

ADMISSIONS & OCCUPANCY POLICY

FOR

THE HOUSING AUTHORITY OF THE CITY OF YORK

STATEMENT OF EQUAL ACCESS

The Housing Authority desires that all interested individuals receive equal access to the public housing program. In order to accomplish this objective, the Housing Authority will assist individuals in obtaining and understanding information concerning the benefits, requirements, and procedures of the public housing program.

No otherwise qualified individual shall be denied, solely by reason of a disability, the opportunity to apply to, or participate in any aspect of, the public housing program. The Housing Authority will make all reasonable accommodations necessary to achieve this objective, short of those which would fundamentally alter the public housing program or create undue financial or administrative burdens.

The Housing Authority's administrative office is accessible to mobility impaired individuals. Vision impaired individuals may request the assistance of a Housing Authority staff member in reviewing the benefits, requirements, and procedures of the public housing program, and hearing impaired individuals may call the Housing Authority at TDD (717) 846-9157 to request the same. An interpreter or interpretive services are provided to non-English speaking individuals who need assistance understanding the benefits, requirements, and procedures of the public housing program.

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I STATEMENT OF PURPOSE

A. **Purpose.** This Admission & Occupancy Policy ("Policy") is designed to enable the Housing Authority of the City of York ("Housing Authority") to:

1. Develop socially and financially sound public housing developments that provide decent housing, suitable living environments, and foster economic and social diversity in the tenant body as a whole;
2. Attain, to the maximum extent feasible, a tenant body composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families;
3. Establish objective and reasonable policies for the selection, and continued occupancy, of tenants; and
4. Preclude admission of applicants whose habits and practices may reasonably be expected to have a detrimental effect on the development tenants or neighborhood environment.

B. **Marketing Outreach.** The Housing Authority will conduct marketing outreach if necessary to achieve a representative income mix of lower income families and thereby attain a broad range of tenant incomes in its developments. If necessary outreach efforts will be designed to attract applicants from appropriate segments of the lower and very low income population. In determining the need for, and scope of, outreach efforts, the Housing Authority will take into consideration, among other factors, the level of vacancy in the Housing Authority's units, unit availability through turnover, and waiting list characteristics.

C. **Nondiscrimination.** The policies and procedures of the Housing Authority will comply with all applicable laws related to civil rights, including Title VI of the Civil Rights Act of 1964 (42 U.S.C. 20000d), the Fair Housing Act (42 U.S.C. 3601) Executive Order 11063 on Equal Opportunity in Housing, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101), Title II of the Americans with Disabilities Act (42 U.S.C. 12101), applicable Pennsylvania law, applicable local ordinances, and the fair housing objectives of the United States Department of Housing and Urban Development ("HUD").

The Housing Authority shall not discriminate because of race, sex, color, age, religion, disability, familial status, sexual orientation, or national origin in the rental, use or occupancy of housing or related facilities under its jurisdiction by:

1. Denying any person the opportunity to apply for such housing;
2. Denying any qualified applicant the opportunity to lease such housing;

3. Subjecting an applicant to segregation or disparate treatment;
4. Restricting an applicant's access to any benefit enjoyed by others in connection with the public housing program;
5. Denying an applicant access to the same level of services or housing; or
6. Denying an applicant the opportunity to participate in a planning or advisory group which is an integral part of the public housing program.

The Housing Authority shall treat each applicant in a particular group or category on an individual basis in the application processing procedure.

In accordance with Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Housing Authority will make such reasonable procedural, administrative, or physical adaptations as are necessary to reasonably accommodate individuals with disabilities, in accordance with Section 504 regulations.

D. Definitions. Terms and phrases used in this Policy have the meanings ascribed to them by HUD regulations, if HUD regulations define the particular term or phrase in question. Any term or phrase that is not defined in HUD regulations has its ordinary, logical meaning.

1. Where appropriate in light of the Continued Occupancy Assessment procedures of Section VI.B and the obligations imposed by the Continued Occupancy Requirements of Section VI.B.1, the term "applicant" shall mean "applicant or tenant," and the term "applicant family" shall mean "applicant family or tenant family."

II. APPLICATION PROCEDURE

A. Eligibility Requirements. The Housing Authority will admit as tenants, and permit to remain as tenants, only qualified persons who meet the following eligibility requirements:

1. The person, and his or her household, if applicable, qualifies as a family under HUD regulations;
2. Each member of the person's household who is at least six (6) years old has a Social Security number, or certifies that he or she possess eligible immigration status pursuant to the categories set forth in 24 C.F.R. §912.5(a)(2);
3. *The person, and the members of his or her household, owes the Housing Authority or any other subsidized housing program any outstanding*

monies, no matter where and the applicant vacated within 7 years prior to the interview date (Change effective 6/1/09);

4. The person, and his or her household, satisfies the Tenant Selection Criteria of Section III; and
5. The person, and members of his or her household, have not falsified or otherwise misrepresented any facts that have been, or would be, material to the eligibility criteria of any federally subsidized housing program in which the members of the applicant or tenant family participate, have participated or have attempted to participate. Persons who have falsified or otherwise misrepresented such facts within the past three (3) years, or whose falsification or misrepresentation has first become known within the past three (3) years, will be ineligible to reapply to the public housing program for three (3) years from the date the Housing Authority learns of the falsification or misrepresentation. This provision shall not be applied to minor errors in fact that produce no benefit to the person. However, if the falsified or misrepresented information pertains to a felony conviction of the person or a member of the person's household, or to criminal acts that would adversely affect the health, safety, or welfare of other tenants or neighbors, the person will be ineligible to reapply to the public housing program for five (5) years.

B. Form of Application. Every application must be completed and signed by the head of the applicant household and the spouse, if applicable. All adult members of an applicant family must sign appropriate required documents and releases so that the Housing Authority may obtain any necessary verifications. Applications will be accepted only for waiting lists that are open. Applications for open waiting lists must be accepted from anyone who wishes to apply. The Housing Authority will assist applicants who need help in completing the application.

C. Verification of Application Information. Information from each applicant must be verified, documented and reserved in the applicant's file. If the Housing Authority is unable to obtain third party verification, it may require the applicant to obtain and submit such verification to the Housing Authority. The Housing Authority will make a determination of whether application information has been satisfactorily verified.

1. Information may be obtained from, among other sources, the applicant, landlords, employers, credit checks, family social workers, parole officers, court records, drug treatment centers, clinics, physicians, agencies, police departments, family members, or other sources deemed appropriate by the Housing Authority.
2. Documentation may include notes or reports of interviews, letters, or telephone conversations with reliable sources. At a minimum, such

reports shall indicate the date, the source of information, including the name and title of the individual contacted, and a written summary of the information received.

D. Preliminary Notification of Applicant's Status. Based solely on the information in the application and any applicable verifications, the Housing Authority will review the application and notify the applicant of his or her eligibility status.

1. **Apparent Ineligibility.** Applicants determined to be apparently ineligible will be notified in writing of the reason(s) for apparent ineligibility, the applicant's right to request an informal meeting reviewing the adverse determination. Upon such a request, the Housing Authority will schedule an informal meeting within thirty (30) working days of its receipt of the request.

The informal meeting must be requested within ten (10) calendar days of the applicant's notification of apparent ineligibility. The informal meeting may be conducted by any person or persons designated by the Housing Authority, including the person who made the determination of apparent ineligibility. At the informal meeting, the applicant will be informed of the reason(s) for the determination of apparent ineligibility. The applicant may then present any information relevant to the Housing Authority's determination.

