authority's policies regarding reasonable accommodations;
  - h. *Requested* by the Resident to alleviate documented social conflicts between the Resident's family and their neighbors;

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- i. Requested by a participant family in another HACLA administered housing program, or
  - j. Otherwise Requested by a Resident for “good cause” other than those stated above.
2. Prerequisite for Resident requested routine transfers
- a. All Resident requested transfers shall be in writing and submitted to the site management office on a designated form. The Authority will accept all Resident requested routine transfer for placement on the appropriate transfer list. However, residents are not eligible for transfer during the initial term of a lease or while the Resident is under the threat of eviction or owes the HACLA money. The Director of Housing Services may waive the one year residency requirement to reduce vacancies.
  - b. Resident requested transfers to a Public Housing Scattered Site will only be accepted from families who have been in residence at one of the HACLA’s public housing family developments for a minimum of two years at the time the request for transfer is made.  
  
However, in order to avoid excessive vacancy loss, the Assistant Housing Services Director may apply a one-year requirement in lieu of a two-year requirement.  
  
The resident file must be documented as to the circumstances of the transfer approval.
3. Prerequisite for Interprogrammatic requested transfer
- b. Request for transfers into the public housing program from participants in another HACLA administered housing program shall require the following:
    - (1). Approval from the Director of Housing Services;
    - (2). In addition to the requirements under Section V G 2 a - d of this policy, all adult household members shall be required to undergo criminal background and credit checks required of new

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admissions; and

- (3). Units offered to interprogramatic transfers will be in accordance with the HACLA's procedures for new admissions as administered by the Application Center.
  - b. Request for interprogramatic transfers shall take precedence over all transfers except emergency transfers.
- 4. Routine Transfer Options
  - b. All *required* routine transfers may be interdevelopmental or intradevelopmental, as solely determined by the Authority.
  - c. All *requested* routine transfers must be interdevelopmental.
  - d. Unless agreed to by the Authority in writing and in advance, all routine transfers shall be permanent.
- 5. Compensation For Move
  - a. The following routine transfers shall be noncompensable:
    - (1) Those requested by the Resident;
    - (2) Those made to adjust occupancy;
    - (3) Those made to resolve social conflicts between residents;
    - (4) Those made to recapture an adaptable unit from a nondisabled family for use by a disabled family, or;
    - (5) Interprogramatic transfers.
  - b. Unless required by law, all other transfers shall be noncompensable, unless the Authority determines the resident can not afford to pay for the move. Where the Authority determines the Resident can not afford to pay

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for the move, the Authority shall have the choice of either:

- c. Provide moving services to the Resident; or
- d. Allow the Resident to move themselves and reimburse the Resident for all actual and reasonable out of pocket expenses connected with the move.
- e. If the Authority determines that the Resident, Household Member, or a guest of the Resident's family created, caused, or contributed to the Authority requiring the move, the Resident shall reimburse the Authority for any and all costs connected with the move.

**E. Emergency Transfer Placement**

Emergency transfers have priority over all other transfers. Those approved for an emergency transfer shall be concurrently offered three units, if available, of suitable bedroom size at three different developments. The developments containing the units offered, shall be those with the most vacancies that meet the family's bedroom requirements, except units within the development that the family currently occupies shall not be offered or counted as being offered. The family will have no more than three business days to inspect the units and accept an offer. Should the family fail to affirmatively accept one of the three offers, the Resident will be deemed to have rejected all offers and the Authority shall have no further obligation to offer additional units.

**F. Transfer List Priority and Placement**

- 1. Each development shall maintain a transfer waiting list for all non-emergency transfers. The Authority will order the list first by priority and then by date and time of placement on the list.
- 2. Except as required or limited by law, the priority of transfers shall be:
  - a. Those required as a result of demolition, repair, alteration, rehabilitation or modernization of units and then by those required to alleviate social conflicts.
  - b. Required transfers shall have priority over requested transfers.

