Admissions and Continued Occupancy Policy

Federal Public Housing
Curwin Circle
Wall Plaza

2015

Lynn Housing Authority & Neighborhood Development
10 Church Street
Lynn, MA 01902
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INTRODUCTION

MISSION AND FUNCTION

The LHAND’s mission is to provide safe, decent and sanitary public housing units for low income families and to manage resources efficiently. The LHAND works to promote personal, economic and social upward mobility to provide families the opportunity to make the transition subsidized to non-subsidized housing.

The LHAND’s goal is to serve our community’s needs using all resources available and to help families and individuals with low incomes achieve greater stability and self reliance by providing safe, affordable quality housing and links to community services.

The LHAND will review this policy and update when new regulations require implementation and/or review update as necessary.

FAIR HOUSING AND EQUAL OPPORTUNITY

It is the policy of LHAND to comply fully with all Federal, State, and local nondiscrimination laws and in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment and with the Americans with Disabilities Act.

Specifically, the LHAND shall not deny any family or an individual the opportunity to apply for or receive assistance under HUD’s Public Housing Programs within the requirements and regulations of HUD and other regulatory authorities on account of: race, color, sex, religion, creed, national or ethnic origin, familial status, marital status, sexual orientation, gender identity, ancestry, age, and disability or handicap.
ELIGIBILITY FOR ADMISSIONS

OVERVIEW
The first step in the admission process is to determine the eligibility of an applicant for Public Housing. An applicant family will be “eligible” if they:

- Have an annual income at or below the LHAND’s income limit (as determined by HUD regulations);
- Meet one of the LHAND’s definitions of “family” (as determined by HUD regulations);
- Have at least one family member who is either a U.S. citizen or an eligible immigrant (the family must also be willing and able to pay a higher rent for each member who is not a citizen or eligible immigrant); and
- Provide Social Security numbers for every family member or certify that they do not have Social Security numbers.

ANNUAL INCOME
(24 CFR § 5.609)
Annual income is used to determine income eligibility and income – based rent.

Income for Eligibility
To be eligible for public housing, an applicant must have an annual income that is no more than the “Lower Income” limit for the jurisdiction. Generally, the Lower Income limit is set at 80 percent of area median income adjusted for smaller and larger families. The income limit for the jurisdiction, as published by HUD and the Federal Register, can be found on the Internet at www.huduser.org.

For continued occupancy there are no income limits and the LHAND cannot establish income limits unless the LHAND is required to do so by local law.

Definition of Annual Income
(24 CFR § 5.609)
As listed in the Code of Federal Regulations, annual income includes the gross amount of all income which is anticipated to be received for 12 months following the effective date of certification or recertification. This includes head, spouse, and all family members including full-time students 18 years of age or older. It also includes unearned income of family members less than 18 years of age.

A full list of income inclusions and exclusions are in Exhibit 5-2 of the Guidebook 7420.1G and should be reviewed carefully by LHAND staff.

Annualize anticipated annual income using the following:

- Multiply hourly wages by the number of hours worked per year
- Multiply weekly wages by 52
- Multiply bi-weekly wages (paid every other week) by 26
- Multiply semi-monthly wages (paid twice each month) by 24
- Multiply monthly wages by 12

Two acceptable methods of calculating anticipated annual income are:

- Calculating projected annual income by annualizing current income; or
- Using information available to average anticipated income from all known sources when the sources are expected to change during the year.

ASSETS
- If net family assets are $5,000 or less, the LHAND will count as income the actual income earned from all assets.
• If net family assets exceed $5,000, the LHAND will count as income the greater of the actual income from assets or the amount the family would have received if all assets had been invested at the current HUD passbook rate.

**Definition of Adjusted Income**

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

**For all Families**

1) **Child Care Expenses** - Reasonable child care expenses anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed, BUT ONLY when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (a) the amount of income earned by the family member released to work; or (b) an amount determined to be reasonable by the LHAND when the expense is incurred to permit education or to seek employment.

2) **Dependent Deduction** - An exemption of $480 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, foster adult or foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.

3) **Work-related Disability Expenses** - A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.

a. For non-elderly families and elderly or disabled families without medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.

b. For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below.

**For elderly and disabled families only:**

4) **Medical Expense Deduction** - A deduction of unreimbursed Medical Expenses, including insurance premiums, anticipated for the period for which Annual Income is computed. Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, health insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by PHA for the purpose of determining a deduction from income, the expenses claimed must be verifiable.

a. For elderly or disabled families without work-related disability expenses: The amount of the deduction shall equal total medical expenses less three percent of annual income.

b. For elderly or disabled families with both work-related disability expenses and medical expenses: the amount of the deduction is calculated as described in paragraph 3 (b) above.

5) **Elderly/Disabled Household Exemption** - $400 for any elderly or disabled family whose head, spouse or co-head is elderly or disabled. It is limited to one $400 deduction regardless of the number of elderly or disabled household members.
Permissive Deductions

Medical Insurance Expense Deduction (non-elderly/non-disabled) - A maximum annual income deduction of $1,500.00 for single persons or for families shall be applied to any resident of un-reimbursed medical insurance premium payments made by a member of the family for the coverage of only legal family members residing in the unit.

Rounding of Income and Deductions

Generally LHAND will round to the nearest whole dollar at the final calculation for each income/deduction source.

LHAND will round as follows for the following income and deductions:

- Social Security Income: When the SS benefit letter states that the monthly benefit is rounded down to the whole dollar, LHAND will calculate income by rounding down the full monthly benefit before any deductions and then annualizing that monthly benefit. This methodology will be applied to all SS benefits whether or not there are any deductions applied. For example if the full monthly benefit is $547.90, the annual income is: $547.00 x 12 = $6564. Income is entered into the computer after rounding.

- Other Income/Deduction Sources which include direction on rounding: Where the income/deduction verification document has direction on rounding of income/deductions, LHAND will follow the direction on the verification document to calculate annual income and/or deductions.

- Income/Deduction Sources with NO direction on rounding: If the income/benefit/deduction verification document does not include any direction concerning rounding, LHAND will calculate income/benefit/deductions by annualizing the entire weekly, bi-weekly or monthly income/benefit/deduction. Once the annual amount is calculated, LHAND will enter the complete income information into the computer. Rounding will be accomplished through LHAND’s computer software. For example, if the weekly income is $300.10, annual income is $300.10 x 52 = $15,605.20. LHAND staff enter $15,605.20 into the computer.

Utility Allowance Deduction

At LHAND’s Curwin Circle development, residents pay the cost of certain utilities directly to the supplier. Resident rents are reduced by a utility allowance deduction based on unit size which is developed by a utility allowance consultant and annually monitored by the LHAND in accordance with 24 CFR 965.507.

The following requirements apply to residents living in the Curwin Circle development:

1. Each resident will receive a monthly utility allowance deduction that reflects a reasonable amount of utilities for the specific size and type of unit occupied.

2. When a resident’s Total Tenant Payment is less than the utility allowance, the LHAND will pay a utility reimbursement to the resident, equal to the difference between one month’s total tenant payment and the utility allowance.

3. Paying the utility bill is the resident's obligation under the Authority’s lease. Failure to pay utilities is grounds for lease termination and eviction.

Determining and Verifying Eligibility of “Full-time” College Students of Non-parental/guardian Households

A full-time student is defined as a person who is attending school or vocational training on a full-time basis. For College Students of Non-parental/guardian Households the student must be of legal age or an emancipated minor under the state law and LHAND must obtain proof of age such as a valid driver’s license, identification card issued by a federal, state or local agency, identification issued by a medical insurance company, or birth certificate. The student must be income eligible for admission to public housing and the LHAND must verify the following:

- Whether the college student does or does not anticipate receiving financial support from the student’s parent(s) or guardian(s) and the amount of support
• The college student must have established a household separate from his/her parents or legal guardians for at least one year prior to applying to public housing.

• The college student must not be claimed as a dependent by parent(s) or legal guardian(s) on their Internal Revenue Services (IRS) tax return.

ELIGIBLE FAMILY STATUS

Definitions of Eligible Families

The Federal regulations define certain types of families.

An elderly family is a family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

A near-elderly family is a family whose head (including co-head), spouse, or sole member is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

A disabled family is a family whose head (including co-head), spouse or sole member is a person with a disability. It may include two or more persons who are persons with disabilities living together or one or more persons with disabilities living with one or more live-in aides.

A person with disabilities is a person who is disabled as defined in 42 U.S.C. 423 (the Social Security definition); is determined to have a physical, mental or emotional impairment that is expected to be of long-continued and indefinite duration; is substantially impeded in his or her ability to live independently; is of such nature that the ability to live independently could be improved by more suitable housing conditions; or has a developmental disability as defined in 42 U.S.C. 6001. Persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome are not excluded. For purposes of qualifying for public housing programs, where eligibility is linked to disability status, a person whose disability is based solely on any drug or alcohol dependence is excluded.

A displaced family is a family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief.

The remaining member of a tenant family is a member who was listed on the lease of a public housing unit and is the only family member still remaining in the unit. A child may remain in the unit as a remaining family member if the PHA permits an adult to join the household as a new head of household.

A single person is a person who is not elderly, near elderly, disabled, displaced or the remaining member of a tenant family.

Family Status

To be eligible for admissions, an applicant must qualify as a family. Families as defined by HUD, includes but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

(1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

(2) A group of persons residing together, and such group includes, but is not limited to:
   a. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
   b. An elderly family;
   c. A near-elderly family;
   d. A disabled family;
   e. A displaced family; and
f. The remaining member of a tenant family

**Household**

Household means all persons occupying a housing unit. The occupants may be a family, as defined in 24 CFR 5.403; two or more families living together; or any other group of related or unrelated persons who share living arrangements, regardless of actual or perceived, sexual orientation, gender identity, or marital status.

**Changes in Head of Household**

For existing families on the Waiting List, if the Head of Household (applicant) at the time of pre-application, is no longer present when the family is called from the Waiting List, LHAND will service remaining family members who can verify their relationship to the applicant.

**Family Members**

Family member shall mean:

- A member of the immediate family;
- A person for whom the head of household can prove legal guardianship;
- A person for whom the head of household can prove a relationship based on dependency, blood or marriage; (dependency and blood will only be applicable at eligibility, not for continued occupancy)
- A child who is temporarily away from home due to placement in foster care or other non-permanent situation may be considered a member of the family.

**Adult Head of Household**

The Head of Household must be age eighteen (18) or older or an emancipated minor, who is income eligible and has a social security number. The Head of Household is designated by the family as head, is wholly or partly responsible for paying the rent and has the legal capacity to enter into a lease under State and local law.

**Spouse Head of Household**

Spouse means the husband or wife of the head. For proper application of the Non-Citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

**Co-Head of Household**

An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

**Live-In Aides**

A health care provider must document the need for a live-in aide (which would result in the issuance of an additional bedroom size voucher), and the live-in aide must be identified by the family and approved by the LHAND first. The live-in aide must first meet the definition outlined in the CFR.

The definition of a live-in aide is recorded in 24 CFR Section 5.403 which states that a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is:

1. Determined to be essential to the care and well-being of the persons;
2. Is not obligated for the support of the person; and
3. Would not be living in the unit except to provide necessary supportive services.
It should be noted that the definition applies to a specific person. In accordance with this definition, a live-in aide is not a member of the assisted family, is not entitled to the live in the unit as a remaining member of the tenant family and their income will not be counted for purposes of determining eligibility or level of benefits.

In accordance with 24 CFR Section 982.316, the PHA must approve the person identified as the live-in aide. The PHA may disapprove such a person if s/he has: (1) committed fraud, bribery or any other corrupt criminal act in connection with any federal housing program; (2) committed drug-related criminal activity or violent criminal activity; or (3) currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

The live-in aide must provide verification of citizenship or eligible immigration status and social security number.

They must pass a Criminal Offender Record Inquiry (CORI) and a Sex Offender Record Inquiry (SORI).