2. **Apparent Eligibility.** Applicants determined to be apparently eligible will be notified by the Housing Authority. In addition to being informed of his or her apparent eligibility, the applicant will be informed of:
 - a. The availability of preferences, and whether he or she apparently qualifies for a preference;
 - b. The approximate amount of time before public housing will be available should the applicant meet the Eligibility Requirements of Section II. A of this Policy. The Housing Authority will attempt to accurately estimate an approximate time of occupancy. However, provision of this estimated time by the Housing Authority does not mean that an applicant should expect to be housed within that period of time. The availability of a suitable unit is contingent upon factors not directly controlled by the Housing Authority, such as turnover rates, the availability of particular sizes and types of dwelling units, and changes in federal regulations; and
 - c. The applicant's responsibility to contact the Housing Authority within ten (10) calendar days any time there is a change in preference status, family composition, living arrangements,

mailing address, income, or other information material to the application.

The applicant will be placed on a waiting list based on the size and type of dwelling unit required by the applicant, the applicant's apparent satisfaction of the Eligibility Requirements (including the Tenant Selection Criteria), and the date of application.

E. Individuals with Disabilities. The Housing Authority will consider any information presented at any time tending to show that an applicant or a member of his or her household is an individual with disabilities. An individual with disabilities is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. The term "individual with disabilities" does not include an individual who is currently engaging in the illegal use of drugs, when the Housing Authority acts on the basis of such use. The term does include, however, a person who:

1. Has successfully completed a supervised drug rehabilitation program, and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;
2. Is participating in a supervised rehabilitation program, and is no longer engaging in such use; or
3. Is erroneously regarded as engaging in such use, but is not engaging in such use.

F. Reasonable Accommodation of Individuals with Disabilities. The Housing Authority will make reasonable accommodations which would eliminate barriers to housing for an applicant who is a qualified individual with disabilities. A qualified individual with disabilities is one who can otherwise satisfy the Eligibility Requirements of the public housing program with or without support services provided by persons other than Housing Authority staff. An accommodation is not reasonable if:

1. It would result in a fundamental alteration in the nature of the public housing program;
2. It would place an undue financial and administrative burden on the Housing Authority; or
3. The Housing Authority reasonably determines that the applicant poses a significant risk to the health or safety of others even with the accommodation.

G. Mitigating Circumstances and Rehabilitation. The Housing Authority will consider any information presented at any time concerning mitigating circumstances, and any evidence regarding rehabilitation of the applicant or the members of his or her family.

1. **Mitigating Circumstances.** The Housing Authority will reconsider an application, to the extent it deems proper, in light of circumstances that mitigate the applicant's conduct and/or failure to satisfy the Eligibility Requirements of Section II. Mitigating circumstances are verifiable facts which outweigh negative information possessed by the Housing Authority relative to an applicant and his or her prospect for compliance with the lease and program requirements. The Housing Authority may request any additional information needed to verify the mitigating circumstances claimed by an applicant. The burden of verification is on the applicant, and if the applicant fails to provide or grant access to verifying information, the Housing Authority will give no further consideration to the mitigating circumstances claimed by the applicant. The determination of mitigating circumstances shall be at the discretion of the Housing Authority.

a. If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the Housing Authority shall have the right to refer such information to persons qualified to evaluate the information and verify the mitigating circumstances. The Housing Authority shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

2. **Rehabilitation.** The Housing Authority will reconsider an application in light of evidence of rehabilitation of the applicant and/or his or her family members. The determination of rehabilitations shall be at the discretion of the Housing Authority. Evidence of rehabilitation means verifiable conditions over a substantial period of time that clearly and convincingly demonstrate improved behavior which outweighs negative information possessed by the Housing Authority regarding the past conduct of an applicant or a family member of an applicant, including, but not limited to, the applicant family's willingness to attempt to increase family income. Any applicant with a disability who cannot meet the Eligibility Requirements after the Housing Authority considers mitigating circumstances and the possibility of reasonable accommodation will remain ineligible.

H. Waiting Lists. Decisions with respect to the waiting lists will be based upon the number of applications available for a particular size or type of dwelling unit, applicable income ranges, the ability of the Housing Authority to house an applicant in an appropriate unit within a reasonable period of time, and the number of applicants who qualify for preferences. Actions with respect to closing a waiting list or restricting application intake by type of development, or by size or type of dwelling unit, will be publicly announced. In order to maintain a balanced applicant pool, the Housing Authority may, at its discretion.

1. Close a waiting list completely;
2. Close a waiting list during certain times of the year or for a particular length of time; and
3. Restrict application intake by type of development, size or type of dwelling unit, or income range.

I. Reasons for Ineligibility. At any point in the program or application process, applicants or tenants will become ineligible, and thus may be removed from the program or waiting list, for the following reasons:

1. The applicant requests removal from the waiting list;
2. The applicant fails to respond to the Housing Authority's correspondence or other reasonable efforts to contact the applicant. If correspondence is returned to the Housing Authority because the applicant is no longer at the last mailing address given to the Housing Authority, the applicant will be removed from the waiting list;
3. The Housing Authority has notified the applicant of its intention to remove the applicant's name because the applicant no longer qualifies for public housing;
4. The Housing Authority has made reasonable efforts to schedule interviews necessary to complete the application process or to obtain information necessary to process the application, and the applicant has failed to respond. The Housing Authority will consider documented mitigating circumstances in determining whether the applicant should be removed from the waiting list for this reason;
5. The applicant no longer meets the Eligibility Requirements of Section II.A:
 - a. The applicant, and his or her household, if applicable, no longer qualifies as a family under HUD regulations;

- b. A member of the applicant's household who is at least six (6) years old has failed to provide his or her Social Security number, or has failed to certify that he or she possess eligible immigration status pursuant to 24 C.F.R. § 912.5(a)(2). *Applicant adults without a Social Security Number and card will be given 90 days from the time it is requested of the applicant to provide the documentation to the Housing Authority (Change effective 6/1/09);*
 - c. *The person, and the members of his or her household, owes the Housing Authority or any other subsidized housing program any outstanding monies, no matter where and the applicant vacated within 7 years prior to the interview date (Change effective 6/1/09);*
 - d. The applicant, or members of his or her household, no longer satisfies the Tenant Selection Criteria of Section III; and
 - e. *A Single parent who has been given custody of children prior to housing offer will be given six (6) months for physical custody to occur (Change effective 6/1/09);*
 - f. The person, and members of his or her household, have falsified or otherwise misrepresented any facts that have been, or would be, material to the eligibility criteria of any federally subsidized housing program in which the members of the applicant family participate, have participated or have attempted to participate. Applicants who have falsified or otherwise misrepresented such facts within the past three (3) years, or whose falsification or misrepresentation has first become known within the past three (3) years will be ineligible to reapply to the public housing program for three (3) years from the date the Housing Authority learns of the falsification or misrepresentation. This provision shall not be applied to minor errors in fact that produce no benefit to the applicant. However, if the falsified or misrepresented information pertains to a felony conviction of the applicant or a member of the applicant's household, or to criminal acts that would adversely affect the health, safety, or welfare of other tenants or neighbors, the applicant will be ineligible to reapply to the public housing program for five (5) years.
6. Any of the following background research substantially indicates that the applicant will be unable to satisfy his or her obligations as a tenant in the public housing program:
- a. Credit checks;
 - b. Landlord references;

- c. Criminal checks; or
 - d. Other references pertaining to the applicant's ability to perform his or her obligations as a tenant in the public housing program.
7. The applicant's history substantially indicates that the applicant family will:
- a. Interfere with other persons in such a manner as to diminish their peaceful enjoyment of their dwelling units, common areas, or neighborhood by adversely affecting their health, safety, or welfare;
 - b. Fail to meet financial obligations, including but not limited to rent and utility payments, or otherwise adversely affect the financial stability of the public housing program;
 - c. Adversely affect the property or operations of the Housing Authority;
 - d. Violate the terms and conditions of the lease or the public housing program; and
 - e. Requires services from the Housing Authority that would fundamentally alter the nature of the public housing program.
8. The PHA determines or has reasonable cause to believe:
- a. An applicant is illegally using a controlled substance; or
 - b. The applicant illegally uses a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - c. An applicant who has been evicted from public housing within the past three years because of drug-related criminal activity, unless the applicant has completed a rehabilitation program; or
 - d. An applicant has a history of drug-related criminal activity without evidence of rehabilitation.
9. Where the denial of occupancy is based on a criminal record, a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record must be given to the applicant.