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- c. Required transfers shall have precedence over new admissions.
  - 3. Required transfers shall be placed on the transfer list in order of the date and time that Management first determines the transfer is required.
  - 4. Resident requested transfers, which meet the prerequisite requirements, shall be placed on the transfer list in order of the date and time the Authority accepts the Resident's requests.
  - 5. The transfer list shall be current at all times for requested and required transfers, except transfers adjusting occupancy which the Authority shall update at the time of the annual review or recertification.
- G. Transfer Approvals
  - 1. Required Routine Transfers
 

When the Resident reaches the top of a site transfer list, a vacancy exists at the site, and the site manager at the site where the unit exists determines that the Authority will fill such vacancy by transfer, that site manager shall offer to transfer the Resident to the unit. Should the Resident refuse to transfer, the Authority will seek to terminate the Resident's tenancy in accordance with the *Rental Agreement*.
  - 2. Resident Requested Routine Transfers
 

When the Resident reaches the top of a site transfer list, a vacancy exists at the site, and the site manager where the unit exists determines that the Authority will fill such vacancy by a transfer, that site manager shall review the Resident's documented tenant history only over the immediately preceding twelve months. The site manager shall approve the transfer unless the Resident:

    - a. Or any Household Member has a record of creating a nuisance, disturbing any other resident or interfering with staff;
    - b. Currently owes back rent or other charges;

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- c. Has a poor payment record (a “poor payment record” means the Resident has failed to pay all rent on or before the fifth of each and every month or has failed to pay all charges when due); or
- d. Has failed a housekeeping inspection.

Should the site manager approve the transfer, the Authority will offer the Resident the unit. If the Resident accepts the offer, the Resident will be dropped from all transfer lists. Should the Resident refuse to accept the unit the Authority will skip over the Resident without affecting the Resident’s placement on the transfer list. However, if the Resident refuses a second offer made at that particular site, the Resident shall be dropped from that site’s transfer list.

If the site manager disapproves the transfer, the Authority will drop the Resident from that site’s transfer list. Within five (5) working days after disapproving the transfer, the Site manager shall notify the Resident in writing as to the reasons for the disapproval and the action taken. Additionally, such notice shall inform the Resident of their rights to grieve the manager’s decision in accordance with the Authority’s grievance policy.

#### H. Management Reporting

The site manager shall submit a copy of the site’s transfer list to the Housing Management Director or his or her designee by the 5th of month following each calendar quarter. Whenever the improperly housed population of a development exceeds (1) 2% for a Development of 1000 units or more, (2) 3% for a development of 600 - 999 units, or (3) 5% for a development containing less than 600 units, the Director of Housing Management or his or her designee, shall develop a work out plan with the site manager.

## VI. ADDITIONS/DELETIONS TO THE HOUSEHOLD COMPOSITIONS

### A. General

- 1. For the purpose of this section, Resident, Household Member, and Residence shall have the same meaning as set forth in the Authority’s *Public Housing Rental Agreement*.

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2. The Resident must obtain the written approval of the Authority before anyone other than those persons authorized under the terms of the Resident's *Public Housing Rental Agreement* may occupy the Residence.
  3. The Authority shall only approve the deletion of a Household Member or a Resident from the *Rental Agreement* in accordance with this policy.
  4. All requests by a Resident for a change in the family composition shall be:
    - a. Made in writing;
    - b. Submitted to the Management Office on a form designated for such purpose; and
    - c. Placed in the tenant file with all supporting documentation.
  5. At the time of any deletion or addition, all information, forms and signatures necessary to complete a redetermination of rent must be completed and placed in the tenant file.
- B. Deletions to the Family Composition
1. Within thirty days of a Household Member ceasing to reside within the Residence, a Resident shall report such occurrence to the Authority.
  1. When a Household Member moves from the Residence, the Resident shall provide to the Authority, when available, evidence that the Household Member resides elsewhere. Example: a rental agreement showing the new address where the Household Member may be found.
  2. No minor Household Member shall be deleted from the Rental Agreement unless the Resident gives the Authority a certified copy of a court order showing that someone other than the Resident or a Household Member has full custody and control of such minor.
  3. For all deletions of a Resident for reasons other than death, the Resident who is to be deleted must provide the Authority with written notice of their intent to permanently vacate and

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relinquish all their rights to occupy the rental dwelling.