**Multiple Families in the Same Household**

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children) if they apply as a family unit, they will be treated as a family unit.

**Joint Custody of the Same Children**

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

- There will be a self-certification required of families who claim joint custody or temporary guardianship.
- When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

**Citizenship and Eligible Immigrant Status**

To receive housing assistance all family members must either be citizens or nationals of the United States or eligible immigrants. Persons who are U.S. citizens or nationals must certify to their status (and parents must certify to the status of their children). Persons who are not U.S. citizens or nationals have two choices.

Immigrants must either claim or document their eligibility for housing assistance, or they may choose not to contend their status and give up housing assistance.

Those who qualify as eligible immigrants are treated differently based upon their age. Immigrants who are 62 years of age or older can sign a declaration of eligible immigrant status and provide proof of age. Immigrants who are younger must sign a declaration of eligible immigrant status, one of the documents accepted by the Immigration and Naturalization Services (INS), and a signed verification consent form.

Immigrants may choose not to contend that they have eligible immigrant status. So long as at least one family member is either a citizen or an eligible immigrant, the family will qualify as a “mixed family” under 24 CFR 5.504 and will have their housing assistance pro-rated (which means they will pay a higher rent than they would if all family members were either citizens or eligible immigrants).

The INS determines what documents are eligible immigrant status and the LHAND must rely upon such verifications as INS accepts. The LHAND then uses the identification from the documentation provided by the family to check with the INS’s automated SAVE system and confirm eligible immigrant status. If the SAVE system does not verify eligible immigrant status, the INS will perform a manual search of records.

**Ineligibility Because of Criminal Activity**

The LHAND is required to prohibit admission of families with members:

- Who were evicted from federally assisted housing for drug related criminal activity for three years following the date of eviction (unless the family can demonstrate that the person who engaged in the drug related activity has been rehabilitated or is no longer a member of the household);
• A record of eviction from private or public housing, termination from residential programs, or chronic history of lease violations;

• Who are currently engaging in illegal use of a drug;

• Who have shown a pattern of use of illegal drugs that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;

• Who are subject to a lifetime registration requirement under a State sex offender registration program;

• Whose abuse of alcohol or pattern of abuse of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents

• Who have ever been convicted of drug-related criminal activity for manufacture of methamphetamine on the premises of federally assisted housing.

• Involvement in criminal activity on the part of any household member listed on the application which would adversely affect the health, safety, or welfare of other residents [24 CFR § 960.203 (c) (3) and § 960.204];

• A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents, or cause damage to the unit or development [24 CFR § 960.203 (c) (2)];

• An applicant’s misrepresentation of any information related to eligibility, qualification, and award of preference or priority for admission, deductions, family composition or rent.

All adult applicants for public housing will be screened according to the criteria set forth. These screening criterions apply to members of the applicant household listed on the application eighteen years of age or older. A Personal Care Attendant (PCA) is not considered a household member but is a special type of household guest.
WAITING LIST ADMINISTRATION

OVERVIEW

Development, unit size, preference, and priorities establish the waiting list. Establishing the waiting list and managing it properly is necessary to carrying out HUD regulations and LHAND’s policies.

To assure that the LHAND is in compliance with statutory requirements, and prevent violations that could affect applicants of public housing, waiting list audits are a primary tool when HUD conducts HUD Occupancy Monitoring reviews or Fair Housing reviews.

The following information describes the procedures for setting up and managing the waiting list in accordance with the regulations set forth by 24 CFR § 5.400, § 5.600, § 960.201 through § 960.208.

- Availability of Applications;
- Opening the Waiting List;
- Closing the Waiting List;
- Updating the Waiting List;
- Removing Applications from the Waiting List;
- Withdrawing an Application from the Waiting List;
- Appeal Rights for an Applicant Found Ineligible, Not Program Qualified, or Entitled to a Priority Preference;
- Income Targeting, Income Mixing and Deconcentration;
- Unit Offer;
- Removing an Applicant for Refusal of a Unit; and
- Processing Applications for Designated Housing.

AVAILABILITY OF APPLICATIONS

Applications for LHAND housing programs will be available at the Admissions Office during regular hours of the LHAND.

Upon request, applications will be sent by regular first class mail only, and only one application will be provided, unless requested by a service provider agency.

Xeroxed copies of the most current version of Applications will be accepted as long as it is has the original handwritten information and signature of applicant. The Application will be considered received when submitted on the most current version of the application.

OPENING THE WAITING LIST

The LHAND maintains an electronic log and a manual log that lists applicants by the date and time their application was received. The LHAND operates one Federal Family Development (Curwin Circle, 23-1) and one Federal Elderly / Disabled Development (M. Henry Wall Plaza, 23-2). The LHAND maintains separate waiting lists for these developments. If eligible, a family may be on both waiting lists for public housing as well as other Federal and State public housing programs.

Sub – lists are waiting lists divided by bedroom sizes. Unit size is characterized by maximum occupancy. The Federal Family Development waiting list, Curwin Circle, is divided by unit size. The LHAND has designated the M. Henry Wall Plaza development, with HUD approval, as seventy percent of total units as housing for elderly only. The LHAND reserved thirty percent of total units as housing for the non-elderly disabled population.

When an insufficient number of applicants are listed in any bedroom size category or on the list as a whole a determination by the Executive Director will be made as to the date or dates of re-opening of the Waiting List to receive new applications. Each re-opening of the Waiting List will be run as a Lottery in order to determine placement on the List.
At the discretion of the Executive Director, the timing of the re-opening can be scheduled so that more than one bedroom size category can be opened at the same time. At no time should a bedroom size category be allowed to empty so that there are no suitable applicants.

Once the date(s) of the re-opening are determined, the LHAND will advertise in local newspaper(s) three times per week for two (2) weeks and it will be posted on the LHAND website. These advertisements will be run in the thirty (30) day period prior to the date(s) of re-opening. The LHAND will also send a letter and a copy of the advertisement to local service providers.

In order to minimize administrative disruption and to provide an equal opportunity for all potential applicants, telephone requests for applications will not be honored until the date or dates of the re-opening. The LHAND will mail applications if requested and the request occurs during the date(s) of the Waiting List opening.

Applications will be available at the Admissions Office of the LHAND. Applications must be returned fully completed. They will be date and time stamped upon receipt. Each returned and complete application will be included in the lottery.

If an applicant requires and requests special assistance to complete the application because of a disability and the LHAND’s staff is unable to provide such assistance prior to the end of the application period, the LHAND will permit the applicant who requires special assistance to be included in the Lottery on the basis of a “reasonable accommodation.” The application must be completed prior to the lottery. Reasonable Accommodation requests must be documented.

Applications returned complete and within the date(s) of the Waiting List opening will be organized by preference category and standard applicant status. Within each preference category and standard applicant status, the LHAND will conduct a Lottery. The Director of Management and Operations and the Director of Admissions will oversee the lottery process.

Once the Lottery is completed, each applicant will be notified by letter of his or her Control Number and current place on the Waiting List as of the date of the Lottery. Applicants who are part of the current lottery will be placed behind any applicants remaining from prior years who fall into the same preference or priority category.

Once the Waiting List is set, the current procedures for Waiting List administration for the particular program will apply.

**CLOSING THE WAITING LIST**

The LHAND may restrict application intake, suspend application intake, and close waiting lists in whole or in part. This section will establish the method in which the LHAND will process the applications once the waiting list is closed.

**Initial Review of Applications**

All applications will be reviewed for completeness. This includes the following:

- The application is legible;
- The applicant has made an effort to answer all questions;
- Sources of income are indicated and the level of income appears consistent with program eligibility requirements;
- Social Security numbers are provided for all household members listed;
- A preferred unit size is indicated; and
- The Application is signed and dated by the Head of Household.

All applicant households whose applications are considered complete will be assigned a Control Number for each program to which the household has applied.

Control numbers are to be assigned in the following manner:

<table>
<thead>
<tr>
<th>Program Code</th>
<th>Year of Application</th>
<th>Four Digit Sequential Number</th>
</tr>
</thead>
</table>

For instance the 1100th applicant for the Federal Elderly Wall Plaza development in 2003 would have the following control number:

FE-03-1100
Program Codes are as follows:

- FF  Federal Family
- FE  Federal Elderly
- FNE Federal Non-elderly
- SE  State Elderly
- SF  State Family
- HCV  Section 8
- NE  Non-Elderly
- NRE Near Elderly

Determining Essential Application Information for Waiting List Placement

The application upon which the waiting list is sorted includes the following information about the applicant:

- Name and social security number of the head of household and all family members;
- Date and time of application and control number;
- Household type (family, elderly, family with person with disability);
- Unit size requirement (number, sex, and relationship of family members);
- Amount and source of all annual income;
- Admission preference (working family, Lynn resident, victim of domestic violence)
- Accessibility requirement, if any; and
- Race and ethnicity of family.

Placement on the Waiting List

Applications for Waiting Lists open for a period of thirty (30) days or more will be listed based on date and time of application receipt, preference category, and approval by the Admissions Office. Applications for a Waiting List that is to be open thirty (30) days or less will be listed based on a control number assigned by lottery, preference category, and approval by the Admissions Office.

Indications by the applicant that a question is Not Applicable or N/A will be considered an adequate response.

All requests for units with special features (e.g. wheelchair accessible) will be tracked on the Waiting List.

Priority/Preference status for circumstances, which arose after receipt and approval of the original application, will be effective as of the date that the status is verified.

Preferences

Preferences do not guarantee admission. They establish the order of placement on the waiting list.

Lynn Residency Preference - will require proof that the applicant lives, works, or has been hired to work in Lynn. The applicant must present verification demonstrating residence in Lynn by providing a lease, a driver's license, or a utility bill with the applicant's name and address; or due to involuntary placement in a homeless shelter or medical facility, must present verification demonstrating last permanent address was Lynn. The applicant must present verification demonstrating the applicant works or has been notified that they are hired to work in Lynn by providing proof of employment in Lynn or the notification that they are hired to work in Lynn at the time the applicant is called from the Waiting List. The LHAND will provide accommodation to persons with disabilities and allow them to provide other forms of verification.
Working Family Preference - will require verification from an employer that at least the Head of Household, Spouse or Co-Head is employed in a permanent position. A permanent position is defined as one anticipated to exist for at least twelve months. Working households will be permitted to certify to their status pending third party verification. The applicant household shall be given the benefit of this preference if the head, spouse, co-head or sole member, are age 62 or older or are receiving Social Security Disability, Supplemental Security Income, disability benefits, unemployment benefits or any other payments based on an individual’s inability to work, or who are enrolled in an educational or job training program.

Veterans Preference – will require proof that either the Head of Household is a Veteran or the Head of Household is the widowed/non-remarried spouse of a Veteran. Verification will include DD214 and marriage license (if applicable).

Domestic Abuse Preference - will require third party documentation of the situation (e.g. police reports) and demonstration that efforts to prevent the abuse have occurred (e.g. restraining orders). Domestic abuse means actual or threatened physical violence directed against 1 or more members of the applicant family by a spouse or other member of the applicant household. Victims of Domestic Abuse will be required to fully verify their status at the time the applicant is called from the Waiting List.

For purposes of Waiting List Management, a Lynn Resident will be given ten (10) points, a household which is a Working Family will be given five (5) points, a Victim of Domestic Abuse will be given one (1) point, and a Veteran will be given one (1) point.

Special Admissions

The LHAND will allow placement on the Federal Public Housing waiting lists, even if the lists are closed, for families and individuals meeting the criteria listed below:

Displaced Through No Fault of Their Own:

The LHAND will allow placement on the Federal Public Housing waiting list, even if it is closed, to any authorized occupant, displaced through no fault of their own, by action of the LHAND, the City of Lynn, or by a non-profit community development corporation, working within the Consolidated Plan, other than through an eviction action. To be eligible, applicants must meet LHAND standards of minimum eligibility and all relocation activities must be presented to the LHAND in writing and must be pre-approved by the LHAND prior to any displacement. Activities must be consistent with the City of Lynn’s Consolidated Plan and must enhance the quality and increase the supply of affordable housing in the City. It is the responsibility of the City of Lynn’s Relocation Agent, the LHAND, at its sole discretion to verify the circumstances surrounding the displacement and to approve the offer of housing.

