



HOUSING AUTHORITY OF THE CITY OF SAN BUENAVENTURA

PUBLIC HOUSING PROGRAM

2013 Proposed changes to the Admissions and Continued Occupancy Policy

*New policy and clarifications are highlighted in **yellow** and underlined

*Current policy removed using ~~striketrough~~

Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

NONDISCRIMINATION

Federal laws require the HACSB to treat all applicants and participants equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. The HACSB will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, 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
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Violence Against Women Reauthorization Act of ~~2005~~ **2013** (VAWA)
- When more than one civil rights law applies to a situation, the laws will be read and applied together.
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

HACSB Annual Plan FY 2014: §6.0(a) Revised Elements

Public Housing Admissions & Continued Occupancy Policy

Public Housing Admissions & Continued Occupancy Policy

HACSB shall not discriminate based on race, color, sex, religion, familial status, age, disability, national origin, marital status, ancestry, source of income, **actual or perceived** sexual orientation, **gender identity**, age or arbitrary physical characteristics.

Non-Discrimination

HACSB Policy

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Chapter 3

ELIGIBILITY

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.403 and HUD-50058 IB, p. 13]

The terms *family* and *household* have different meanings in the public housing program.

Family

To be eligible for admission, an applicant must qualify as a family. A family may be a single person or a group of persons. *Family* as defined by HUD includes **but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status,** a family with a child or children, two or more elderly or disabled persons living together, one or more elderly or disabled persons living with one or more live-in aides, or a single person. The PHA has the discretion to determine if any other group of persons qualifies as a family.

HACSB Policy

A family also includes two or more individuals who are not related by blood, ~~marriage~~, adoption, or other operation of law, but who either can demonstrate that they have lived together previously (1 year prior) or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.

Resources Used to Check Applicant Suitability [PH Occ GB, pp. 47-56]

PHAs have a variety of resources available to them for determination of the suitability of applicants. Generally, PHAs should reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

HACSB Policy

In order to determine the suitability of applicants the HACSB will examine applicant history for the past five years. Such background checks will include:

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Past Performance in Meeting Financial Obligations, Especially Rent

PHA and landlord references for the past five years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether the PHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. PHAs and landlords will be asked if they would rent to the applicant family again.

Utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit and whether the applicant can get utilities turned on in his/her name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant paid utility).

If an applicant has no rental payment history the HACSB will check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may. Applicants with no rental payment history will also be asked to provide the HACSB with personal references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. If previous landlords or the utility company do not respond to requests from the HACSB, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.)

Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development

PHA and landlord references for the past five years, gathering information on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances.

Police and court records within the past five years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction. A personal reference may be requested to complete a verification of the applicant's ability to care for the unit and avoid disturbing neighbors if no other documentation is available. In these cases, the applicant will also be required to complete a checklist documenting their ability to care for the unit and to avoid disturbing neighbors.

Home visits ~~may~~ **will** be used to determine the applicant's ability to care for the unit.

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

4-II.F. UPDATING THE WAITING LIST

HUD requires the PHA to establish policies to use when removing applicant names from the

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waiting list [24 CFR 960.202(a)(2)(iv)].

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the PHA's request for information or updates because of the family member's disability, the PHA must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

HACSB Policy

The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

To update the waiting list, HACSB will send **a letter** ~~an update request~~ via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for the program. This update request will be sent to the last address that HACSB has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

4-III.D. THE APPLICATION INTERVIEW

If the family is unable to attend a scheduled interview, the family should contact the HACSB in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the HACSB will send ~~another~~ **a second**-notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without HACSB approval will have their application ~~made inactive~~ **withdrawn from Public Housing wait list** based on the family's failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested and their application will be **withdrawn from Public Housing wait list**. ~~made inactive~~. Such failure to act on the part of the applicant prevents the HACSB from making an eligibility determination,

**Chapter 6
INCOME AND RENT DETERMINATIONS**

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

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HACSB Policy

In determining the value of a checking account, the HACSB may require up to six months of bank statements, but will use ~~the average of the starting and ending balance of the most current checking statement~~ balance.

In determining the value of a savings account, the HACSB may require up to six months of bank statements, but will use the current balance.

Circumstances in which HACSB may require more than one bank statement include:

- Unexplained deposits
- Zero income families at admission and all reexaminations
- In any circumstance where the HACSB has reason to believe that provided information is inaccurate or fraudulent.