C. Additions to the Family Composition

1. All additions to the family shall be as Household Members only.
2. The Authority shall not approve any additions to the family where such addition would cause the occupancy of the dwelling to exceed the Authority's occupancy standards.
3. The Authority must approve the addition of all minors to the family except newborns born to a Resident or a Household Member, an adoption by a Resident or a Household Member, or a court ordered custody of a minor. As used herein, a court ordered custody shall not include "foster care" placements.
4. As it pertains to the addition of minors, the Resident shall give the Authority in the appropriate case:
  - a. A certified copy of all court orders granting custody to the Resident or Household Member;
  - b. Certified proof of foster care placement with the Resident or Household Member;
  - c. A copy of the minor's birth certificate; or
  - d. Other proof of legal custody.
5. The Authority shall not approve any adult addition to the family who, if as part of an applicant family, would cause the Authority to deny the admission of that family to the Authority's public housing program. Specifically, without limitation, this shall require the processing of an application by the Authority's application center for the proposed addition that includes the passing of the Authority's criminal screening procedures.
6. No additions to the family shall be made once the family has been notified that they will be required to transfer to another specified unit.

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## D. Live-In Aides

It is the policy of the Housing Authority of the City of Los Angeles to allow a family to have a live-in aid(s) under the following conditions:

1. The person for whom the Live-In Aide is requested is:
  - a. Elderly (Age 62 or Older) or
  - b. Near Elderly (Age 50 – 61); or
  - c. Disabled
    - (1). Has a disability, as defined in 42 U.S.C. 423;
    - (2). Is determined, in accordance with HUD regulations, to have a physical, mental, or emotional impairment that:
      - (a). Is expected to be of long-continued and indefinite duration:
      - (b). Substantially impedes his or her ability to live independently; and
      - (c). Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
      - (d). Has a developmental disability.

The term “developmental disability” means a severe, chronic disability of an individual that:

- (i). is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii). is manifested before the individual attains age 22;
- (iii). is likely to continue indefinitely;

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- (iv). results in substantial functional limitations in 3 or more of the following areas of major life activity:
  - (1). Self-care.
  - (2). Receptive and expressive language.
  - (3). Learning.
  - (4). Mobility.
  - (5). Self-direction.
  - (6). Capacity for independent living.
  - (7). Economic self-sufficiency; and
  - (8). Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.
  
- d. Is none of the above, but is still an individual with handicaps as defined in 24 CFR 8.3.
  
- 2. Any individual that is proposed to become a live-in aide:
  - a. Must be determined to be essential to the care and well-being of the person(s);
  - b. Must not be obligated for the support of the person(s), (example: spouses, registered Domestic Partners, and minor dependants of family member); and
  - c. Would not be living in the unit except to provide the necessary supportive services, as determined from RE 36C & RE 36D.

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- d. Any individual that is proposed to become a live-in aide must pass that program's requirements as it pertains to criminal background checks. Any adult family member of a live-in-aide who will be residing in the unit, must also pass the program's screening requirements.
  - 3. The procedures used to verify the need of a live-in aide are found in MPP 201:1H
  - 4. For occupancy standards regarding live-in aides, see Section III (3) of this document.
- E. Family Break-up

In the event when the head and co-head break up, the individual entitled to the interest of the unit will be determined by the parties involved or legal settlement, if any.

**VII. THE DEATH OF THE RESIDENT AND STATUS OF THE REMAINING HOUSEHOLD MEMBERS**

- A. For the purposes of this section governing the status of the remaining Household Members, when the sole Resident dies, the terms "Resident", "Household Member" and "Residence" shall have the same meaning as set forth in the Authority's *Public Housing Rental Agreement*.
- B. When a Resident to a *Public Housing Rental Agreement* dies, there is no one else with a Resident status on the rental Agreement, and there is at least one adult Household Member in possession of the Residence, the Authority shall execute a new Public Housing Rental Agreement with the remaining family members, providing the remaining family members meet the then existing suitability admission requirements to the Authority's public housing program. Specifically, without limitation, this shall require the processing of an application by the Authority's application center and the passing of the Authority's criminal screening procedures by all remaining adult Household Members.
- C. Where the Resident to a *Public Housing Rental Agreement* dies leaving only minor Household Members in possession of the Residence, the Authority shall execute a new *Public Housing Rental Agreement* with any court appointed guardian of such minors, providing such guardian, and their family (if any), meet the then

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existing admission requirements to the Authority's public housing program. Specifically, without limitation, this shall require the processing of an application by the Authority's application center and the passing of the Authority's criminal screening procedures by all proposed adult occupants of the Residence.