Voluntary Relocation:

The LHAND will allow placement on the Federal Public Housing waiting list, even if it is closed, to any authorized occupant who, with the consent of the owner of the premises, seeks to voluntarily relocate from a dwelling unit due to overcrowding or substandard conditions. To be eligible the applicant must meet LHAND standards of minimum eligibility and (1) the owner must be the LHAND, the City of Lynn, or a non-profit community development corporation; (2) the qualifying conditions must be verified by the LHAND; and (3) the unit must be located within a target area identified in the City of Lynn’s Consolidated Plan.

Fire Victims:

The LHAND will allow placement on the Federal Public Housing waiting list, even if it is closed, to any authorized occupant, displaced due to a dwelling fire, through no fault of his or her own. To be eligible the applicant must meet LHAND standards of minimum eligibility and; (1) the applicant must prove they legally resided in the affected unit (2) verification will include an effective lease listing all legal occupants and (3) a report by the Lynn Fire Department.

Designated Housing Initial Allocation Plan (IAP):

The LHAND will allow a one-for-one set aside of one bedroom unit offers at Curwin Circle, not to exceed four units annually. The LHAND will make every other unit offer for one-bedroom units at Curwin Circle to applicants affected by the Initial Allocation Plan.

Change in Preference Status While on the Waiting List

Families on the waiting list who did not qualify for any preference when they applied may experience a change in circumstances that qualifies them for a preference. The reverse may also occur. In such instances, the family must contact
the LHAND so that their status may be recertified and reverified. If preference status changes, the applicant retains their original date and time of the application and control number.

If the LHAND determines that the family does now qualify for a preference, they would be moved up the waiting list in accordance with their preference(s) and their date and time of application and control number. The applicant must be informed in writing of how the change in status has affected their position on the waiting list.

**Change in Household Status While on the Waiting List**

The applicant is responsible to report to the LHAND when their family composition changes. When this happens, the LHAND will place the applicant on the bottom of the appropriate list. If the applicant changes family composition back to the original composition (as stated on the original application), the LHAND will place that applicant back on the original waiting list in the same location as before.

Households that exercise their option to be listed for units of two different bedroom sizes will be housed in accordance with standard Waiting List management practices. Households that are assigned to the smallest unit for which they are eligible will have the right to request a transfer consistent with the LHAND Transfer Policy. However, this transfer cannot be made on the basis of being "underhoused," unless there has been a change in the size of the family composition, as the family will have voluntarily chosen the size of the unit.

The LHAND may consider an unborn child for an additional bedroom size.

**Meeting for Applicants Denied a Preference [24 CFR § 5.410 (g)]**

If an applicant claims but does not qualify for a preference, the applicant can request a meeting.

The LHAND must provide a written notice if an applicant does not qualify for a preference. This notice must contain a brief statement of the reasons for the determination, and a statement that the applicant has the right to meet with the LHAND designee to review the determination.

**UPDATING THE WAITING LIST**

The LHAND may update its waiting lists at least annually. The LHAND will update its waiting lists using the method described herein.

**Preparing the Update Package**

The first step in updating the waiting list is to send each applicant an Update Package containing both a letter explaining the process and a form that the applicant must either fill out and mail back or bring in (if the applicant needs assistance in completing the form).

**Disseminating the Update Package**

The update package must be mailed to each applicant. The applicant has thirty (30) days from the date of the letter explaining the process to return the update package to the Admissions Office.

**Applicants Who Fail to Respond: Second Notice**

Three weeks after the first mailing, a second mailing must be sent out in order to reach applicants who have not responded.

The second mailing will not include the update form. It would be a letter that instructs the applicant to come to the LHAND's Admissions Office to obtain and complete an Updated Form in person. Applicants must produce picture identification in order to update their application at the Admissions Office. The LHAND staff is available to help applicants complete the Update package if necessary.

Applicants will be given one calendar week from the date of the second letter to report, in person, to the LHAND. However, if a removed applicant subsequently contacts the Admissions Office, they may be placed back on the waiting list.

If an applicant fails to respond to either the LHAND's update letters or if the letters are returned postmarked undeliverable, the LHAND will withdraw their applications. Letters returned by the post office must be filed.
Reasonable Accommodation of Applicants

The LHAND is required to provide reasonable accommodations for all applicants if requested. For further information, please see the LHAND Reasonable Accommodation Policy.

Completing the Waiting List Update

After all the responses have been received from applicants who confirm their continued interest in the LHAND’s public housing, the LHAND staff will complete the data entry of the update forms and re-order the waiting list according to the updated information (i.e. preferences, accessibility, etc.).

REMOVING/WITHDRAWING AN APPLICATION FROM THE WAITING LIST

The LHAND may remove / withdraw an applicant’s name from the waiting list under the following circumstances:

- The applicant has been housed;
- The applicant requests that their name be removed;
- Their applications have been withdrawn or rejected;
- The applicant refused an offer of housing without good cause;
- The applicant did not respond to any update request;
- The LHAND has made reasonable efforts to contact the applicant to update the waiting list, but has been unsuccessful. Correspondence by mail to the latest address that is returned by the Post Office will constitute documentation of reasonable effort to contact the applicant;
- The LHAND has made reasonable efforts to contact the applicant 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; or
- When an applicant fails to keep a scheduled interview or fails to respond to the LHAND concerning information that is necessary to process the application or to maintain the waiting list, the LHAND notifies the applicant in writing of a second scheduled appointment. If the applicant fails to respond or attend the appointment, they are removed from the waiting list and are notified of their removal in writing. The LHAND will consider mitigating circumstances such as health problems or lack of transportation in determining whether the application should be withdrawn and documented.

If the reason an applicant with disabilities did not respond to the LHAND’s attempts to contact them is related to the disability, the LHAND must, as a reasonable accommodation, reinstate the applicant in the former position on the waiting list.

Applicants whose applications are rejected (either because they are ineligible or because they do not pass screening) are entitled to an informal review. The files of rejected applicants would typically be maintained for three years or until the next HUD audit.

APPEALS

APPEAL RIGHTS FOR AN APPLICANT FOUND INELIGIBLE, NOT PROGRAM QUALIFIED OR NOT ENTITLED TO A PRIORITY PREFERENCE

All applicants who have been determined to be not program eligible, not program qualified or not eligible for a requested priority or preference status are entitled to an informal review of the decision made by the Authority.

Informal Review

If the applicant wants to have an informal review of the basis for the Authority’s action, the applicant must contact the Authority within twenty (20) working days of the receipt of the letter informing the applicant of the adverse action by the LHAND. Adverse action letters (e.g. denial of eligibility) are sent first class mail. The applicant must contact the LHAND by first class mail or deliver a written request in person to initiate an informal review.
When a request for an informal review is received, the LHAND will contact the applicant to schedule a meeting time. This meeting will occur within thirty (30) of the applicant’s request. The applicant may only reschedule this appointment once.

The applicant will be permitted to examine his/her application file with all pertinent information. If the action by the LHAND was based on a CORI report, it will be made available to the applicant. CORI documents are not kept in the applicants’ files but are filed in a secure location with limited access as required by regulation.

At the informal hearing, the applicant will have an opportunity to discuss the basis for the LHAND’s determination and to present any additional information, which the applicant believes clarifies or mitigates the facts upon which the LHAND’s determination was made. If the individual who is conducting this meeting determines that the information provided is sufficient, they can reverse the LHAND’s decision and grant the status requested. All determinations based on an informal review will be completed within ten (10) days of the meeting and applicants informed in writing.

**INCOME TARGETING, INCOME MIXING AND DECONCENTRATION**

With the passage of the Quality Housing and Work Responsibility Act (QHQRA) of 1998, Congress established an implicit goal that public housing, while not neglecting its traditional constituency of the lowest income families and individuals, must house families with a broader overall mix of eligible incomes. The income targeting provisions preserve the rights of extremely low-income families, while deconcentration requirements are expected to deconcentrate poverty and promote income mixing.

The income – targeting requirement guarantees a share of available public housing to the lowest income applicants. At least 40 percent of new admissions to public housing in a fiscal year must be “extremely low income” (ELI) families (with annual incomes at or below 30 percent of the area median income).

**UNIT OFFER**

The LHAND will contact the applicant and request that the applicant come to the LHAND for an interview to complete or update their applicant file. Verifications should not be more than 60 days old at the time of initial certification. At this point, the LHAND begins assembling the verified information needed to confirm eligibility and compute income – based rent. The LHAND will withdraw applications of families who fail to attend their scheduled interview or who cannot be contacted to schedule an interview.

At the same time the LHAND is completing the application process and beginning to obtain verifications related to eligibility.

Property Managers will coordinate with Admissions Office on the timing of unit offers. Property Managers will provide the Admissions Office with monthly estimates of unit vacates and anticipated dates of unit availability.

The Admissions Office will inform applicants (those on the waiting list) whose eligibility and program qualification reviews have been completed and approved, of a unit offer. The unit offer letter will direct the applicant to contact a specific Property Manager, who will market the unit and complete a lease execution.

An admission preference does not guarantee admission. Preferences establish the order of placement on the waiting list. Every applicant must still meet the LHAND’s Selection Criteria before being offered a unit.

Before applying the preference system, LHAND will match the characteristics of the available unit to the applicants available on the waiting list. Unit size, accessibility features, or type of project limit the admission of families to households whose characteristics “match” the vacant unit available. By matching unit and family characteristics, families lower on the waiting list may receive an offer of housing before families with an earlier date and time of application or families with a higher preferences.

Factors other than the preference system that affect applicant selection are:

- When selecting a family for a unit with accessible features, the LHAND will give a preference to families that include persons with disabilities who can benefit from the unit’s features. First preference will be given to existing tenant families seeking a transfer and second preference will be given to applicant families.

- If no family needing accessible features can be found for a unit with such features, LHAND will house a family not needing the unit features, but a non-disabled family in an accessible unit will be required to move so that a family needing the unit features can take advantage of the unit.
• When selecting a family for a unit in housing designated for elderly families, or disabled families, if any, LHAND will give a priority to elderly, disabled or near elderly families.

• When selecting a family for a unit in a property that houses elderly and disabled families, as opposed to a general occupancy development that houses non-elderly families as well, LHAND will give equal priority to elderly families and disabled families.

• When selecting a single person at a mixed population development, elderly, disabled or displaced single persons have priority over other singles. Single applicants who are not elderly, disabled or displaced can only be admitted after all elderly or disabled families or single displaced persons have been offered units.

**REMOVING AN APPLICATION FOR REFUSAL OF A UNIT OFFER**

If an applicant receives an offer of housing and rejects the offer without good cause, the LHAND will remove the applicant from the waiting list.

Applicants will be contacted approximately ninety (90) days prior to an anticipated unit offer to come into the Admissions Office to finalize the household’s application, determine final program eligibility and complete the screening process for program qualification.

Once the household has completed the final eligibility and screening process, they will be assigned to a pool of households ready to be housed.

If the information used for the final determination of eligibility is over ninety (90) days old before a unit offer is made, the household will be required to update any information, and the Admissions Office will redetermine eligibility.

**GOOD CAUSE FOR APPLICANT REFUSAL OF UNIT OFFER**

If an applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents clear evidence ("good cause") that acceptance of the offer of a suitable vacancy will result in undue hardship not related to considerations of the applicant’s race, color, national or ethnic origin, etc. the applicant will not be dropped to the bottom of the list.