Applicants who are removed from a waiting list for any of the reasons cited in this subsection will be notified by the Housing Authority of the reason(s) for the removal, and of his or her right to request an informal hearing within ten (10) calendar days of receipt of the notice of removal, as described in Section II. L.2.

- J. Screening Interview.** As an application moves to the top of a waiting list, the Housing Authority will contact the applicant for the screening interview. The applicant will be instructed as to any information which must be provided during the screening interview. Failure of the applicant to provide the requested information will delay processing of the application, and may result in removal of the applicant from the waiting list if the information is not provided by date requested.

At the screening interview, the applicant may present any information pertaining the Housing Authority's determination of ineligibility, including but not limited to information concerning disability, mitigating circumstances, or rehabilitation of the applicant and/or the members of his or her family.

- K. Tenant Selection.** The Housing Authority will select tenants from among those applicants who have moved to the top of the waiting lists in accordance with the Tenant Selection Criteria of Section III. Tenant selection will be based upon the applicant successfully meeting the Eligibility Requirements enumerated in Section II.A of this Policy.

- L. Notification.** After it has applied the Tenant Selection Criteria to the application, the Housing Authority will notify an applicant whether he or she qualifies as a tenant.

1. **Eligible Applicants.** An applicant whom the Housing Authority has selected as a tenant will receive an offer of housing when an appropriate dwelling unit becomes available.
2. **Ineligible Applicants.** Applicants determined ineligible will be notified by the Housing Authority of the reason(s) for ineligibility, the applicant's right to inspect relevant documentation, the applicant's right to request an informal hearing reviewing the determination within ten (10) calendar days of notification of his or her ineligible status, and a description of the informal hearing process. The Housing Authority will schedule an informal hearing within fifteen (15) working days of receipt of such a request.

The informal hearing will be conducted by a Housing Authority employee who did not make the determination of ineligibility, and who is not directly involved in daily administration of the public housing program. At the informal hearing, the applicant will be informed of the reason(s) for

the determination of ineligibility and any information in support of that determination. The applicant may then present any information pertaining to the Housing Authority's determination of ineligibility, including but not limited to information concerning disability, mitigating circumstances, or rehabilitation of the applicant and/or the members of his or her family.

The Housing Authority will not provide an informal hearing to review discretionary administrative determinations, consider general policy issues or class grievances, or review determinations of the number of bedrooms necessary for an applicant.

- M. **Applicant Records.** Housing Authority records with respect to each applicant will indicate the date of the application; the Housing Authority's determination of eligibility or ineligibility and the reasons therefore whether the applicant holds a preference, the date, location, identification, and circumstances of each vacancy offered, and the date on which the vacancy was accepted or rejected.

III. TENANT SELECTION CRITERIA

- A. The Housing Authority will use each of the following Tenant Selection Criteria to select from among otherwise qualified applicants, and to determine eligibility for continued occupancy:
 1. **Annual Income.** An applicant must have an annual income at the time of admission to the public housing program which does not exceed the income limits for occupancy established by the United States Department of Housing and Urban Development, as revised from time to time.
 2. **Dwelling Capacity Standards.** The Housing Authority will determine the number of bedrooms required to properly accommodate an applicant family of a given size using the standards set forth below. However, the Housing Authority may waive these standards when necessary to achieve or maintain full occupancy of its dwelling units.

<u>Number of Bedrooms</u>	<u>Minimum Persons</u>	<u>Maximum Persons</u>
0	1	1
1	1	2
2	2	4
3	3	6
4	5	8
5	6	10

- a. Persons who are three (3) years of age or older will not be required to share a bedroom with persons of different generations, including parents;
- b. Persons who are four (4) years of age or older will not be required to share a bedroom with persons of the opposite sex, except for spouses and adult domestic partners;
- c. The living room will not regularly be used as a bedroom, except in the case of efficiency units; and
- d. A separate bedroom may be provided for an individual family member for medical reasons.

3. **Home Visits.** The Housing Authority will visit each otherwise qualified applicant at his or her current dwelling. The purpose of the home visit will be to gather information regarding the applicant. Housekeeping inspections will be a part of every home visit. The Housing Authority will provide an applicant with reasonable advance notice of a home visit, unless the applicant consents to a home visit without notice. If an applicant either refuses to permit or refuses to participate in a home visit, the applicant may be removed from the waiting list.

The Housing Authority may choose to waive the home visit if the applicant resides beyond a reasonable traveling distance from York County, resides in a shelter, facility or other dwelling in which the applicant is not solely responsible for housekeeping, is homeless, or the Housing Authority determines that the purposes of the home visit will not be served by conducting such a visit.

If the Housing Authority determines, as a result of the home visit or other information, that the applicant's housekeeping skills are deficient, it may require the applicant to complete a housekeeping training program. If the applicant satisfactorily completes the housekeeping training program, the Housing Authority will either deem the applicant a qualified housekeeper, or will conduct another home visit, which may be without notice. If an applicant determined to have deficient housekeeping skills refuses to participate in the housekeeping training program or fails to satisfactorily complete the housekeeping training program, that applicant will be removed from the waiting list.

4. **History of the Applicant.** The applicant's history must indicate that the applicant family will not:
 - a. Interfere with other persons in such a manner as to diminish their peaceful enjoyment of their dwelling units, common areas, or

neighborhood by adversely affecting their health, safety, or welfare;

- b. Fail to meet financial obligations, including, but not limited to, rent and utility payments, or otherwise adversely affect the financial stability of the public housing program;
- c. Adversely affect the property or operations of the Housing Authority;
- d. Violate the terms and conditions of the lease or the public housing program; or
- e. Require services from the Housing Authority that would fundamentally alter the nature of the public housing program.

5. **Sources of Information Regarding Applicant History.** Relevant information regarding the history of the applicant's conduct includes, but is not limited to:

- a. An applicant's past performance in meeting financial obligations, especially rent, utilities, rent burden, or other housing costs;
- b. A record of disturbing neighbors, destroying property, or maintaining living or housekeeping habits at current and prior residences which may adversely affect the health, safety, or welfare of other residents or neighbors. An applicant's behavior toward Housing Authority staff will be considered in relation to future behavior toward neighbors, including, but not limited to, physical or verbal abuse or threats by an applicant toward Housing Authority staff;
- c. A history of violent behavior, including, but not limited to, incidents of domestic violence;
- d. Involvement in criminal activity by any member of the applicant family, including, but not limited to, drug-related criminal activity, which would adversely affect the health, safety, or welfare of other residents;
- e. Ability and willingness to comply with the terms and conditions of the lease and the public housing program, without assistance or with reasonable accommodation. Evidence of ability and willingness includes, but is not limited to, whether the applicant has ever had a lease terminated involuntarily, and, in cases in which the applicant or the members of the applicant's household

have lived previously in subsidized housing, whether the applicant satisfied all applicable program requirements; and

f. Information from an applicant's current and prior landlords.

B. Admission Preferences. The Housing Authority will grant preferences for admission to an otherwise qualified applicant who meets the criteria described below, at the time of being offered a dwelling unit.