**VIII. THE RESIDENT IS PERMANENTLY PLACED IN A NURSING/RETIREMENT HOME (BOARD & CARE) AND THE STATUS OF THE REMAINING HOUSEHOLD MEMBERS**

When a Resident to a Public Housing Rental Agreement is permanently placed in a Nursing/Retirement Home (Board & Care) and the Resident gives up his/her rights in writing, there is no one else with a Resident status on the rental Agreement, and there is at least one adult Household Member in possession of the Residence, the Authority shall execute a new Public Housing Rental Agreement with the remaining family members, providing the remaining family members meet the then existing admission requirements to the Authority's public housing program. Specifically, without limitation, this shall require the processing of an application by the Authority's application center and the passing of the Authority's criminal screening procedures by all remaining adult Household Members.

**IX. LEASING OF UNITS**

**A. General**

A Rental Agreement will be entered into by HACLA and every family that will be admitted to a low-rent housing unit. The head of the household and the co-head (if any) will be required to sign the Agreement on behalf of the family. The Agreement will be kept current at all times and must be compatible with the HACLA policy and California and Federal law.

**B. Security Deposits.**

A security deposit shall be paid to the HACLA by the family at the time of admission. This amount must be paid in full within 45 days of move-in. For new residents leasing January 1, 2008 or after, the following security deposits shall be required in Low-Rent Housing:

1. New Resident families shall be required to pay a security deposit equal to the greater of the monthly rent or \$50.
2. Once paid, the security deposit will not be decreased.

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3. The security deposit shall be transferred without offset between units when a family is transferred between HACLA owned units. The cost of any repairs and clean up to the unit from which the family was transferred shall be charged to the Resident as an "Other Charge" under the lease agreement.
4. Upon vacating a unit, other than a transfer between HACLA owned units, the security deposit shall be accounted for and returned in accordance with California State law.
5. For residents in occupancy the following security deposit provision shall apply:

Following a lease forfeiture, i.e., the HACLA has obtained judgment against the family, a resident may be reinstated at the discretion of the Assistant Housing Services Director, provided all arrearage for rent and charges have been paid. The resident will also be required to pay the difference, if any, to bring the security deposit to the maximum allowable level as provided in B 1, above prior to the execution of a new Rental Agreement.

6. When the family's Rental Agreement is terminated, voluntarily or involuntarily, the security deposit shall be returned to the resident if he/she gives at least 30 days notice in writing saying that he/she plans to move out.
7. The following will be withheld from the security deposit:
  - a. Any unpaid rent or other charges due HACLA;
  - b. Any charges for non-routine cleaning or for repairing or replacing damage or destruction caused by the resident;
  - c. Charges for new keys to replace those not returned;
  - d. Charges for stoves, refrigerators, or other HACLA property.

The charges being withheld from a security deposit shall be itemized in a letter to the former resident sent to the current or last known address.

8. The Director of Housing Management may waive the security

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deposit for new admissions to a development in order to reduce excess vacancies within that development. This waiver may apply to 1 or more developments at a particular time.

**X. PERIODIC REEXAMINATIONS****A. Annual Reexaminations**

In accordance with the Master Reexamination Schedule, the HACLA shall, at least once a year, reexamine the eligibility of all residents. Increases or decreases in the tenant rent as a result of regular reexaminations will be effective in accordance with the Master Reexamination Schedule.

**B. Special Reexaminations**

When it is not possible to estimate projected family income at the time of admission or annual reexamination, a temporary determination will be made with respect to income and a special reexamination will be scheduled. Special reexaminations will be scheduled every 30, 60, or 90 days until a reasonably accurate estimate of income can be made.

Situations that would trigger a Special Reexamination would be:

- a. When a family reports zero income or income less than \$200 a month, or
- b. When a family's financial condition is expected to change (example – if a family member is on temporary disability or is expected to be employed).