Examples of “good cause” for refusal of an offer of housing are:

• The unit is not ready for move-in at the time of the offer of housing. The applicant will be offered the next unit that is ready for move-in;

• Inaccessible to source of employment, education, or job training, children’s day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children disabilities;

• The family demonstrates that accepting the offer will place a family member’s life, health or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments form a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;

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

• The unit has lead paint and the family has children under the age of seven(six seven)

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

• An elderly or disabled family makes the decision not to occupy or accept occupancy in designated house; or

If good cause is verified, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list or otherwise affect the family’s position on the waiting list.
LHAND will maintain a record of units offered, including location, date and circumstances of each offer, and each acceptance of refusal, including the reason for refusal.

**PROCESS APPLICATIONS FOR DESIGNATED HOUSING**

With the approval from HUD, the LHAND has designated units at the M. Henry Wall Plaza Development for elderly and disabled families only. The LHAND will designate one hundred and twenty three units (123) for elderly families only and fifty-three units (53) for disabled families only.

The Admissions Office will track the number of elderly and non-elderly applicants on the waiting list by age. The Management staff will track the number of elderly and non-elderly tenants currently living at Wall Plaza by age. The LHAND will accept all applications from individuals who are eligible, which is that they are either elderly or disabled.

Once the completed application has been accepted, time stamped, and dated, the LHAND will process that application using the methods described in the Waiting List Administration section.

**UNIT OFFERS FOR DESIGNATED HOUSING**

The LHAND will offer units to the M. Henry Wall Plaza Development in accordance with the HUD approved Designated Housing Plan.

Once the number of current elderly and non-elderly tenants residing at M. Henry Wall Plaza has been established along with the percentage of units for each group, the LHAND will make a unit offer to the next appropriate applicant.

The LHAND will offer a unit following this criterion:

Until such time the number of non-elderly disabled residents at Wall Plaza reaches or exceeds thirty percent (30%) of the development, unit offers will be made to the next eligible applicant on the waiting list.

When the number of non-elderly disabled residents residing at Wall Plaza reaches or exceeds thirty percent (30%), the next unit offer will be made to elderly applicants only. If there is insufficient number of elderly families to fill the designated units, preference will be given to near-elderly applicants.

When the number of non-elderly disabled residents residing at Wall Plaza becomes less than thirty percent (30%), the next unit offer will be made to the next eligible near-elderly applicant.

The LHAND must document if a unit offer has been made and the applicant refuses.

As stated in the LHAND’s Annual Plan, the LHAND will allow a set-aside of Housing Choice Vouchers (HCV) for use by non-elderly disabled applicants from the Wall Plaza waiting list.

The LHAND will give a priority on the one-bedroom Curwin Circle waiting list for all non-elderly applicants from the Wall Plaza waiting list. On average, the normal turnover rate of units results in eight one-bedroom units becoming vacant for occupancy on an annual basis with an average turnover time (time from vacancy date to the lease – up date) of twenty – one days. The LHAND will allow for fifty- percent set-aside for all new one-bedroom placements at Curwin Circle. A current Wall Plaza non-elderly applicant will receive one of every two one-bedroom unit offers at Curwin Circle. This will create four one-bedroom units annually for current Wall Plaza non-elderly applicants based on the most recent turnover rate.

The LHAND will seek additional funding through the city of Lynn’s HOME and Community Development Block Grant (CDBG) programs to provide financial incentives to landlords who are willing to make accessibility modifications to existing units. The LHAND will authorize the maximum allowable Section 8 rental subsidy as an incentive to landlords who make modifications to existing units.
QUALIFICATIONS FOR ADMISSION APPLICANT SELECTION CRITERIA

OVERVIEW

Meeting the eligibility criteria for public housing or having admissions preference does not mean that a family will automatically receive an offer of housing. In order for an offer to be made, the household must be fully qualified, meaning that the household meets both the eligibility criteria and applicant selection criteria for admission.

The LHAND’s policy is based and set forth on the following requirements:

- The HUD regulations that govern admissions (24 CFR § 960.203);
- Lease requirements imposed by state law; and
- Lease requirements set forth by the LHAND.

The LHAND’s screening policy and procedures have been developed to be consistent with the Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the Fair Housing Amendments Act of 1988.

SCREENING PROCEDURES

When an application is submitted, the LHAND makes an initial determination of program eligibility. This limited verification is considered sufficient since the Applicant is required to certify by signature that the information provided in the application is a full and true representation of all household circumstances at the time of application. Any information provided on the application, which is subsequently found to be false and also material to the LHAND’s eligibility and screening criteria is grounds for immediate removal from all program waiting lists or the start of an eviction process. Full program eligibility is verified by the LHAND as part of the final application review.

Screening for program qualification only occurs as part of the final application review. The purpose of the final application review is to make the final determination of eligibility and to screen the applicant household against the criteria. This is the final verification process prior to a unit offer.

If the household is found to not be program qualified, the LHAND will notify the applicant household by first class mail. The letter will remind the household of their right to request an Informal Hearing. As part of an Informal Hearing, the head of household can review the documentation upon which the determination is based and to discuss the finding in person with a LHAND staff person.

For administrative purposes, the request for a meeting to review the grounds for denial of program qualification must occur within twenty (20) days of the date shown on the letter notifying the applicant of this determination. If the household exercises its option for an Informal Hearing meeting, they must provide any additional, mitigating information at the meeting with staff to review the denial of program qualification.

Obtain Applicant’s Release

The Head of Household must sign all documents included in the screening packet at the time of final application review. The LHAND is required to prohibit admission of families with members:

- A record of eviction from private or public housing, termination from residential programs, or chronic history of lease violations;
- Who are currently engaging in illegal use of a drug;
- Who have shown a pattern of use of illegal drugs that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;
• Who are subject to a lifetime registration requirement under a State sex offender registration program;

• Whose abuse of alcohol or pattern of abuse of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents

• Who have ever been convicted of drug-related criminal activity for manufacture of methamphetamine on the premises of federally assisted housing?

• Involvement in criminal activity on the part of any household member listed on the application which would adversely affect the health, safety, or welfare of other residents [24 CFR § 960.203 (c) (3) and § 960.204];

• A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents, or cause damage to the unit or development [24 CFR § 960.203 (c) (2)];

• An applicant’s misrepresentation of any information related to eligibility, qualification, and award of preference or priority for admission, deductions, family composition or rent.

How Applicant’s History will be checked

Listed below are the methods by which every applicant's performance relative to each of the screening criterion will be checked? In all cases, the LHAND reserves the right to request supplemental documentation until staff is confident that sufficient information is available to make a screening determination.

An attempt will be made to contact all providers of housing in the last five years will be contacted as part of this screening procedure using a Landlord Reference Letter. Landlords, friends, relatives, shelters, institutions, and other public housing agencies can complete this form.

For all applicants who are qualified individuals with a disability, the LHAND will consider any information about specific circumstances that are appropriate grounds for "reasonable accommodation" in accordance with the LHAND's "reasonable accommodation" policy. Although the LHAND requests sufficient documentation to make a proper and fair screening determination, it is the responsibility of the applicant to provide any information about their circumstances that justifies the LHAND holding its screening criteria in abeyance.

1. Past performance meeting financial obligations:

A former LHAND resident (otherwise eligible) who applies for federal housing owing a balance consisting of uncollected rent and/or charges from a state-assisted or federal program will be denied until that balance is paid or placed in an escrow account.

If LHAND personnel have questions about information received, they may directly contact the housing provider in order to substantiate the documentation.

2. Disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other residents:

Staff will check behavioral history with the current landlord and/or housing provider and at least one former landlord using the Landlord Reference Letter.

In addition to checking with landlords, the LHAND will make a Home Visit to all-eligible applicants located within the Commonwealth. The LHAND staff performing the home visit is instructed to note the difference between household caused damage and substandard conditions in the unit, which is the responsibility of the landlord. Applicants will be notified of home visits by phone.

If the applicant is not currently living under a lease with a landlord, the current housing provider will be asked to verify the applicant’s ability to comply with LHAND lease terms as it relates to this criterion. Potential housing providers include program managers for homeless shelters, program managers for transitional housing programs, administrators of work release programs, community residences or prisons.
Home visits to prisons will not be made, but all other residential settings will be visited and the Home Visit standards will be applied to the extent appropriate. Any area for which the applicant has upkeep responsibility will be inspected and program staff will be interviewed on the applicant's ability and willingness to meet the requirements of the lease or any set of program rules.

The LHAND will utilize the **Criminal Offender Record Information (CORI) System**, which is maintained by the Criminal History Systems Board as allowed less than 803 CMR 5.00. The applicant will be informed of this verification step. CORI will only be used as part of the final review of the application in order to determine if the household is program qualified.

The Board of Commissioners by approval of this screening procedure has designated the Director of Management and Operations and the entire Admissions staff as the "CORI Approved" individuals at the LHAND. These individuals are responsible for requesting and reviewing all CORI reports, retaining all records in a confidential manner (a locked file), and destroying all record no longer required. A CORI record will be retained for no more than three years from receipt only if it provided the basis for denial of program qualification. The LHAND will share any CORI record used as a basis for denial of program qualification with the applicant as part of any meeting to discuss a finding of not program qualified.

Crimes which involved the destruction of property or injury to others will be considered as part of the screening determination. A determination as to the relevance of any information provided by CORI will be on a case-by-case basis. It is impossible to establish a “bright line” threshold between the severity of an act and the time frame in which it occurred (or the likelihood that past behavior will actually repeat itself) prior to consideration of the applicant’s specific history.

The LHAND will also utilize the **Sex Offender Registry Board**. The Sex Offender Registry Board is the state agency responsible for keeping track of convicted sex offenders and classifying each offender so that the public may receive information about dangerous sex offenders who live or work in each community. The goal of the Sex Offender Registry is to educate the public and to prevent further victimization.

The Sex Offender Registry Board will only be used as part of the final review of the application in order to determine if the household is program qualified. The Admissions staff is responsible for requesting and reviewing all Sex Offender Registry information, retaining all records in a confidential manner (a locked file), and destroying all record no longer required. Any information pertaining to the applicant’s Sex Offender record will be retained for no more than three years from receipt only if it provided the basis for denial of program qualification. The LHAND will share any Sex Offender record used as a basis for denial of program qualification with the applicant as part of any meeting to discuss a finding of not program qualified.

An applicant’s behavior toward LHAND staff will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward LHAND staff will be noted in the file.

3. **Involvement in criminal activity on the part of any applicant family member which would adversely affect the health, safety or welfare of other residents:**

Involvement in criminal activity by any member of an applicant family that would adversely affect the health, safety or welfare of other residents will be verified using CORI as discussed in the section above. In addition, the Housing Provider will be asked to indicate problems in this area during the applicant's tenancy.

Notwithstanding the case by case nature of CORI information, convictions for drug dealing or possession within the prior five year period; convictions for crimes of violence within the last ten; any conviction for crimes against minors for an applicant to an LHAND family development or structure located adjacent to a family development; or a chronic history of destruction of property and vandalism will be weighted heavily in the evaluation of program qualification.

For applicants or household members who are in a court-ordered rehabilitation program as identified through the application process and verified by CORI, the LHAND will use a Substance Abuse Service Provider Reference Letter to confirm that the resident is attending the program as required and that their demonstrated behavior, in relation to their substance abuse problems, would not violate the LHAND's lease requirements by disturbing neighbors or destroying property.

4. **A record of eviction from housing or termination from residential programs:**

The LHAND Application for Housing directly inquires of the applicant if they have ever been evicted from housing or removed from a residential program. The Landlord Reference Letter also inquires about eviction history. Staff will check
LHAND records, landlord records and other court records to determine whether the applicants has been evicted from the LHAND, any other assisted housing, or any other property in the past.

A problematic rental history may not have a bearing to a household when the Head of Household and/or spouse listed on the application are other than the former Head of Household and/or spouse associated with the problematic rental history. Any example of these circumstances may involve an older sibling (over eighteen years old), aunt or uncle, godparent, grandparent or legal guardian who has assumed Head of Household status because of the departure of the prior Head of Household. In those situations in which a departing household member other than the Head of Household or a new Head of Household is seeking housing through the programs of the LHAND, the applicant will not be held accountable for the rental delinquency or other problems of the former lessee unless the applicant or other members of the applicant's household contributed to the cause of the involuntary termination. A spouse of a former tenant who signed a previous lease will be considered responsible for the family's former actions.