1. Notice to Applicants. The Housing Authority must inform an applicant about available preferences and must give the applicant an opportunity to claim that he or she qualifies for available preferences. An applicant may claim qualification for a preference by certifying to the Housing Authority that the applicant qualifies for the preference. The Housing Authority will accept this certification, until it verifies that the applicant is not qualified for the preference.

a. The Housing Authority must verify whether the applicant qualifies for a preference because of the applicant's current status. In accordance with Section II.C, the Housing Authority may require the applicant to provide the information necessary for verification.

b. Once the Housing Authority has verified an applicant's qualification for a preference, the Housing Authority need not verify such qualification again unless:

(1) The Housing Authority determines that re-verification is desirable because a long time has passed since verification, or

(2) The Housing Authority has reasonable grounds to believe that the applicant no longer qualifies for a preference.

c. If the Housing Authority determines that an applicant does not qualify for a preference claimed by the applicant, the Housing Authority will promptly give the applicant written notice of the determination. The notice will contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with a representative of the Housing Authority to review the determination.

2. Factors Other Than Preferences Affecting Tenant Selection. In addition to the Tenant Selection Criteria of Section III. A, the Housing Authority will apply the following factors:

- a. When selecting an applicant family for a dwelling unit with special accessibility features, the Housing Authority will grant priority to applicant families that include an individual with disabilities who will benefit from the dwelling unit's special features. If no such applicant family is identified, the Housing Authority will house an applicant family not needing the special accessibility features of the dwelling unit, subject to the transfer rules of Section V.B.2;
- b. When selecting an applicant family for a dwelling unit located in a mixed population development, the Housing Authority will grant an equally weighted priority to elderly or disabled applicant families;
- c. When selecting a single applicant for a unit in a mixed population development, the Housing Authority will grant priority to elderly, disabled, or displaced single applicants over all other singles; and
- d. Applicant admissions mandated by an order of court or of a federal agency will be granted priority.

3. **Local Preferences.** In addition to the Tenant Selection Criteria of Section III., A, and Section III., B., 2, the Housing Authority will give priority for admission to applicants meeting the following criteria:

- a. Otherwise eligible applicants who reside in York County, who reside outside of York County but are employed in York County, or who have been notified that they have been hired in York County;
- b. Otherwise eligible applicants from the income range for which the Housing Authority is furthest below its desired level of representation, as those levels of representation are established from time to time by the Housing Authority (attached as Appendix A), except that:
 - (1) not less than 40% of new families must have incomes at or below 30% of the area median income, as determined by the Secretary of the Department of Housing and Urban Development with adjustments for smaller and larger families; and,
 - (2) the Authority will strive to avoid a concentration of very low-income families in any one development.
- c. Otherwise eligible applicants who are not leaseholders in subsidized housing specifically designed and constructed under a

state or federally funded housing program, and as a result are obligated to pay 30% or less of their adjusted income toward housing;

- d. For up to twenty-five percent (25%) of new admissions within any fiscal year, otherwise eligible applicants certified as nearing the satisfactory completion of a transitional housing program and determined by the program's administrator as being ready for permanent housing; and
- e. *Preference for qualified individuals approved through the Nursing Home Transition Program and administered by the York County Area Agency on Aging for 10 efficiency apartments at Broad Park Manor (Change effective 6/1/09.)*
- f. *Up to 10 families (otherwise eligible for the public housing program) per year may be given preference if they are involuntarily displaced by a local disaster as declared by federal or state government, or, by a government action that is part of a government approved redevelopment plan. (Change effective 1/1/09)*

IV. DETERMINATION OF TENANT PAYMENTS

A. **Method of Determining Tenant Rental Payments.** The following criteria will be used to determine the amount of the tenant rental payment:

- 1. A family must pay the greater of (rounded to the nearest dollar):
 - a. Thirty (30) percent of monthly adjusted income ("family income"), determined in accordance with this Section;
 - b. Ten (10) percent of monthly income, determined in accordance with this Section;
 - c. The portion of welfare assistance specifically designated by the public welfare agency to meet the tenant's housing costs; or
 - d. A minimum rent adopted by the Board of Commissioners pursuant to federal regulations.
- 2. **Flat Rent.** *The rent for which the dwelling would be rented if the dwelling were not public housing. In determining the flat rent the YHA considers location, quality, size, type, age amenities, maintenance and utilities provided for the dwelling. Flat rents remain the same for three years. Flat rent can only be selected at the time of admission or the Annual Re-*

examination. 25CFR960.253(f).

- a. Flat Rents are market-based rents;*
- b. Flat rents vary by apartment size and type and also by development location;*
- c. Flat rents do not have a utility allowance;*
- d. The Housing Authority will take the following information into account in developing its flat rent schedule:*
 - (1) Rents of non-assisted rental units in the immediate neighborhood;*
 - (2) Whether utilities are resident-paid or project paid;*
 - (3) Size of HA's units compared to non-assisted rental units from the neighborhood;*
 - (4) Age, type of apartment and condition of HA's units compared to non-assisted rental units from the neighborhood;*
 - (5) Land use in the surrounding neighborhood;*
 - (6) Amenities (childcare, laundry facilities, playgrounds, community rooms, social services education/job training programs, etc.) at HA's properties and in the surrounding neighborhood;*
 - (7) Crime in HA's developments and the surrounding neighborhood;*
 - (8) Quality of local schools serving each HA development; and*
 - (9) Availability of accessible units for person with mobility impairments*
- e. Update of Flat Rents:*
 - (1) HA shall review the Flat Rent structure and adjust the rents as needed;*

- (2) *Flat rents may either be increased or decreased based on the market rents as described above; and*
- (3) *When a resident chooses Flat rent, the rent shall be adjusted only at the next Annual Re-Examination.*

f. Choice of Rent:

- (1) *Once a year at the time of the Annual Re-Examination each lease holder(s) is offered a choice between paying the income-based rent and the Flat rent applicable to the unit they occupy;*
- (2) *Tenants upon move-in may choose between paying the income-based rent and the Flat rent applicable to the unit they will be housed in; and*
- (3) *Because of the way the Federal law is written, choice of Flat rent may only be offered at admission and annual re-examination;*

g. Recertification of Families on Flat Rents: Families paying flat rents are required to recertify income only every three years, although they are still required to participate in an Annual Re-examination in order to ensure that the apartment size is still appropriate and Community Service requirements (if applicable) are met, 24CFR960.253(f)

h. Hardship Reduction in Flat Rents:

- (1) *If a resident who opted for Flat Rent experiences a decrease in income, Management will perform an Interim Reexamination of Income;*
- (2) *If the reduction in income will last more than 35 consecutive days, Management will reduce rent to the income-based rent, based on verified income information.*

B. Other Tenant Charges.

1. **Tenant Utility Charges.** Whenever a tenant exceeds the allowable rate of utility consumption, as determined by the Housing Authority, the Housing Authority will apply one of the following provisions:

- a. **Excess Utility Charges in Individually Metered Dwelling Units.**
In developments where dwelling units are individually metered for

utilities, the Housing Authority will bill the tenant for utility consumption in excess of the allowable rate of utility consumption. Payment of excess utility charges is a tenant obligation, and failure to pay such charges is grounds for termination of the tenant's lease; or

- b. **Excess Utility Charges in Dwelling Units that are not Individually Metered.** In developments where dwelling units are not individually metered for utilities, the Housing Authority will bill the tenant a monthly sum for certain tenant-installed appliances, as set forth in the Housing Authority's Maintenance Charge List. Payment of excess utility charges is a tenant obligation, and failure to pay such charges is grounds for termination of the tenant's lease.

2. **Tenant Maintenance Charges.** A tenant will be charged a predetermined sum for the cost of repairing the tenant's dwelling unit, as set forth in the Housing Authority's Maintenance Charge List. Payment of maintenance charges is a tenant obligation, and failure to pay such charges is grounds for termination of the tenant's lease.