**C. Interim Reexaminations**

Any resident who has a decrease in annual income and who applies for a decrease in tenant rent shall be given an appropriate adjustment in conformance with the Rent Determination Procedures (Section III), and until the next annual reexamination must report all increases in his/her family's income. However, where reported increases in the family's income are so small that the cost of administratively processing the information in relationship to the anticipated increase in rent cannot be economically justified, no verification, processing or rent adjustment shall be made. For the purposes of this paragraph, a cumulative increase since the last adjustment, in family income of less than \$200.00 a month shall be deemed too small to justify processing.

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Exception: resident whose welfare grant is decreased because of non-compliance sanction with CalWORKS self-sufficiency or work requirements or fraud are not eligible for a rent reduction.

If the cumulative increase in income is more than \$200 a month, the rent will be recalculated accordingly, but it will “cap” at where the rent that was set at the family’s last annual reexamination, until their next regularly scheduled reexamination.

Exception: families who prior to the reduction had chosen the Flat Rent at their last annual reexamination. Their rent would not be “caped” in the case of an increase after a reported decrease.

D. Earned Income Disallowance (EID) Review

In households where the increased income of a family member(s) is being disregarded from the rent calculation, in accordance with HUD regulations, due to the EID, recalculation of the rent will depend on the tolling period for that member. Families who have members subject to the EID will be scheduled for 30, 60, or 90 day reviews as appropriate when a member’s EID tolling period has changed.

See Exhibit 201:1D

E. General Reexamination Procedures

1. Residency Rule

Beginning with the first annual reexaminations scheduled after October 2, 1995, all residents were required to:

- a. Submit evidence of citizenship or eligible immigration status of all family members; or
- b. Submit Certification that family members do not claim eligible immigration status or choose not to declare their immigration status.
- c. This requirement shall occur once during continuous occupancy, except new family members must also provide the Certification(s) before entering the household.
- d. The responsible adult must complete the Certification for new-born family members at the next annual or

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interim re-certification.

See Chapter 201:8 and the related Exhibits.

2. Disclosure of Assigned Social Security Numbers:

As a condition of continued eligibility, the resident must provide the complete and accurate Social Security numbers assigned to the resident and to each member of the resident's household who is at least six years of age and the documentation to verify each Social Security number; or

If the resident or any member of the resident's household who is at least six years of age has not been assigned a Social Security number, execute a Certification that family member(s) have not been assigned a Social Security number.

The Housing Authority will terminate the tenancy of any family who does not meet the applicable Social Security number disclosure, documentation, verification, and Certification requirements set forth above.

Additionally, if a resident's household adds a new member(s) who is at least six years of age, at the next reexamination (Annual, Special, or Interim) the resident must submit the required information for that new member.

3. Authorization for the Release of Information, Form HUD-9886 and Other Release Forms

As a condition of continued eligibility, the resident, spouse, and for each member of the resident's household who is 18 years of age or older must sign and submit a Form HUD-9886, "Authorization for the Release of Information", and other release forms necessary to determine the family's income and continued eligibility factors.

4. Annual Reexaminations

At the time of annual reexamination, the head of the household will be required to submit an Application for Continued Occupancy along with verification and documentation of income, family composition, assets, and employment.

Following receipt of this documentation, a determination of

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eligibility for continued occupancy will be made using the following criteria:

- a. The family must continue to qualify as a family as defined in CFR 24, Section 5.403, and outlined in Exhibit 201:1A.
- b. The family must be in compliance with the resident obligations and responsibilities detailed in the Rental Agreement.
- c. The family must be in compliance with the eligible immigration status requirements.
- d. The family must meet the applicable Social Security number disclosure, documentation, verification, and Certification requirements.
- e. The family must meet the authorization for the release of information requirements.
- f. As provided in Section IX of this policy, all non-exempt adult household members must be in compliance with the Community Service and Self-Sufficiency Requirement.

Non-exempt adult household members who are not in compliance must enter into a work-out plan with the Site Manager or vacate.

Residents shall be notified in writing of any changes affecting their rent. Changes in rent shall be effective in accordance with the Master Reexamination Schedule.

5. Interim Reexaminations

Changes in rent occasioned by an Interim Reexamination shall be effective as follows:

- a. A decrease in rent shall be made effective the first day of the month following the month in which the change in annual income was reported by the resident, providing the change has occurred.
- b. An increase in rent shall be made effective the first day

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of the second month following the month in which the increase in annual income occurred. The resident must be given a 30-day notice of rent increase.