Staff will consider the date and circumstances of any past eviction or termination in determining its relevance to LHAND residency. Non-payment evictions more than five years old counter-balanced by a clean rental history in the last five years will usually be discounted. Non-payment evictions for households who were rent burdened (paying in excess of 50% of adjusted net income) will not be treated as an at fault eviction. Any history of a "for cause" eviction for actions that presented a threat to oneself or others, involved drug activity, or acts of violence will be evaluated in accordance with the standards in Section 3.

5. An applicant's misrepresentation of any information related to eligibility, award of preference for admission, allowances, family composition or rent.

If during the course of processing an application, it becomes evident to LHAND staff that an applicant has falsified or otherwise misrepresented any material facts about his/her current residential situation, residential history, or behavioral history in a manner that would affect program eligibility, priority or preferences, applicant selection criteria, program qualification, deduction or rent computation, the application shall be rejected and barred from further program participation. The LHAND also reserves the option to notify the District Attorney of fraudulent representation made as part of the application process to determine if criminal charges are appropriate.

This provision shall not be applied to minor mistakes of a clerical or factual nature that produce no benefit to the applicant.

6. Home Visit

Applicants will be notified by phone of the scheduled home visit. Home visits will be conducted only for applicants who reside within the Commonwealth of Massachusetts, or if feasible, utilize the inspection services of another Housing Authority.

Applicants who are sharing housing either with family members or friends must be advised that the LHAND will inspect the common areas of the unit such as the living room, kitchen and bathroom, not just the applicant's room(s). An applicant household that is willing to live in unsanitary or infested conditions created by others may have housekeeping standards that are too low to meet the lease requirements of the LHAND's programs. As with all screening criteria, the LHAND will consider mitigating circumstances, such as the availability of other housing options, as required by regulation.

Home Visits to a shelter or transitional housing program are useful because the applicant may be responsible for some aspect of the condition of the property. Proof of an ability to maintain an area in a habitable manner is an important step in documenting willingness and ability to meet the requirements of the LHAND lease.

The purpose of the home visit is not to perform some sort of "White Glove" check of the applicant's housekeeping, but rather to determine whether the applicant is capable of caring for a LHAND unit in a way that will not create health or safety hazards or contribute to infestation, and whether the applicant is currently engaged in behavior or practices that would violate the LHAND's lease. Staff who performs Home Visits will be trained on the acceptable standards.

If the applicant's current unit shows resident-caused health or safety hazards, housekeeping that contribute to infestation, or damage, the applicant would usually be rejected.

Likewise, if the home visit revealed that the applicant was currently permitting unauthorized occupants to share the unit, was engaged in criminal activity or displayed some other situation that was inconsistent with the material information
presented on the application, the applicant could be rejected. The LHAND will document any cases where the Home Visit results in a rejection by photograph or written report.

**Process for Determination of Program Qualification**

Once all the documentation to determine program qualification has been collected to verify the household's ability and willingness to meet the requirements of the LHAND lease, the Admissions staff will make a preliminary recommendation to admit or reject. This preliminary determination would be based on the following:

a. **Responses from the current housing provider and at least one former provider** - A positive or neutral response would mean the applicant family could be recommended for admission;

b. **Responses from utility companies (if applicable)** - A positive or neutral response that is consistent with the landlord information would result in a recommendation for admission;

c. **Responses from a CORI Report** - No member of the household will be admitted to housing if a review of court records shows a variance from information about prior convictions provided on the application. If a household member is found to have not provided information on prior convictions, it is grounds for immediate rejection on the basis of misrepresentation on the application. A criminal record properly presented on the application is not automatic grounds for denial of program participation, as mitigating circumstances will be taken into account. Only a prior history which indicates acts which are a threat to the health and safety of others and likely to be repeated, based on multiple incidents, are grounds for denial of program participation.

d. **Responses from a SORI Report** - Housing Authorities are to deny assistance to individuals subject to lifetime registration requirement.

e. **For first time renters, references from an individual other than a housing provider** - The applicant must be considered capable of and willing to comply with the LHAND lease terms for a recommendation of admission to be made.

f. **Home Visit** - To be recommended for admission the applicant must receive a satisfactory or better rating on the Home Visit.

Applicants found both program eligible and program qualified will be housed as soon as an appropriate size unit consistent with their place on the waiting list is available.

**Procedure for Screening Applicants with Disabilities or Handicaps**

It is illegal to reject an applicant household because a member of the household has a handicap or disability, or for findings from the screening process that could be mitigated by the LHAND's acceptance of a "reasonable accommodation." If an applicant with a disability cannot meet essential program requirements and the requested "reasonable accommodation" cannot be approved in accordance with the LHAND’s Reasonable Accommodation Policy and Procedures, it is permissible to reject them. Such insurmountable issues might arise because of the severity of behavior or performance in past housing, clear inability to comply with the terms of the LHAND's lease, or required services which represent an alteration in the fundamental nature of the LHAND's program and are not available through an alternative source.

There are three possible stages of processing the applications of persons with disabilities or handicaps. These three stages only apply to an applicant for federal housing who is under sixty-two. An applicant household with a non-elderly disabled member who is applying for family housing requires no verification of disability as part of the determination of program eligibility unless they are seeking a mobility-impaired accessible unit, a sensory-impaired accessible unit, or require a special geographic placement or unit modification.

These stages are consistent with the requirements of Section 504 and Title II of the Americans with Disabilities Act.

**Stage 1 - Eligibility Review**

1.1 **The first stage of processing is the determination of program eligibility.** At this point it is necessary to document that each single applicant who is less than 62 years of age is either disabled or handicapped as defined in HUD’s Part 913 regulations. The question must be asked to determine whether the applicant qualifies as an Elderly Household.
1.2 Once an applicant has been determined to have a disability or handicap that qualifies, no further reference should be made to that fact unless the application reaches the third stage of processing.

Stage 2 - Applying the Applicant Selection Criteria

2.1 The second stage of processing is applying the applicant screening criteria contained in this procedure. Neither mitigating circumstances nor "reasonable accommodations" will be an issue for any applicant who passes the applicant screening criteria. Thus an applicant who happened to have a disability or handicap but was able to demonstrate a history of meeting financial obligations, caring for a rental unit, avoiding disturbing neighbors and destroying property, eschewing criminal behavior, and if necessary, ability to comply with the LHAND's lease, would be recommended for admission with no further reference to or consideration of any disability or handicap.

Stage 3 -- Documenting Mitigating Circumstances or "Reasonable Accommodation"

3.1 The third stage of processing would be activated if an applicant could not meet one or more of the applicant screening criteria. At this point, applicants with disabilities or handicaps are entitled to special considerations as to how the LHAND could accommodate their special needs. All request for "reasonable accommodation" must meet the requirements described in the LHAND's "Reasonable Accommodation" Policy. Rejected applicants will be notified of their right to review the basis of the rejection and provide any mitigating information at a meeting. The LHAND must be notified of the rejected applicant's interest in such a meeting within fifteen (15) working days of the postmark on the rejection letter.

3.2 Mitigating circumstances would be facts (that can be verified) that would overcome or outweigh information already gathered in the resident screening process. For example, if an applicant has a previous history of disturbing neighbors, but recent behavior was much improved, the LHAND could consider this a mitigating circumstance. The basis for any use of mitigating circumstances must be documented in the resident folder.

3.3 If the evidence of mitigating circumstances or the basis for a "reasonable accommodation" presented by the applicant relates to a change in medical condition or course of treatment, the LHAND shall have the right to refer such information to persons qualified to evaluate the evidence and verify the basis for the accommodation. The LHAND shall also have the right to request further information to clarify the causal relationship of the disability to the actions requested as part of a "reasonable accommodation," even if such information is of a medically confidential nature. If the applicant refuses to provide or give access to such further information, the LHAND will give no further consideration to the request for "reasonable accommodation".

3.4 If some form of assistance is needed to enable an applicant to comply fully with the lease terms, LHAND staff will need to obtain verifications that such assistance is available to the applicant. The Certification of an Individual or Agency Providing Assistance Form should be used for this verification.

3.5 Any applicant with a disability or handicap who cannot meet the applicant screening criteria taking into account possible mitigating circumstances, reasonable accommodations by the LHAND, or services needed for lease compliance verified to be provided to the applicant by others, will be rejected.

Alcohol Abuse and Screening:

The LHAND is prohibited from rejecting an applicant for simple use or even quiet abuse of alcohol unless the use or pattern of abuse of alcohol results in behavior that would interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. An applicant who is an alcoholic must meet the same screening criteria as any other applicant. If an applicant's housing history demonstrates behavior that would be a lease violation, screening staff would have grounds to reject the application, whether or not the behavior were related to the applicant's alcoholism.

Rejecting an Application for Public Housing

The LHAND will reject an application and thus remove an applicant's name from the waiting list under the following circumstances: (Note: A Notice of Rejection is required for any of the following circumstances)

- The LHAND has notified the applicant of its intention to remove the applicant’s name because the applicant is no longer eligible for public housing;
• The applicant fails to pay an outstanding balance owed to the LHAND;
• The applicant fails to meet the home visit requirements;
• The applicant fails to pay an existing utility balance which results in a denial of service by the utility supplier; or
• The applicant fails to meet the LHAND’s screening because of a documented tenant history of:
  • Poor past performance in meeting financial obligations, especially rent;
  • A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences that may adversely affect the health, safety or welfare of other tenants, or cause damage to the unit or development;
  • Involvement in criminal activity on the part of any applicant family member that would adversely affect the health, safety or welfare of other tenants;
  • A record of eviction from housing or termination from residential programs (considering relevant circumstances);
  • Inability or unwillingness to comply with the terms of the LHAND’s lease;
  • Misrepresentation of any information related to eligibility, award of preference for admission, allowances, family composition or rent.

If, at any point in the screening process (including housing provider references, home visit, or other verifications of ability and willingness to comply with lease terms), it becomes clear to staff that an applicant will not meet the screening criteria, the applicant will be notified that their household has been determined not program qualified. The Head of Household will also be informed of the right to an Informal Hearing.

If the screening process leads to a recommendation to find the applicant household to be not program qualified, the Authority will notify the applicant of the determination and the applicant’s right to request an Informal Review of the basis for the rejection. At the Informal Review, the applicant will have an opportunity to provide any additional information which could serve as mitigating circumstances or the basis for a “reasonable accommodations,” if appropriate.
OCCUPANCY STANDARDS

According to 24 CFR 960.206 (c) in selecting a family to occupy a particular unit, the PHA may match characteristics of the family with the type of unit available, for example the number of bedrooms.

PHAs are permitted to develop appropriate occupancy standards as long as the standards do not discriminate against families with children and are consistent with Uniform Physical Condition Standards and MA State Sanitary Code.

Families will be assigned units in accordance with the following table:

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<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Minimum Persons</th>
<th>Maximum Persons</th>
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For purposes of determining subsidy standards, an adult is a person who is 18 years of age or older.

Adults will be allocated one bedroom per adult. If two adults consider themselves partners they will be allocated one bedroom.

A single parent head of household will not be required to share a bedroom with their child, although they may do so at the request of the family. However a single parent minor member of the household will be required to share a bedroom with their child.

A family that consists of a pregnant woman (with no other persons) will be treated as a two-person family.

A single pregnant woman with no other children in the household will be allocated two bedrooms. Pregnant women with other family members will be allocated sufficient bedrooms to accommodate the new baby if the birth would result in the family being under housed.

Children of the opposite gender who are six or older will be allocated one bedroom each. Although they may share a room at the request of the family.

Two children of the same gender, regardless of age differential, will share one bedroom. This includes children of blended families, who may have different parents.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size. If the placement is not temporary and the goal of foster care placement is eventually adoption by another family and the child does not rejoin the household within the first twelve months of program participation, the LHAND will notify the household that they may be over housed.