- a. **Repairs Necessitated by Vandalism.** The tenant is required to comply with the Housing Authority's vandalism policy. Tenant charges relating to repairs due to vandalism will be assessed on a case-by-case basis dependent on individual circumstances surrounding each case, in accordance with the vandalism policy. Payment of maintenance charges necessitated by failure to follow the vandalism policy is a tenant obligation, and failure to pay such charges is grounds for termination of the tenant's lease.

C. Determination of Income and Amount of Tenant Payments.

1. **Monthly Income.** "Monthly Income" means one twelfth of a tenant family's annual income.
 - a. Annual Income. "Annual Income" means all amounts, monetary or not, which:
 - (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
 - (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

- (3) Which are not specifically excluded in paragraph c. of this section.
 - (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.
- b. Annual income includes but is not limited to:
- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
 - (2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness will not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
 - (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in Section IV, C.1.b.(2). Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where net family assets exceed \$5,000.00, annual income will include the greater of the actual income derived from the net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.
 - (a) Net family assets. "Net Family Assets" means the net cash value of a family's assets, after deducting the reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment (excluding equity accounts in HUD homeownership programs,

and the value of necessary items of personal property such as furniture and automobiles).

- (i) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
 - (ii) In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.
- (4) The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment;
 - (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;
 - (6) Any welfare assistance payments. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare agency in accordance with the actual cost of shelter and utilities, the amount of such a payment will be included as income as follows:

- (a) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - (b) The maximum amount that the welfare agency could in fact allow the family for shelter and utilities.
- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts, in cash or in kind, received by any family member or by another on behalf of any family member, from persons not residing in the dwelling unit;
 - (8) All regular pay, special pay and allowances of a member of the family who is in the Armed Forces, excluding hazardous duty pay; and
 - (9) Any earned income tax credit to the extent it exceeds income tax liability.
- c. **Not Annual Income.** Annual income does not include any of the following:
- (1) Income from the employment of minor children or foster children;
 - (2) Payments received for the care of foster children or foster adults;
 - (3) Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health, and accident insurance and worker's compensation), capital gains and settlement for personal property losses;
 - (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of the medical expenses of any family member;
 - (5) The income of a live-in aide. "Live-In Aide" means a person who resides with an elderly or disabled person, and is determined by the Housing Authority to be:
 - (a) Essential to the care and well-being of the person;
 - (b) Not obligated to support the person; and

- (c) Living in the dwelling unit because he or she provides necessary support services.
 - (6) The full amount of student financial assistance paid directly to the student or to the educational institution;
 - (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
 - (8) Amounts received under training programs funded by HUD;
 - (9) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income and benefits because they are set aside for use under a Plan to Attain Self Sufficiency (PASS);
 - (10) Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and made solely to allow participation in a specific program;
 - (11) Temporary, non-recurring or sporadic income, including gifts;
 - (12) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
 - (13) Earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period.
- (a) For purposes of this paragraph, the following definitions apply:
 - (i) *Comparable Federal, State or local law* means a program providing employment training and supportive services that --

- (a) Is authorized by a Federal, State or local law;
- (b) Is funded by the Federal, State or local government;
- (c) Is operated or administered by a public agency; and
- (d) Has as its objective to assist participants in acquiring employment skills.

(ii) *Exclusion period* means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.

(iii) *Earnings and benefits* means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

(14) A resident service stipend. A resident service stipend is a modest amount not to exceed \$200.00 per month received by a resident for performing a service for the Housing Authority, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one stipend during the same period of time;

(15) Incremental earnings and benefits resulting to any family member from State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must

be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance;

- (16) Earnings in excess of \$480.00 for each full-time student eighteen (18) years or older (excluding the head of household and spouse);
- (17) Adoption assistance payments in excess of \$480.00 per adopted child;
- (18) Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
- (19) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit; and
- (20) Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
- (21) Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937, as identified on a list published and updated by HUD in the Federal Register.

2. **Monthly Adjusted Income.** "Monthly Adjusted Income" means one twelfth (1/12) of the tenant family's annual adjusted income. Monthly adjusted income is also referred to as "family income."

a. **Annual Adjusted Income.** "Annual Adjusted Income" is annual income as defined in Section IV.C.1.a, minus the following deductions and exemptions:

- (1) \$480.00 for each dependent in the tenant family. *50% of court ordered child support paid for children outside the home (Change effective 10/1/08);*
- (2) \$400.00 for any elderly or disabled family;

- (3) Handicapped Assistance Payments. For a non-elderly or disabled family that has disabled family member other than the head of household or spouse, reasonable anticipated expenses unreimbursed by persons or agencies outside of the family which are for attendant care and auxiliary apparatus necessary to enable a family member to be employed, to the extent such reasonable anticipated expenses exceed three (3) percent of annual income and do not exceed the employment income received by non-minor family members as a result of this assistance of the disabled person;
- (4) For an elderly or disabled family with no disability assistance expenses, an allowance for medical expenses that are unreimbursed by insurance equal to the amount by which the medical expenses exceed three (3) percent of annual income;
- (5) For an elderly family that has disability assistance expenses greater than or equal to three (3) percent of annual income, an allowance for disability assistance expenses determined in accordance with Section IV.C.2.a.(3), plus an allowance for medical expenses which is equal to the family's medical expenses that are unreimbursed by insurance;
- (6) For an elderly family or disabled that has disability assistance expenses that are less than three (3) percent of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three (3) percent of annual income; and
- (7) Unreimbursed child care expenses (see Child Care Expenses definition), determined to be reasonable by the Housing Authority, anticipated to be paid by the family for the care of children under thirteen (13) years of age, where child care is necessary to enable a family member to be gainfully employed or to further his or her education. Where child care is necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. *Child care expenses for children over the age of 13 when the head of household works a 2nd or 3rd shift and there is no other responsible adult in the household. (Change effective 10/1/08)*

- (8) *Earned Income Deduction - Deduct five (5) percent (%) of all gross earned income that has not been excluded. This reflects unavailable earnings, such as Social Security taxes, State and Local income taxes that are withheld in payroll deductions or paid directly by the employee (Change effective 6/1/07).*

D. Annual Re-examination Procedures. The Housing Authority will re-examine at least annually a tenant family's status regarding employment, income, size, and such other information as it deems necessary to determine the amount of the tenant family's rental payment and continuing eligibility.

At the time of re-examination, all adult members of the household are required to sign an Application for Continued Occupancy and other required HUD forms. Information will be verified, determinations made, and notice given with respect to:

1. The continued eligibility of the tenant family;
2. The dwelling unit size required by the tenant family; and
3. The amount of rent that the tenant family must pay, computed in accordance with Section IV; and

Families failing to return the completed Application for Continued Occupancy form within the time-frame requested by the Authority will result in the resident receiving a lease termination notice for failure to comply with the terms and conditions of occupancy as indicated in the lease.

E. Special Re-examination Procedures. If it is not possible for the Housing Authority to determine the annual income of a tenant family with a reasonable degree of accuracy at the time of admission, regular re-examination or a prior special re-examination, the Housing Authority will make a temporary determination of income and rent, followed by a special reexamination within thirty (30), sixty (60), or ninety (90) days, as the Housing Authority determines. The temporary determination will be effective on the first day of the first month following the date of the temporary determination if it results in a tenant rental payment decrease, and on the first day of the second month following the date of the temporary determination if it results in a tenant rental payment increase.

F. Interim Adjustment of Tenant Rental Payments. The Housing Authority will adjust the amount of a tenant's rental payments between scheduled re-examinations when changed circumstances result in the tenant paying either more or less than the amount required in Section IV.A. The tenant must notify the Housing Authority of any changed circumstances described below within ten (10) calendar days of the occurrence of the changed circumstance(s). Failure to report

a changed circumstance within this period that would have resulted in a rent increase will result in a retroactive rental payment increase.