F. Resident Misrepresentations

In accordance with the Rental Agreement, if a resident's misrepresentations at the time of admission, annual, special, or interim reexamination have caused a family to pay a lower rent than should have been paid, such residents will be notified in writing and required to pay the difference between the rent paid and that which should have been paid, retroactive to the date the change in rent would have been effective.

In addition to collecting retroactive rent, HACLA has the right to pursue additional actions and remedies under the law including terminating the Rental Agreement.

G. Failure to provide reexamination information at the proper time *may* result in termination of the Rental Agreement.

H. Family Disclosure of HUD Notice Concerning Family Income Discrepancies

1. The family must promptly furnish to the Housing Authority any letter from HUD concerning the amount or verification of family income.
2. The Housing Authority must verify the information received from HUD (Social Security and SSI only) and the family (all income) and make appropriate adjustments in the amount of family income and rent.
3. Failure to provide proper income information may result in termination of the Rental Agreement.

See Exhibit 201:1D for procedures.

**XI. COMMUNITY SERVICE AND SELF SUFFICIENCY REQUIREMENT**

This section establishes the policy for verification of resident compliance with the requirement for participation in community service or self-sufficiency programs.

A. Purpose

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1. The Housing Authority is required to adhere to the statutes and regulations established by the Congress of the United States and the Department of Housing and Urban Development.
  2. Effective January 1, 2001, as part of the Housing Reform Act of 1998, and in accordance with provisions, therein, all adult residents of HACLA public housing developments, who do not fall under any of the prescribed exemptions, are required to perform eight (8) hours a month of community service and/or self-sufficiency activities. (Title 24 of the Code of Federal Regulations, Part 960, subparts 600, 601, 603, and 605).
  3. Third-party verification of involvement in such activity is to be made available to the HACLA upon resident's annual review. Third party verification includes verification of adult residents exemption status.
- B. Applicability
1. This policy is applicable to all adult residents (head of household, spouse and household member age 18 years or older) of HACLA public housing sites, *except* for those household members who fall into one or more of the exempted categories listed in Section III, definition.
  2. The eight (8) hours may be made up of a combination of community service and/or self-sufficiency activities.
- C. 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 individuals:** Individuals exempt from this requirement include those adults who are:
    - a. 62 years of age or older;
    - b. Blind;
    - c. Disabled (as defined in Section III D);
    - d. Is the primary caregiver to someone 62 years or older, blind or disabled;
    - e. Is engaged in work activities (as defined in Section III

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- C);
  - f. Is exempt from the CalWORKS or other State of California’s Welfare-to-Work program, or
  - g. Is a participant in a Welfare-to-Work program and is in compliance with the requirements of such program.
3. Work Activity: Participation in one or more of the following activities constitutes work activity.
- a. Unsubsidized employment;
  - b. Subsidized private or public employment;
  - c. On the job training;
  - d. Job search;
  - e. Job readiness;
  - f. Community service programs;
  - g. Vocational education training;
  - h. Education directly related to employment for residents without a high school diploma or GED;
  - i. Satisfactory attendance at a secondary school, or
  - j. Provision of childcare services to a resident participating in a community service program.
4. Disabled: For the purpose of this requirement, “disability” means the “inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to last for a continuous period of not less than 12 months.” (42 USC 416(i)(1))
5. Economic self-sufficiency program: Any approved program designed to encourage, assist, train, or facilitate the economic independence of participants.
- D. Example of Acceptable Community Service Activities

HACLA non-exempt adult residents may satisfy this requirement by providing volunteer service to the following types of programs:

- 1. Youth programs: this may include preschool programs, child care, and after-school programs;
- 2. Local elementary school (i.e.: PTO/PTA, or other activities as needed);
- 3. Participation on Resident Advisory Council, Resident Management Corporations, Resident Advisory Board, or;
- 4. On-going volunteering with other community based non-profit organizations (may include faith-based institutions).

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**E. Example of Acceptable Self-Sufficiency Activities**

Adult HACLA residents may satisfy this requirement by participating in self-sufficiency activities such as:

1. Programs for job training or on-the-job training including apprenticeships;
2. Work Experience programs;
3. Employment counseling;
4. Work placement;
5. Basic skills training;
6. Education (such as those leading to a GED, other degrees or employment possibilities);
7. English proficiency;
8. Workfare;
9. Financial or household management, and
10. Any program necessary to ready a participant for work (including a substance abuse or mental health treatment program) or other work.