Children specified in joint custody agreement will be considered family members if the agreement specifies that they live with the parent at least 183 days a year.

Any live in aide (approved by the LHAND to reside in the unit to care for a family member who is disabled or is at least 50 years of age) will be counted in determining the family unit size.

Unless a live-in aide resides with the family, the family voucher size for any family consisting of a single person must be either a zero or one bedroom unit.

Space may be provided for a family member who is away at school but who lives with the family during school recesses.

A household member who is required by employment to be away from the household for long periods of time but whose income is included in the determination of income eligibility will be counted for purposes of determining the maximum FMR applicable.
LEASING

When offering units, the LHAND will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location of the property. If the offer of a unit is preliminarily accepted by the applicant, the manager of the property will contact the applicant to set up a date to show the unit.

Once the unit is shown and the applicant accepts the unit, the management office will execute a lease. No lease will have an effective date before the unit is ready for occupancy.
REASONABLE ACCOMMODATION

Reasonable Accommodation is the practice of making exceptions to policies and/or procedures, alterations to physical space design or layout, or holding an organizational or program standard in abeyance to provide an individual with a disability equal access and full enjoyment of the benefits of the dwelling units at the LHAND.

Reasonable Accommodation can pertain to applicants for housing and residents of the development.

The exact nature of the reasonable accommodation varies from case to case. The implementation of an "accommodation" is at the discretion of the Authority based on information volunteered by the individual with a disability. LHAND is willing to discuss alternative accommodations if the original accommodation request is not feasible. The regulatory requirements for reasonable accommodation which pertain to the LHAND can be found in the Fair Housing Amendments Act of 1988, which applies to all multifamily housing, Section 504 of the Rehabilitation Act of 1973, which covers all housing programs that receive a federal subsidy, and Title II of the Americans with Disabilities Act (ADA) of 1990, which covers housing programs administered by government entities such as the LHAND.

The Authority is only concerned with the behavioral (functional) limitations of the disability as it pertains to the nature and requirements of the housing programs and the ability to meet the requirements of tenancy. In all cases, requests for information about the cause (diagnosis) of a disability are not permitted by staff.

REASONABLE ACCOMMODATION AND RESIDENT SELECTION

The LHAND provides affordable housing to individuals and households who are eligible and qualified. Program eligibility is primarily based on income. Additional screening standards are used to determine if the individual or household is capable of meeting the requirements of the Rental Lease. This is the determination of a household's qualification or suitability to be housed.

It is the responsibility of the applicant to identify any disability that has relevance to the Authority's screening process. The screening process determines the applicant's ability and willingness to comply with the lease. Based on a request for a reasonable accommodation by an applicant regarding the screening standards, suspending the use of any aspect of the Authority screening standards is not an automatic action. Additional information can and often will be required for review by the Agent to determine if the disability provides a sufficient basis for overlooking any past behavior.

The Authority can request documentation from licensed clinicians and/or therapists that there is a sufficient causal relationship between an individual's disability and the failure to meet the screening standards. This documentation requires no description of the causes of a disability. It only seeks to verify that the specific reasonable accommodation is related to and overcomes the functional limitation of a documented disability.

Even if this causal relationship is documented, the Authority still reserves the right to accept or reject any reasonable accommodation on the basis of "financial or administrative burden", "change in the fundamental nature of the program" or "undue hardship". In addition, the Authority will never agree to a reasonable accommodation if the behavioral history of an applicant indicates a high likelihood of being a threat to the safety and health of others or the applicant. The Authority may request opinions from experts as to the nature of the behavior, but the final determination as to the import of any concerns about a resident's behavior resides with the Authority.

REASONABLE PHYSICAL MODIFICATION

In certain cases the reasonable accommodation required is in the form of a physical modification to a unit or program space.

Requests for physical modifications to units must be made in writing to the Property Manager. In Massachusetts state law requires that an owner of a development with ten or more units will bear the cost of any physical modification unless one of the limiting standards is triggered such as "financial or administrative burden". If the Authority makes a determination that a physical modification is a financial and administrative burden, this does not preclude the requester from identifying other resources, which can be substituted or combined, with property resources in order to make the modification. However, the final determination of the feasibility of any physical modification resides with the Authority. The LHAND is willing to discuss alternative accommodations if the original accommodation request is not feasible.
The request must provide the basis for the modification and the exact changes being requested. The basis of the request is how the modification will mitigate the functional limitation that is the manifestation of the disability. For instance, in the case of changing cabinet and door hardware because of an individual's limited manual dexterity, the "changing of cabinet and door hardware" is the requested modification and the "limited manual dexterity" is the basis.

The Property Manager will review the request with the site maintenance staff to determine the feasibility and cost of the modification. The Authority may elect an equal alternative that is less costly than the resident's request. The Authority may determine that the modification is not feasible. If the lack of feasibility is specific to a unit or program space, then the Authority may propose to transfer the resident to a unit in which the modifications are feasible. In the case of a program or administrative space that requires a physical modification, an alternative program or administrative space, which meets the physical accessibility standards, may be substituted.

In no case, will the Authority make a physical modification it considers to be a “financial or administrative burden", a “change in the fundamental nature of the program” or “physically infeasible”.

REASONABLE ACCOMMODATION AND COMMUNICATION

The LHAND provides TDD service on a twenty-four hour a day, seven days a week basis.

For the written materials, the Authority has determined that it is a “financial burden" to develop custom materials in Braille or on tape for those with sensory impairments. The LHAND has determined that it will provide Readers on an as needed basis to all applicants and residents to assist in the review of written materials. Other forms of "reasonable accommodation" related to communication will be considered on a case-by-case basis.

REASONABLE ACCOMMODATION AND LEASE ENFORCEMENT

The Rental Lease requires both the Authority and the individual or household who reside in the unit to adhere to basic agreements. In short, the Housing Authority agrees to provide and maintain a unit that meets the habitability standards of the Commonwealth's Sanitary Code and the individual or household who reside in the unit agrees to pay the contract rent, adhere to program requirements, refrain from participation in criminal activities, and to respect the rights of other residents to full use and enjoyment of their unit and the community spaces.

Lease enforcement for all the above except rent payment is considered to be grounded in "for cause" enforcement proceedings. A resident may request that a Rental Lease enforcement activity be held in abeyance on the basis of a reasonable accommodation. The Housing Authority will consider a request for a reasonable accommodation related to the lease enforcement process on the following grounds:

1. The LHAND recommends that the request for "reasonable accommodation" is made at the first (informal) meeting to discuss the lease violation;
2. The resident acknowledges the basis of the lease violation;
3. The resident proposes a mitigation strategy to prevent re-occurrence that is acceptable to the Housing Authority;
4. The resident agrees that written documentation of the agreed upon mitigation strategy initialed by both parties can be included in the resident file; and
5. Repetition of the behavior that led to the lease violation is grounds to restart the eviction process.

The Authority reserves the right to reject a request for reasonable accommodation as it pertains to the lease enforcement process. The LHAND is not required to house any participant/tenant who poses a direct threat to LHAND staff, residents/participants, and/or guests of residents/participants.

OTHER ASPECTS OF PROGRAM ADMINISTRATION

There are other aspects of program administration that are not explicitly covered in the above sections. The Authority will consider any request for "reasonable accommodation" of any policy, procedure or practice including assignment of parking spaces, assignment of storage spaces, assignment of mailboxes and pet policy requirements. These requests are subject to the general requirements set forth in this policy including the right of the Authority to reject any request based on case-by-case circumstances.
COMPLAINTS OF DISCRIMINATION

The policy described above in no manner prevents a program applicant, applicant for employment, current program participants or current employee from filing a complaint of discrimination with the appropriate agency. Complaints related to program administration for participants should be filed with HUD's Office of Fair Housing and Equal Opportunity (OFHEO). In Massachusetts, it is possible to file complaints with the Massachusetts Commission Against Discrimination (MCAD).
LEASE TERMINATION PROCEDURES

No residents lease shall be terminated except in compliance with HUD regulations and the lease terms.

A 14 day notice will be given in the case of failure to pay rent, 30 days notice in any other case.

A Notice of Termination to Tenant shall state specific reasons for the termination, shall inform tenant of his/her right to make such reply as he/she may wish, and of tenant’s right to examine LHAND documents directly relevant to the termination.

When the LHAND is required to offer tenant the opportunity for a Grievance Hearing, the notice shall inform Tenant of the right to request such a hearing in accordance with the LHAND’s Grievance Procedures.

Any Notice to Vacate (or quit), which is required by State or local law, may be combined with, or run concurrently with the notice of termination under this section. The Notice to Vacate must be in writing, and specify that if the tenants fails to quit the premises within the statutory period, appropriate action will be brought, and he/she may be required to pay the costs of court and attorney’s fees.

When the LHAND is required to offer a Tenant the opportunity for a grievance concerning the termination, the tenancy shall not terminate (even if any Notice to Vacate under State or Local law has expired) until the period to request a hearing has expired, or (if a hearing is requested) the grievance process has been completed.

When the LHAND is not required to offer Tenant the opportunity for a hearing under the grievance procedure and the LHAND has decided to exclude such grievance from the LHAND grievance procedure, the notice of lease termination shall: (a) state that the Tenant is not entitled to a grievance hearing on the termination; (b) specify the judicial eviction procedure to be used by the LHAND for eviction; (c) state that HUD has determined that this eviction procedure provides the opportunity for a hearing in a court that contains the basic elements of due process as defined by HUD regulations; and (d) state whether the eviction is for a criminal activity that threatens health or safety of residents or staff or for drug related criminal activity.

The LHAND must evict Tenant from the unit only by bringing a court action. Self-help evictions are not permitted under MA Law.

When the LHAND evicts a Tenant from a dwelling unit for criminal activity the LHAND shall notify the local post office serving that dwelling unit that such individual or household is no longer residing in the unit so that the post office will cease mail delivery for such persons, and the former Tenant will have no reason to return to the unit.

Notices of lease termination may be served personally or posted on the apartment door.

Formal notices to tenant must be in writing, delivered to tenant or to any adult member of the household residing in the dwelling unit, or sent by first-class mail properly addressed to tenant.

At the prior request of the Tenant, notices can be provided in an alternative and accessible format (e.g. large print).

Return receipt for Registered or Certified mail shall be sufficient evidence that notice was given, whether signed or unsigned.

Notice shall include a statement describing right of any resident with a disability to meet with the manager and determine whether a reasonable accommodation could eliminate the need for the lease termination.

- The resident must also be informed of their right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish.
- Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or LHAND employees; and any drug related criminal activity.
GRIEVANCE POLICY & PROCEDURES

PURPOSE

This Grievance Policy and Procedures are intended to assure that LHAND Federal Public Housing Tenants are afforded an opportunity for a fair and open hearing if the Tenant disputes any LHAND action or failure to act involving the Tenant's lease with the LHAND or other LHAND rules or regulations which adversely affect the individual Tenant's rights, duties, welfare, or status.

The Grievance Procedure is not intended as a forum for initiating or negotiating policy changes with the Authority's Management or Board of Commissioners. Issues of a policy nature may be addressed directly to the Management of the Authority whose decisions may be appealed to the LHAND Board of Commissioners. The Board of Commissioners meets monthly and the meeting is open to the public.

The Grievance Procedure is incorporated by reference in all Tenant dwelling leases and will be furnished to each Tenant and all resident organizations.

Any substantive changes proposed in this grievance procedure must provide for at least 30 days notice to Tenants and Resident Organizations, setting forth the proposed changes and providing an opportunity to present written comments. Comments submitted shall be considered by the LHAND before any revisions are made to the grievance procedure.

DEFINITIONS

A.  LHAND -- Lynn Housing Authority & Neighborhood Development

B.  Tenant -- adult person(s) (other than a live-in aide):

1. Who resides in the unit, and who executed the lease with the LHAND as lessee of the dwelling unit, or if no such person now resides in the unit,
2. Who resides in the unit, and who is the remaining head of household of the Tenant family residing in the dwelling unit.