In determining the anticipated income from an interest-bearing checking or savings account, the HACSB will multiply the value of the account by the current rate of interest paid on the account.

**Chapter 7
VERIFICATION**

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

Requirements for Acceptable Documents

HACSB Policy

Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 days of the date they are provided to the HACSB. The documents must not be damaged, altered or in any way illegible. Print-outs from web pages are considered original documents. The HACSB staff member who views the original document must make a photocopy, ~~annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy and~~ **with** date stamp.

**Chapter 8
LEASING AND INSPECTIONS.**

8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]

At the option of the PHA, the lease may require security deposits. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by the PHA.

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The PHA may allow for gradual accumulation of the security deposit by the family, or the family may be required to pay the security deposit in full prior to occupancy. Subject to applicable laws, interest earned on security deposits may be refunded to the tenant after vacating the unit, or used for tenant services or activities.

HACSB Policy

Residents must pay a security deposit to HACSB at the time of admission. The amount of the security deposit will be equal to the greater of \$200 or the family's total tenant payment at the time of move-in. If the family requests in writing, HACSB will allow the family to make up to three monthly payments in order to pay the security deposit in full. If so approved, the family must sign a payment agreement and make payments in a timely manner

HACSB will hold the security deposit for the period the family occupies the unit. The HACSB will not use the security deposit for rent or other charges while the resident is living in the unit. Within 21 days of move-out, HACSB will refund to the resident the amount of the security deposit (including interest earned on the security deposit), less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

HACSB will provide the resident with a written list of any charges against the security deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged, HACSB will provide a meeting to discuss the charges.

If the resident transfers to another unit, HACSB will not transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges due for the "old" unit, and a new security deposit will be required for the new unit.

**Chapter 9
REEXAMINATIONS**

9-I.B. SCHEDULING ANNUAL REEXAMINATIONS

The PHA must establish a policy to ensure that the annual reexamination for each family paying an income-based rent is completed within a 12 month period [24 CFR 960.257(a)(1)].

HACSB Policy

Generally, HACSB will schedule annual reexaminations to coincide with the family's anniversary date. The HACSB will begin the annual reexamination process approximately 90 days in advance of the scheduled effective date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family transfers to a new unit, the HACSB will not conduct an annual reexamination with the move/transfer.

HACSB may also schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

**Chapter 10
PETS**

Cleanliness

HACSB Policy

The pet owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in a waste basket. ~~provided by the HACSB.~~

**Chapter 16
PROGRAM ADMINISTRATION**

16-IV.B. PHAS INDICATORS [24 CFR 902 Subparts A, B, C, D, and E]

The table below lists each of the PHAS indicators, the points possible under each indicator, and a brief description of each indicator. A PHA's performance is based on a combination of all four indicators.

Indicator 1: Physical condition of the PHA's properties

Maximum Score: ~~30~~ 40

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

Indicator 2: Financial condition of a PHA

Maximum Score: ~~30~~ 25

- The objective of this indicator is to measure the financial condition of a PHA for the purpose of evaluating whether it has sufficient financial resources and is capable of managing those financial resources effectively to support the provision of housing that is decent, safe, sanitary, and in good repair.
- A PHA's financial condition is determined by measuring the PHA's entity-wide performance in each of the following components: current ratio, number of months expendable fund balance, tenant receivable outstanding, occupancy loss, expense management/utility consumption, and net income or loss divided by the expendable fund balance.

Indicator 3: Management operations of a PHA

Maximum Score: ~~30~~ 25

- The objective of this indicator is to measure certain key management operations and responsibilities of a PHA for the purpose of assessing the PHA's management operations capabilities.
- A PHA's management operations are assessed based on the following sub-indicators: vacant unit turnaround time, capital fund, work orders, PHA annual inspection of units and systems, security, and economic self-sufficiency.

Indicator 4: ~~Resident service and satisfaction~~ Capital Fund

Maximum Score: 10

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- The objective of this indicator is for PHAs to receive points for the timeliness of Fund Obligation. ~~to measure the level of resident satisfaction with living conditions at the PHA.~~
- The PHA's score for this indicator is based on occupancy rate as of the last day of the PHA's fiscal year as well as timeliness of fund obligation. ~~the results of resident surveys and the level of implementation and follow-up or corrective actions the PHA takes based on the results of the survey.~~