**F. Verification**

1. All adult residents of HACLA public housing sites must provide verification of either compliance with this requirement or exemption. Verification of compliance may include:
  - a. Completion of the appropriate HACLA form;
  - b. Copy of school enrollment confirmation;
  - c. Copy of most recent paycheck stub;
  - d. Copy of participation compliance with CalWORKS (welfare) or other welfare-to-work activities, or
  - e. Other third party verification.
2. Date of verification documentation must be at least 30 days before the date of the annual lease review.

**G. Execution of Revised Rental Agreement**

1. Beginning with reexaminations effective January 1, 2001, all residents are required to sign a revised Rental Agreement. The term of the lease will be 12 months.
2. One of the requirements for the Housing Authority to renew the Rental Agreement for another term of 12 months is to be in compliance with the community service requirements set forth

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in this Chapter.

H. Compliance Review

1. Beginning January 1, 2002, all adult residents of HACLA public housing sites will be required to provide documentation confirming compliance with or exemption from the community service provision within 30 days of the date of lease renewal.
2. The HACLA will provide each family a list of adult members of the household within 60 days prior to the annual lease renewal. The notice will indicate the status as to exemption from, compliance with, or need to comply with the community service regulation. The notice will also provide instructions as to how household members may come into compliance or claim exemption from this provision.
3. Non-exempt adult household member and the Resident will sign a written plan of action in concordance with the development management indicating how they will come into compliance. This is to include additional hours needed to make up for the hours not served while in non-compliance retroactive to the first annual reexamination after January 1, 2002.
4. If the HACLA determines that a family member is in non-compliance with this provision, the resident will be provided the following:
  - a. Notification of the non-compliance;
  - b. A statement that HACLA will not renew the lease at the end of the 12-month term unless the non-compliant adult performs according to the written agreement;
  - c. That the resident may request a grievance procedure to address the issue of non-renewal of the lease.
5. Refusal to develop and adhere to a plan of action will result in non-renewal of the lease.

**XII. RENTAL AGREEMENT TERMINATION AND EVICTION**

A. Notice of Rental Agreement Termination

Except for an eviction where pursuant to the Grievance Policy the

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resident is not entitled to a grievance hearing, no resident will be evicted without the HACLA first providing that resident with a written Notice of Rental Agreement Termination in which is stated the reason(s) for the termination and advising the resident of his/her right to request a hearing in writing in accordance with the Resident Grievance Procedure. Following delivery of the Notice of Rental Agreement Termination, the resident will be given an opportunity to present a written reply or explanation concerning the HACLA's reasons for terminating the lease.

Except as noted above, judicial eviction proceedings will not begin until the period specified in the Notice of Rental Agreement Termination has passed or the Grievance Procedure has been completed, whichever is appropriate.

**B. Eviction**

The HACLA shall give written notice of termination of the Rental Agreement only for good cause which includes, but is not limited to, serious or repeated interference with the rights of other residents, serious or repeated damages to the premises, creation or maintenance of a threat to the health or safety of other residents or HACLA's employees, non-payment of rent, or serious or repeated violations of the material terms of the Rental Agreement.

**XIII. DISASTER VICTIMS**

- A. In response to a disaster, HACLA may use available community area space or vacant units to meet the immediate shelter needs of those affected by the disaster, regardless of their eligibility for public housing. This does not constitute an admission.
- B. HACLA may use public housing units as temporary shelter only for the duration of the emergency.
- C. Such efforts should be coordinated with the Federal Emergency Management Agency (FEMA) or with state or local emergency organizations or with private relief organizations such as the Red Cross.
- D. The family is to be charged rent based on HUD regulations.
- E. For admissions purposes, disaster victims must be processed like any other applicant. The family must meet the eligibility requirements, undergo the required screening and verification process, and, if

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determined to be eligible, offered housing in accordance with existing policies and procedures.

- F. Applicants on the waiting list, whether disaster victims or not, shall have a priority for vacant, habitable units over disaster victims who are not qualified for public housing.