C.  Grievance -- Except as noted below, any dispute which:

1. A Tenant may have with respect to an LHAND action or failure to act in accordance with the individual Tenant's lease or LHAND regulations which adversely affect the individual Tenant's right, duties, welfare or status, and
2. A Tenant declares in writing to be a grievance.
3. Exclusions:
   a. Disputes between Tenants.
   b. Class grievances.
   c. Any grievance concerning a termination of tenancy or eviction that involved:
   4. Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the LHAND's public housing premises of other Tenants or employees of the LHAND, or
   5. Any violent or drug-related criminal activity on or off such premises, or
   6. Any criminal activity that resulted in felony conviction of a household member

D.  Complainant -- Any Tenant whose grievance is presented in writing to the LHAND office in accordance with this policy and appropriate HUD regulations, and whose dispute is grievable under this procedure.

E.  Hearing Officer -- An impartial person appointed by the LHAND, other than a person who made or approved the LHAND action under review or a subordinate of such person, to hear grievances and render a decision with respect thereto.

F.  Resident Organization -- An organization of residents, which may also include a resident management corporation.
INFORMAL SETTLEMENT OF GRIEVANCE

Any grievance shall be personally presented within the time specified by the LHAND's written notice of the adverse action, or, if no such time is specified, within thirty (30) days of the LHAND action or failure to act giving rise to the dispute. The grievance must be presented in writing and be fully legible. The presentation of the grievance shall be made directly to the LHAND at its management office of the project in which the Complainant resides.

An attempt will be made to settle the grievance informally, by discussion and without a hearing. The LHAND will notify the Tenant of a time and place for this informal review of the basis of the Tenant complaint. The Tenant may bring legal counsel to an informal grievance review.

If the Tenant avails themselves of the informal process, a summary of the discussion shall be prepared within five (5) work days. One copy shall be given to the Complainant and one retained in LHAND's Tenant file. The summary shall specify:

1. The names of the participants;
2. Date(s) of meeting;
3. The nature of the proposed disposition of the grievance and the specific reason therefore; and
4. The procedures by which a hearing may be obtained if the Tenant is not satisfied.

EXPEDITED GRIEVANCE PROCEDURE

The LHAND may conduct an Expedited Grievance Procedure for any grievance concerning a termination of tenancy or eviction that involves:

1. any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the LHAND's public housing premises by other Tenants or employees of LHAND, or
2. any violent or drug related criminal activity on or off such premises, or
3. any criminal activity that resulted in felony conviction of a household member.

In the case of a grievance under the expedited grievance procedure, the informal settlement of grievances listed in this policy is not applicable.

For each of these situations, the expedited grievance procedure applies to members of the household and their guests. If the LHAND seeks an expedited grievance procedure, it will notify the Tenant of the pending adverse action. This notice of adverse action can serve as a Notice to Quit under federal and state law although an eviction proceeding in court cannot occur until the Tenant's right to a grievance hearing has either been exercised in a manner consistent with this policy, or the right to grieve has lapsed.

OBTAINING A HEARING

A. Request for Hearing

The Complainant shall submit a written request for a hearing to the LHAND at its management office of the project in which the Complainant resides within fifteen (15) calendar days after receipt of the summary of discussion pursuant to this policy. The written request shall specify:

1. The reason for the grievance, and
2. The action or relief sought.

The grievance must be stated in terms specifying how the LHAND's action or failure to act adversely affects the Tenant's rights, duties, welfare, or status in violation of the Tenant's lease or other LHAND rules or regulations.

B. Hearing Officer

The Complainant will have the option of a hearing before an individual, the Hearing Officer. The Hearing Officer will be selected by the LHAND from a pool of pre-qualified individuals who may be an officer or employee of the LHAND and will in all cases be a neutral individual.
Efforts will be made to assure that the person selected is not a friend, nor enemy, of the Complainant and that they do not have a personal stake in the matter under dispute or will otherwise have an appearance of a lack of impartiality.

C.  Scheduling of Hearings
The hearing will be scheduled at a mutually convenient time for the Officer, the Complainant and LHAND staff, but in no event longer than thirty (30) days after a request for a Hearing. The Tenant has the option of a public hearing. If a private hearing is sought, the Tenant is limited to bringing no more than two (2) individuals who are not material to the presentation of information to the Hearing Officer.

A written notification specifying time, place and the procedures governing the hearing shall be delivered to the Complainant and appropriate LHAND official.

D.  Failure to Request a Hearing
If the Complainant does not request a hearing within the required time frame, then the disposition of the grievance specified in the summary of the informal discussion prepared in accordance with this policy will become final. Not requesting a Hearing will not constitute a waiver by the Complainant of his/her right to contest the LHAND's action in disposing of the grievance in an appropriate judicial proceeding.

E.  Hearing Prerequisite
All grievances will be presented in writing pursuant to the informal procedure prescribed in this policy as a condition to a hearing under this section. However, if the Complainant shows good cause to the Hearing Officer why s/he failed to proceed in accordance with the outlined procedures, the provisions of this subsection may be waived by the Hearing Officer.

F.  Escrow Deposit
Before a hearing is scheduled involving a dispute in the amount of rent which the LHAND claims is due, the Tenant must establish an escrow account for the amount in dispute and provide proof of the existence of the account. All payments due prior the month in which the alleged act or failure to act took place must be paid in full. The Complainant shall, thereafter, deposit the monthly rent due in the escrow account each month until the grievance is resolved by a decision of the Hearing Officer.

LHAND may require proof that such deposits are being made. Unless this requirement is waived by the LHAND, the failure to make such payments shall result in a termination of the Complainant's right to grieve under this procedure. Failure to make the above-designated payment shall not constitute a waiver of any right the Complainant may have to contest the LHAND's disposition of the grievance in an appropriate judicial proceeding.

PROCEDURES GOVERNING THE FORMAL HEARING

A.  Due Process -- The Complainant shall be afforded a fair hearing providing the basic safeguards of due process which shall include:

1.  The opportunity to examine before the hearing and, at the expense of the Complainant, to copy all documents, records and regulations of the LHAND that are relevant to the adverse action. Any document not so made available after request therefore by the Complainant may not be relied on by the LHAND at the hearing;

2.  The right to be represented by counsel or other person chosen as his/her representative; and to have such person make statements on the Tenant's behalf.

3.  The right to a private or public hearing according to the Complainant's preference;

4.  The right to present evidence and arguments in support of his/her grievance, to controvert evidence relied on by the LHAND, and to confront and cross-examine all witnesses on whose testimony or information the LHAND relies; and

5.  A decision based solely and exclusively upon the facts presented at the hearing.

B.  Prior Determination on the same Issue is Binding -- The Hearing Officer may render a decision without proceeding with a hearing if it is determined that the issue has been previously decided in another proceeding.
C. **Failure to Appear** -- If the Complainant or the LHAND fails to appear at a scheduled hearing, the Hearing Officer may make a determination to postpone the hearing for a period not to exceed **five (5) work days** or may make a determination that the party has waived his/her right to a hearing. Both the Complainant and the LHAND shall be notified of the determination by the Hearing Officer, provided that a determination that the Complainant has waived his/her right to a hearing shall not constitute a waiver of any right the Complainant may have to contest the LHAND's disposition of the grievance in an appropriate judicial proceeding.

D. **Access to Records** -- The Complainant or the LHAND may arrange, in advance, and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested person not a party to the grievance may purchase a copy of such transcript with all names and identifying references deleted.

E. **Accommodation of persons with disabilities** -- The LHAND must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable Accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the Tenant is visually impaired, any notice to the Tenant which is required under this procedure must be in accessible format.

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**SCOPE OF JURISDICTION OF THE HEARING OFFICER**

A. The Complainant must first make a showing of entitlement to the relief sought and thereafter the LHAND must sustain the burden of justifying the LHAND action or failure to act against which the grievance is directed.

B. The relief sought by the Complainant must be relevant to the aggrieved act or failure to act and must not be inconsistent with:

1. Local, State, or Federal law;
2. Tenant's lease;
3. LHAND rules or regulations;
4. The LHAND's Annual Contributions Contract with either HUD or DHCD, depending on the program effected; or
5. HUD regulations applicable to LHAND.

C. The hearing shall be conducted informally by the Hearing Officer and oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Complainant, council, and other participants or spectators are required to conduct themselves in an orderly fashion. Private Hearings are limited to three spectators of the Tenants choosing. Only LHAND staff directly involved with the Hearing will attend a private hearing. Failure to comply with the directions to remain orderly may result in exclusion from the proceedings.

D. The Hearing Officer will conduct a hearing in order to determine whether the LHAND's action or failure to act is consistent with the Tenant's lease with the LHAND or with other applicable LHAND rules or regulations, and whether the LHAND is justified in proceeding with its action.

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**DECISION OF THE HEARING OFFICER**

A. The Hearing Officer will prepare a written decision together with the reasons therefore, within **fifteen (15) work days** after the hearing. A copy of the decision shall be sent to the Complainant and the LHAND. The LHAND shall retain a copy of the decision in the Tenant's file. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the LHAND and made available for inspection by a prospective Complainant or his/her representative.

B. The decision of the Hearing Officer in favor of the Complainant must specify which provision of the Tenant's lease or other regulation has been violated. The remedy granted by the Hearing Officer may not violate:

1. Local, State or Federal law;
2. Tenant's lease;
3. LHAND rules or regulations;
4. The LHAND's Annual Contributions Contract with either HUD or DHCD, depending on the program effected; or
5. HUD regulations applicable to LHAND.

C. The decision of the Hearing Officer will be binding on the LHAND which will take all actions or refrain from any action, necessary to carry out the decision unless the

LHAND Board of Commissioners determines within a reasonable time and promptly notifies the Complainant of its determination that:

1. The grievance does not concern LHAND action or failure to act in accordance with or involving the Complainant's lease or LHAND regulations, which adversely affect the Complainant's rights, duties, welfare or status;
2. The decision of the hearing officer is contrary to applicable Federal, State or local law, HUD regulations, requirements of the annual contributions contract between HUD and the LHAND.

D. A decision by the Hearing Officer or Board of Commissioners in favor of the LHAND or which denies the relief requested by the Complainant in whole or in part, shall not constitute a waiver of, nor affect in any manner whatever, any rights the Complainant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter. (In other words, if the Tenant loses, he or she can still go to court.)

LHAND EVICTION ACTIONS

If a Tenant has requested a hearing in accordance with this policy and HUD regulations on a complaint involving an LHAND Notice to Quit, and the Hearing Officer upholds the LHAND's action to terminate the tenancy, the LHAND may commence an appropriate eviction action against him/her and s/he may be required to pay court costs and attorney fees if the Tenant fails to vacate the unit immediately.
PUBLIC HOUSING PARKING & TOWING RULES

CURWIN CIRCLE RESIDENT PARKING AND TOWING

Parking stickers are given only to Curwin Circle residents who own an automobile which is registered and insured to the head of household or members of the family who are listed on the lease. All residents must display a LHAND resident parking decal issued by the Management Office. Due to space restrictions, residents will be permitted two Parking Decals per household. Please be sure to park off the street and within designated parking areas. Observe all parking rules and regulations as well as all posted signs relating to parking (i.e. handicapped spaces, park in between lines, no parking on fire lanes, no parking in guest parking lots, etc.). Vehicles parked in any area which is not an authorized parking area will be towed at the owner’s expense.

If you change vehicles, you must request a new sticker. New stickers will be given only when you return the old sticker from the previous vehicle.

Parking is restricted for Street sweeping every Friday (seasonal) from 7:30 a.m. until 10:00 a.m. During this time all vehicles must be moved from resident parking spots. If cars are not moved by 7:30 a.m. they will be towed at the owner’s expense.

Working on vehicles in Curwin Circle is not allowed. Any vehicle being repaired will be towed.