1. **Changed Circumstances Justifying Interim Adjustment.** Rent will remain in effect for the period between regular rent re-examinations, unless during such period:
 - a. The family's income increases;
 - b. The family's composition changes;
 - c. A tenant can show a change in his or her circumstances, such as a decline in or loss of income, which would justify a reduction in the amount of rental payment, and the changed circumstance is reasonably expected to continue at least thirty five (35) consecutive days;
 - d. The Housing Authority determines that a tenant has misrepresented the facts upon which the amount of the tenant's rental payment has been determined; or
 - e. Tenant rental payment formulas or procedures are changed by Federal law or regulation.

G. Notice of Effective Date of Adjustment. A tenant will be notified in writing of any adjustment of his or her rental payment, and such notice will state the effective date of the adjustment.

1. Rental payment decreases are effective the first day of the first month following the date in which the change is reported. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.
2. Rental payment increases are effective the first day of the second month following the date in which the change which justified the increase took place. The changed circumstance is to be reported by the tenant within ten (10) calendar days of its occurrence. Rent increases will be processed after all the facts have been verified, even if a retroactive adjustment will result.
 - a. If a rental payment increase is required as a result of changes in Federal regulations or Housing Authority policies, the increase is effective the first day of the first month following the effective date of the change, or on such date as the Board of Commissioners of the Housing Authority resolves.

- H. Effect of Misrepresentation.** Failure to report changed circumstances, or falsification or misrepresentation, that occurs at the tenant's Annual Re-examination or at a Special Re-examination, will constitute grounds for termination of the tenant's lease for fraud and monies owed.
- I. Determination of the Rental Payment of an Essential Development Employee.** An essential development employee's rental payment shall be set forth in the lease between such an employee and the Housing Authority.

V. ASSIGNMENT AND TRANSFER OF TENANTS

- A. Initial Assignment.** The Housing Authority will assign tenants to dwelling units in the following manner, to assure equal opportunity and nondiscrimination. Dwelling units are leased in accordance with Plan A (attached as Appendix B).
1. Transfers of tenants to another dwelling unit to alleviate an emergency, comply with Dwelling Capacity Standards, permit an individual with the medically documented disability accommodation need to use a unit with accessibility features or to reasonably accommodate such a person, or allow renovation of a dwelling unit will be given priority over assignments of new tenants, pursuant to Section V.B.
 - a. Before offering a vacant accessible or adaptable unit to a nondisabled applicant, the Housing Authority will offer the unit:
 - (1) To a disabled tenant currently occupying a nonaccessible unit within the development who was not previously offered an accommodation transfer;
 - (2) To a disabled tenant currently occupying a nonaccessible unit outside the development who was not previously offered an accommodation transfer;
 - (3) To a tenant previously offered an accommodation transfer, first within the development and then outside; and
 - (4) If no such tenant exists, to an eligible applicant on the waiting list having a disability requiring the accessibility features of the unit.
 2. When an appropriate dwelling unit becomes available, the eligible applicant first in sequence on the applicable waiting list will be notified that his or her application was approved. The eligible applicant will be offered the unit of the appropriate size which has been vacant the longest.

3. If the dwelling unit is rejected and the reason for rejection is unacceptable under this Policy and Plan A (attached as Appendix B), the application will be moved to the bottom of the applicable waiting list, and assigned a new date and time of application as of the date and time of rejection. If an applicant who previously rejected an offered unit rejects a second unit, for a reason unacceptable under this Section, the applicant will be removed from the waiting list and will be required to reapply.
4. If the applicant is willing to accept the dwelling unit offered, but is unable to move at the time of the offer in accordance with Tenant Selection Plan A, refusal of the unit will not result in the applicant being placed at the bottom of the waiting list.
5. If an applicant presents convincing evidence that acceptance of the dwelling unit offered will result in undue hardship in accordance with Plan A (attached as Appendix B), as the Housing Authority determines, refusal of the unit will not result in the applicant being placed at the bottom of the waiting list.

A refusal of the housing offer due to inaccessibility to source of employment or job training, as stated in Tenant Selection Assignment Plan A, will be considered an undue hardship if the dwelling is not located near the applicants current source of employment or job training and the applicant cannot access transportation due to the applicant not owning a vehicle and there being no available public transportation.

B. Transfer of Tenants. Tenant transfers will be permitted only when the aggregate number of occupancy days ensures that an occupancy rate of 98.5% will be maintained. Transfers will be made according to the priorities set forth below, provided that the Housing Authority may override those priorities in situations it deems appropriate. Should multiple tenants possess the same transfer priority, transfers will be made on the basis of length of time on the transfer waiting list, or the urgency of the need for transfer, as the Housing Authority determines.

1. Emergency transfers in the event the Housing Authority determines that a tenant's existing dwelling unit poses an immediate threat to the health or safety of the tenant or other persons. Such transfers will be mandatory;
2. Transfers of a non-disabled tenant living in a dwelling unit with special accessibility features to permit an individual with disabilities to use such a dwelling unit. The Housing Authority shall pay the non-disabled tenant the reasonable relocation expenses associated with the transfer. Such transfers will be mandatory for the non-disabled tenant if another dwelling unit is available to house the displaced, non-disabled tenant within the same project area. The same project area is defined as the school district within which the transferred tenant's former dwelling unit is located;

3. Transfers to alleviate situations where a tenant's extreme, continuing physical health problem indicates the need for an additional bedroom to facilitate the well-being of the family, or transfers to reasonably accommodate a disabled tenant. Physician documentation may be required for a transfer of this nature;
4. Transfers of home buyers participating in the Homeownership Opportunity Program who no longer meet the standards of potential homeownership;
5. Transfers to enable an applicant family to comply with Dwelling Capacity Standards. Such transfers will be mandatory;
6. Transfers to allow the Housing Authority to renovate a dwelling unit. Such transfers will be mandatory.

Refusal of a mandatory transfer will be cause for termination of the lease, at the Housing Authority's discretion.

VI. DWELLING UNIT LEASE AGREEMENTS

A. **The Initial Dwelling Unit Lease Agreement.** A Lease Agreement will be executed by the head of household and co-heads of household, if any, of the applicant family and an authorized Housing Authority staff member prior to occupancy. A new Lease Agreement will be executed for each dwelling unit the tenant subsequently occupies by transfer, and for each time an additional co-head of household is added to a tenant family.

1. **Updating the Lease Agreement.** If during the term of the Lease Agreement, a change in the tenant's status, in the Housing Authority's policies, or in Federal regulations results in a need to change or amend any provision of the Lease Agreement, then, without exception:
 - a. A new Lease Agreement will be executed;
 - b. A notice of rent adjustment will be executed; or
 - c. An appropriate rider will be prepared and made part of the existing Lease Agreement.

Refusal to execute and be bound by one of the above documents when directed to do so by the Housing Authority will result in termination of the Lease Agreement.

2. **Removal of the Head of Household Voids the Lease Agreement.** If, for any reason, the head of household and co-head of household (if a co-head of household exists), cease to be a member of the tenant family, leaving the tenant family with no head of household as designated in the Lease Agreement, the existing Lease Agreement becomes void and the remaining members of the tenant family are required to vacate.

3. **Right of Occupancy.** Only those persons listed on the most recent Re-examination Form, or pursuant to court order, may occupy the dwelling unit. The Housing Authority may authorize an addition to the family in writing.
 - a. **Additions of Household Members**
 - (1) Birth of a child and adoptions are to be reported and are considered automatic additions as household members.
 - (2) All requests for adding a person to the household (other than by birth or adoption) must be requested in writing, and are subject to approval by the Authority under the following conditions:
 - (a) Compliance with the Dwelling Capacity Standards;
 - (b) Compliance with tenant selection criteria, exclusive of admission income limits.
 - b. **Guests.** Tenants may have guests, who may not stay in the dwelling unit in excess of fourteen (14) days during any twelve (12) month period. The Housing Authority may, at its discretion, grant a written extension of up to fourteen (14) days per twelve month period in the case of hardship. Guests remaining more than fourteen (14) days without a written extension will be trespassers, and the tenant will be considered in violation of the Lease Agreement.

4. **Occupancy of Evicted Tenants.** Tenants may not allow a former tenant of the Housing Authority who has been evicted or had his or her Lease Agreement terminated involuntarily to occupy the dwelling unit for any period of time. Such former tenants will be trespassers, and the tenant will be considered in violation of the Lease Agreement.

B. Continued Occupancy Eligibility Assessment. The Housing Authority will re-examine the income composition and qualifications of a tenant family at least once every twelve (12) months to determine whether the tenant family remains eligible, pursuant to the procedures of Section IV.D.

1. **Continued Occupancy Eligibility Requirements.** A tenant family must meet the following requirements to be eligible for continued occupancy and participation in the public housing program:
 - a. The tenant family must satisfy the Eligibility Requirements of Section II;
 - b. The tenant family must be in full compliance with the terms of the Lease Agreement;
 - c. The tenant family must report all changes in family composition or income within ten (10) calendar days of the change. Additions to the tenant family are subject to the Housing Authority's written approval, except for natural births and adoptions; and
 - d. The tenant family must cooperate with the Housing Authority's Re-examination Procedures. A tenant family failing to respond to the Housing Authority's initial notice of the re-examination consultation will receive final notice of the re-examination consultation. Failure to comply with the final notice of re-examination will result in termination of the Lease Agreement.
 - e. Information from each tenant must be verified, documented, and reserved in the tenant file. If the Housing Authority is unable to obtain third party verification, it may require the tenant to obtain and submit such verification to the Housing Authority. The Housing Authority will make a determination of whether information has been satisfactorily verified.

VII. LEASE TERMINATION PROCEDURES

- A. **Notice of Termination.** The Housing Authority will provide a tenant, with whom it wishes to terminate a Lease Agreement, notice that complies with the terms of the Lease Agreement. No tenant family will be given notice of lease termination without being informed of the reason for the termination and his or her right to proceed in accordance with the Housing Authority's Grievance Procedure, as approved by HUD.
- B. **Record Keeping Requirements.** The Housing Authority will maintain a written record of every lease termination, which will contain the following information:
 1. The name of the tenant and an identification of the dwelling unit occupied;
 2. The date of the notice of lease termination and of the notice to quit;

3. The specific reason(s) for the notices, with lease violations, disturbances, and other information pertinent to the lease termination;
4. The date and method of notifying the tenant; and
5. A summary of any informal hearings held with the tenant, including the names of hearing participants, and the Housing Authority's conclusions.

VIII. DEFINITIONS

Accessible dwelling unit. An individual dwelling unit located on an accessible route that, when designed, constructed, altered, or adapted, can be approached, entered, and used by an individual with disabilities. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR § 8.32 & § 40 [the Uniform Federal Accessibility Standards] is "accessible" within the meaning of this paragraph.

When an individual dwelling unit in an existing facility is being made accessible for use by a specific individual with disabilities, the unit will be deemed accessible when it meets the standards that address the impairment of that individual.

Accessible route. For an individual with a mobility impairment, a continuous unobstructed path that complies with the Uniform Federal Accessibility Standards. For an individual with a hearing, vision, or other impairment, the route need not comply with requirements specific to mobility.

Annual adjusted income. Income as defined in Section IV. C.2. a of this Policy.

Annual income. The anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and each additional family member.

Applicant. A person or a family that has applied for admission to the public housing program.

Child Care Expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education, and only to extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. *Child care expenses for children over the age of 13 when the head of household works a 2nd or 3rd shift and there is no other responsible adult in the household is also a valid expense (Change effective 10/1/08).*

Co-head of household. A second family member, in addition to the head of household, who is held responsible and accountable for the family by the terms of the family's Lease Agreement.

Dependent. A member of the household, other than head, spouse, sole member, foster child, or live-in aide who is under eighteen (18) years of age, or eighteen (18) years of age, or older and disabled or a full-time student.

Disability Assistance Expenses. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled Family. A family whose head of household, spouse, or sole member is an individual with disabilities.

Displaced person. A person displaced by government action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to federal disaster relief laws.

Elderly family. A family whose head of household, spouse, or sole member is at least sixty two (62) years old.

Elderly person. A person who is at least sixty two (62) years of age.

Family. Two or more persons who will live together regularly in the dwelling unit, with a head of household at least eighteen (18) years old, who: (a) are related by blood, marriage, adoption, legal guardianship or operation of law; (b) are not so related but have clearly and convincingly demonstrated a stable relationship in prior housing; or (c) consist of an elderly person or an individual with disabilities, and a live-in aide. Also included in the Housing Authority's definition of family are the following:

- (a) An elderly family, as defined in this section;
- (b) A near elderly family, as defined in this section;
- (c) A disabled family, as defined in this section;
- (d) A displaced person, as defined in this section;
- (e) A single person, as defined in this section; and
- (f) The remaining member of a tenant family who is at least eighteen (18) years old and is recognized by the Housing Authority as being a responsible and

accountable adult, and who satisfies the Continued Occupancy Eligibility Requirements of Section VI. B.1 of this Policy.

The definition of family does not include individuals permanently absent from the household. Changes in the composition of a family must be reported to the Housing Authority within ten (10) calendar days of the change, pursuant to Section IV.B.1.c of this Policy. Circumstances regarding individuals absent from the household, except for minor children temporarily absent from the household as the result of legal action, will be reviewed by the Housing Authority to determine whether the absence is temporary or permanent. Provided, however, that when a family member is incarcerated or institutionalized for longer than thirteen (13) months, that individual will be considered permanently absent from the household, and will not be considered a member of the family.

Family income. One twelfth of a tenant family's annual adjusted income. Also referred to as "Monthly Adjusted Income."

Flat Rent. *The rent for which the dwelling would be rented if the dwelling were not public housing. In determining the flat rent the YHA considers location, quality, size, type, age amenities, maintenance and utilities provided for the dwelling. Flat rents remain the same for three years. Flat rent can only be selected at the time of admission or the Annual Reexamination. 25CFR960.253(f)*

Fraud. Falsifying, misstating, omitting, or otherwise misrepresenting any material facts that have been, or would be, material to the eligibility criteria of any Federally subsidized housing program in which the members of the applicant family participate, have participated, or have attempted to participate.

Full-time student. A person enrolled at an educational institution who is carrying a course load that is considered full-time for day students under the standards and practices of the educational institution of that educational institution. Educational institution shall include, but are not limited to colleges, universities, secondary schools, vocational schools with a diploma or certificate program, or trade schools.

Head of the household. The family member who is held responsible and accountable for the family by the terms of the family's Lease Agreement.

Income Range. The criteria to attain to the maximum extent feasible, a tenant body that is composed of families with a broad range of annual incomes.

Individual with disabilities. A person who: (a) has a physical or mental impairment that substantially limits one or more major life activities; (b) has a record of such an impairment; or (c) is regarded as having such an impairment. It does not include an individual who is currently engaging in the illegal use of drugs; the term does include, however, a person who:

1. Has successfully completed a supervised drug rehabilitation program, and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;
2. Is participating in a supervised rehabilitation program, and is no longer engaging in such use; or
3. Is erroneously regarded as engaging in such use, but is not engaging in such use.

Live-in aide. A person who resides with an elderly person or an individual with disabilities who is determined by the Housing Authority to be: (a) essential to the care and well-being of the person; (b) not obligated to support the person; and (c) living in the dwelling unit because he or she provides necessary supportive services.

Median Income. Median family income expenses are based on Census median family income estimates with a combination of Bureau of Labor Statistics earnings and employment data.

Medical Expenses. Including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.

Minor. A person less than eighteen (18) years of age.

Mitigating circumstances. Verifiable facts that outweigh the negative information possessed by the Housing Authority relative to an applicant and his or her prospects for compliance with the lease and program requirements.

Mixed population project. A public housing development for elderly and disabled families.

Monthly Income One twelfth of a tenant family's annual income.

Near elderly family. A family whose head of household, spouse, or sole member is at least fifty (50) years old but is less than sixty two (62) years old.

Net family assets. The net cash value of a family's assets, after deducting the reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment (excluding equity accounts in HUD home ownership programs, and necessary items of personal property such as furniture and automobiles).

Qualified individual with disabilities. An individual with disabilities who, but for his or her disability, can otherwise satisfy the Eligibility Requirements of the public housing program.

Reasonable accommodation. The removal of barriers to housing for a qualified individual with disabilities, provided that the removal does not: (a) fundamentally alter

the nature of the public housing program; or (b) unduly burden the Housing Authority, either financially or administratively.

Rehabilitation. Verifiable conditions, over a substantial period of time, that clearly and convincingly demonstrate improved behavior that outweighs the negative information possessed by the Housing Authority regarding past conduct of an applicant or a member of the applicant's household, including, but not limited to, the applicant family's willingness to attempt to increase family income.

Rent. The actual monthly amount due under a lease or occupancy agreement between a family and the family's current landlord, including the monthly cost of utilities if utilities are paid by the family.

Rent burden. An applicant family's payment of more than thirty (30) percent of family income for rent and other housing costs, such as utilities, for longer than one-hundred eighty (180) consecutive days.

Resident. A person, who at the time of application, has lived or has worked in the County of York for at least ninety (90) days. Working in York County means any gainful employment (full or part-time.)

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

Spouse. The husband or wife of the head of the household.

Supportive services. Services available to persons residing in a development that are requested by disabled families and for which there is a need. The term may include, but is not limited to, meal services, health-related services, counseling services, transportation services, personal care assistance, housekeeping assistance, safety services, socialization activities, case management services, and personal emergency services.

Tenant rent. The amount payable monthly by the family as rent to the PHA or owner, as applicable. Where all utilities (except telephone) and other essential housing services are supplied by the PHA or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the PHA or owner and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance.

Transitional Housing Program. Housing that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD.

Utilities. Water, electricity, gas or other heating fuel, cooking fuel, trash collection, and sewerage services. Telephone service is not a utility.

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

APPENDIX A

INCOME RANGES

Range of % of Median Income	Goal for % Housed Within Public Housing
Less than or equal to 15%	Up to 15% (160 of 1072 units*)
>15% to 30%	Up to 50% (536 of 1072 units*)
>30% to 50%	Up to 40% (429 of 1072 units*)
>50% to 80%	Up to 20% (215 of 1072 units*)
>80%	Up to 5% (53 of 1072 units*)

* While percentage goals may remain constant, the number of units will vary depending on the number of units administered under the Public Housing program.

APPENDIX B

SECTION IV TENANT SELECTION AND ASSIGNMENT POLICIES

PLAN A

Each applicant shall be assigned his appropriate place on a community-wide basis in sequence based upon date and time his application is received, suitable type or size of unit, and factors affecting preference or priority established by the Authority's regulations, which are not inconsistent with the objectives of Title VI of the Civil Rights Act of 1974 and the HUD regulations and requirements pursuant thereto.

The plan for selection of applicants and assignment of dwelling units to assure equal opportunity and nondiscrimination on grounds of race, color, and national origin is as follows:

The Authority hereby established a plan in accordance with the LHA's Admission Policy under which the eligible applicant first in sequence at such time shall be offered a suitable unit at the location that contains the largest number of vacancies. If the applicant rejects the vacancy offered, he shall be moved to last place on the eligible applicant list.

"Location" means any low-rent housing site as established in a Development Program, except that when sites are adjacent or within a block of each other, such sites collectively shall be considered one location. In scattered site developments, the Authority shall make reasonable determination of "locations" based on the specific scatterization, including any groupings that may be reasonably consistent with the purpose of these requirements. (Such determinations shall be submitted for approval to the Assistant Regional Administrator for Housing Assistance as part of the submission required by sub-paragraph 1 d (3) of Exhibit 2, Section 102.1, of the Low-Rent Housing Manual dated 1967.)

If the applicant is willing to accept the unit offered, but is unable to move at the time of the offer and presents clear evidence of his inability to move to the Authority's

satisfaction, refusal of the offer shall not require the applicant to be placed at the bottom of the eligible applicant list.

If an applicant presents to the satisfaction of the Authority clear evidence that acceptance of the given offer of a suitable vacancy will result in undue hardship or handicap not related to considerations of race, color, or national origin, such as inaccessibility to source of employment, children's day care and the like, refusal of such an offer shall not require the applicant to be placed at the bottom of the eligible applicant list.

FLAT RENTS

(Effective July 2014)

DEVELOPMENT	AMOUNT
AMP 1-CODORUS	
2 Bedroom	\$669
3 Bedroom	\$864
4 Bedroom	\$922
5 Bedroom	\$1061
AMP 2-WELLINGTON	
1 Bedroom	\$519
2 Bedroom	\$669
3 Bedroom	\$864
4 Bedroom	\$922
5 Bedroom	\$1061
City Scattered	
2 bedroom	\$669
3 Bedroom	\$864
AMP 3-PARKWAY	
1 Bedroom	\$519
2 Bedroom	\$669
3 Bedroom	\$864
4 Bedroom	\$922
5 Bedroom	\$1061
AMP 4-BROAD PARK MANOR	
0 Bedroom	\$398
1 Bedroom	\$519
2 Bedroom	N/A

DEVELOPMENT	AMOUNT
AMP 5-COUNTY SCATTERED	
Emigsville	
3 Bedroom	\$864
Hanover	
2 Bedroom	\$669
3 Bedroom	\$864
Yoe	
2 bedroom 1st Floor	\$669
2 bedroom 2nd & 3rd Floor	\$669
3 Bedroom	\$864
Wrightsville/W. Manchester	
2 Bedroom	\$681
3 Bedroom	\$864
Glen Rock/Windsor	
3 Bedroom	\$864
N. George Street	
3 Bedroom	\$864
Ridgefield Court	
3 Bedroom	\$864
Red Lion	
3 Bedroom	\$864
AMP 6-FAIRMONT	
1 Bedroom	\$643
Fairmont Village	

City Cottages	
1 Bedroom	\$504
AMP 7-Springfield	
1 Bedroom	\$643
AMP 8-Stonybrook	
1 Bedroom	\$643

2 Bedroom	\$709
3 Bedroom	\$874
Fielding Way	
3 Bedroom	\$908

INCOME LIMITS

(Effective July 1, 2014)

NUMBER OF PERSONS IN FAMILY	EXTREMELY LOW INCOME	VERY LOW INCOME	LOW INCOME
1	\$14,450	\$24,050	\$38,500
2	\$16,500	\$27,500	\$44,000
3	\$19,790	\$30,950	\$49,500
4	\$23,850	\$34,350	\$54,950
5	\$27,910	\$37,100	\$59,350
6	\$31,970	\$39,850	\$63,750
7	\$36,030	\$42,600	\$68,150
8	\$40,090	\$45,350	\$72,550