Vehicles with flat tires or resting on jacks/blocks will be towed. As well as any vehicle with or without a sticker that does not operate and does not move from a parking space.

No disabled, abandoned or unregistered vehicles, including those lacking current inspection stickers, will be permitted to remain on LHAND property. All such vehicles will be subject to towing at the owner’s expense. The LHAND reserves the right to tow any and all vehicles and actively tows unauthorized vehicles.

Towing Company: JME Towing, 164 Blossom Street, Lynn, MA 01902 Phone #: (781) 595-4343

CURWIN CIRCLE VISITOR PARKING AND TOWING

There is one guest parking lot in Curwin Circle. It is located in the back of the development in Curwin Terrace by the basketball court. Visitors parked in Curwin Circle must obey all parking signs. Residents must advise family members, guests, and visitors of all parking rules. Vehicles without resident stickers that are parked in any area which is not an authorized visitor parking area will be towed at the owner’s expense.

Visitor parking lots will be monitored for violators of Section 6 Part (A) of lease, which states, each guest may reside in the unit for a period not exceeding 14 days each 12 month period without written authorization. Any vehicle seen in the visitors parking lot for more than 14 days within a 12 month period will be towed at the owner’s expense, as well as a Private Conference will be issued to the head of household who has allowed the guest to reside more than 14 days in the unit.

All visitors who intend to stay for more than fourteen (14) days in a twelve month period must register with the Management Office in order to avoid being towed.

WALL PLAZA RESIDENT PARKING AND TOWING

Parking stickers are given only to M. Henry Wall Plaza residents who own an automobile which is registered and insured to the head of household or members of the family who are listed on the lease. All residents must display a LHAND resident parking decal issued by the Management Office. Due to space restrictions, residents will be permitted two Parking Decals per household. Please be sure to park off the street and within designated parking areas. Observe all parking rules and regulations as well as all posted signs relating to parking (i.e. handicapped spaces, park in between lines, no parking on fire lanes, no parking in guest parking lots, etc.). Vehicles parked in any area which is not an authorized parking area will be towed at the owner’s expense.
If you change vehicles, you must request a new sticker. New stickers will be given only when you return the old sticker from the previous vehicle and new vehicle registration.

Working on vehicles in Wall Plaza is not allowed. Any vehicle being repaired will be towed.

Vehicles with flat tires or resting on jacks/blocks will be towed. As well as any vehicle with or without a sticker that does not operate and does not move from a parking space.

No disabled, abandoned or unregistered vehicles, including those lacking current inspection stickers, will be permitted to remain on LHAND property. All such vehicles will be subject to towing at the owner's expense. The LHAND reserves the right to tow any and all vehicles and actively tows unauthorized vehicles.

Towing Company: JME Towing, 164 Blossom Street, Lynn, MA 01902 Phone #: (781) 595-4343

WALL PLAZA VISITOR PARKING AND TOWING

Visitor parking is allowed in the main lot. However, cars must be removed Monday-Friday by 7:30 a.m. Visitor parking will be monitored for violators of Section 6 Part (A) of lease, which states, each guest may reside in the unit for a period not exceeding 14 days each 12 month period without written authorization.
"NO TRESPASS" POLICY

The LHAND has followed MGL Chapter 266, Section 120 in the establishment of this policy. The law states that, with proper notice, a person can be forbidden to enter or remain in a dwelling or on a premise. The law states further that violation of the notice not to trespass could result in the person being fined, imprisoned or both.

MGL Ch. 266, Section 120 allows for notice to be given directly to the person or by the posting of the notice. LHAND policy is to have the notice delivered to the person by a constable with additional notification given to the development's Resident Council, if any, to the Lynn Police Department, to the Lynn Probation Department, and to any tenant that may be involved with the person, as well as by posting the notice in the development's common areas.

The following are circumstances under which a Notice of No Trespass could be issued:

- The causing of physical harm to an LHAND employee, resident, or other individual lawfully on LHAND property.
- The threatening with physical harm of an LHAND employee, a resident or other individual lawfully on LHAND property.
- The causing of serious or repeated damage to a dwelling unit, creation of physical hazards in the common areas, grounds, or parking areas of any LHAND property or the reasonable likelihood of such activity occurring.
- Theft, destruction or vandalism of property owned by the LHAND, other residents or individuals lawfully on LHAND property.
- Firearm violations under MGL Chapter 269, Sec. 10.
- Possession of explosive or incendiary devices in violation of MGL Chapter 226, Sections 101, 102, 102a & 102b.
- Actions that threaten the health, safety or right of peaceful enjoyment of the LHAND's premises by residents or others lawfully on the development or in its vicinity.
- Any criminal activity involving controlled substances on or off LHAND property. For purposes of this section, controlled substances are defined as those covered by MGL Chapter 94c, Sec. 31 as Class A, B, C, D or E.
- The commission of a serious crime involving violence against another person, even if not on LHAND property or in its vicinity.

These circumstances will be documented by LHAND staff, including information obtained from residents or individuals lawfully on LHAND property, and kept in the records of the management office of the property where the actions occurred.
OVERVIEW OF THE RECERTIFICATION PROCEDURES

On at least an annual basis each LHAND resident household must recertify. This process encompasses re-examining and verifying family income and family composition.

Recertifications are scheduled to be effective on the first day of the anniversary month that the tenant moved into the project. Families paying flat rent are required to recertify income only every 3 years but are still required to participate in Annual Recertification in order to ensure that unit size is still appropriate and Community Service requirements (if applicable) are met.

At the first lease execution and move-in and at every subsequent recertification, the household will be required to execute a Rent Schedule. This Rent Schedule requires the Head of Household to acknowledge a responsibility to the LHAND to update rent and family composition annually. The LHAND will inform residents of any change in the recertification schedule by formal notice.

The Recertification process consists of seven steps. Each household member 18 years of age or older must provide the information required and complete the seven steps. The steps are as follows:

1. Notify the Resident that his/her recertification is due.
2. Interview the resident to obtain information on income, assets, family composition and allowances, and SS numbers of all applicable family members.
3. Verify tenant's income, assets and allowances.
4. Verify social security numbers of all family members age 6 or older not previously verified.
5. Complete Family Certification Form and other required documents.
6. Notify tenant of any rent change resulting from the recertification.
7. Have tenant sign where required.

The Property Manager/Designee should send the First Reminder Notice for recertification ninety (90) calendar days before the date the recertification is required to be effective and should attempt to complete all steps at least 36 days before the effective date. HUD regulations require at least a full thirty (30) days notice of a rent increase so Property Managers must plan accordingly.

If the Resident does not respond within ten (10) working days of the first reminder request, the Property Manager should promptly issue a Second Reminder Notice.

If no response from the resident is forthcoming, then a Third Reminder Notice/Notice of Termination should be sent. This third notice should be sent between day 20 and 30. It must clearly state the new rent will be set at Flat Rent for the household’s unit since they have failed to recertify in a timely manner and will not be eligible for subsidy at the start of the month indicated on the notice. You should inform the resident that if they immediately contact the rental office to initiate a recertification, they may be able to avoid the loss of housing subsidy. Recertifications completed after the 10th of the month can only be effective for the 1st of the following month (e.g. a recertification completed after April 10th but before April 30 will require an effective date for the new rent of June 1)

INTERIM RECERTIFICATIONS

All residents are required to report increases in their income, if it increases by 10% or more, and change in family size. Failure to report changes in income is a violation of the lease. A resident can request a rent adjustment if total household income has been reduced by any amount subsequent to the date of the last rent change. However, this decrease must be of a change that was unanticipated at the time of certification. Property Management staff will verify the change in income and compute the new rent. Decreases in rent go into effect on the first day of the upcoming month and increases in rent go into effect on the first day of the second month.

Any rent amount as stated in the lease or redetermined pursuant to a periodic re-examination will remain in effect until the next annual redetermination unless:
1. The resident's gross income decreases or some other downward adjustment is appropriate, in which case a decrease in rent shall be made if requested by resident.

2. The resident's gross income increases by more than 10%, a household member moves out, or any unemployed household member obtains employment. If resident fails to report an increase in gross income, and such increase is later discovered, rent shall be increased retroactively to the second month following the increase.

3. The LHAND may refuse to implement an interim recertification if there is sufficient documentation that the decrease was caused by a deliberate action to reduce income to qualify for a lower rent, or the decrease is only temporary (less than one month).

4. The LHAND can unilaterally implement a retroactive rent adjustment if the resident has provided inaccurate facts upon which his/her rent is based so that the rent amount paid is less that should have been charged.

5. If the resident has deliberately misrepresented income or the facts upon which his/her rent is based, the resident may be subject to eviction. The resident does not have a right to a retroactive payment arrangement although an agreement may be negotiated at the discretion of the LHAND.

**RENT ADJUSTMENT EFFECTIVE DATES**

In the case of a rent decrease, the adjustment will become effective on the first day of the month following the reported change in circumstances, provided Tenant reported the change in a timely manner, as specified above.

In the case of a rent increase, when an increase in household income which is greater than 10% occurs and is reported within 10 days of the occurrence, the increase will become effective the first day of the 2nd month following the month in which the change was reported. Failure to report an increase in household income of greater than 10% within the 10-day period will trigger procedures for a rent increase due to misrepresentation.

In the case of a rent increase due to misrepresentation, failure to report a change in household composition, which increase household income in any amount, or failure to report an increase in household income of greater than 10%, the LHAND shall apply the increase in rent retroactive to the earliest date for which an increase should have occurred had the household not misrepresented its income.

**VERIFICATION REQUIREMENTS FOR ANNUAL AND INTERIM RECERTIFICATION**

**Verification of Income**

LHAND is required to obtain and document, in the family files, verification of the preferences claimed for admission to the program, social security numbers, immigration status, reported family income, the value of assets, expenses related to deductions from annual income and other factors that affect the determination of adjusted income, rent and eligibility.

**General Verification Requirements**

LHAND is required to obtain and document in the family file third party verification of the following factors, or document in the file why third party was not available: (1) reported family income; (2) the value of assets; (3) expenses related to deductions from annual income; and (4) other factors that affect the determination of adjusted income or income-based rent.

In order to comply with this requirement, the LHAND utilizes HUD's Enterprise Income Verification (EIV) system. HUD’s EIV system receives income information from the Social Security Administration, State Wage Information Collection Agencies (SWICAs), State TANF (Temporary Assistance to Needy Families) Agencies, Internal Revenue Service (IRS), National Directory of New Hires (NDNH) and The Work Number.

Third party verification of employment income, unemployment insurance, TANF, SS/SSI benefits and other sources of income of participants and household members is available through HUD’s Enterprise Income Verification (EIV) system.
Adult family members must sign required consent forms as needed to collect information relevant to the family’s eligibility and level of assistance. If any family member who is required to sign a consent form fails to do so, LHAND will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with LHAND procedures.

Levels of Verification
LHAND will verify information through the five methods of verification acceptable to HUD in the following order:

- Enterprise Income Verification (EIV)
- Other UIV Technique
- Written Third-Party Verification (Tenant documents originated by 3rd party)
- Written Third-Party Verification Form
- Oral Third Party Verification
- Tenant Declaration or Self Certification

Requirements for Acceptable Documents
- Any documents supplied by the tenant/applicant used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days for admissions and 60 calendar days for recertifications of the date they are provided to LHAND. The documents supplied by the tenant/applicant must not be damaged, altered or in any way illegible.

- If a tenant/applicant supplied document represents the most recent scheduled report, LHAND will accept those documents dated up to 6 months before the effective date of the admission/reexamination. For example, if the holder of a pension annuity provides semi-annual reports, LHAND would accept the most recent report.

- For verification of wages using review of tenant provided documents LHAND requires 4 pays stubs for weekly pay, 2 pay stubs for bi-weekly pay and 1 pay stub for monthly pay. The pay stubs should be consecutive and no more than 60 days old for applicants and 60 days old for current participants.

- LHAND staff members who view the original documents supplied by the tenant/applicant must make a photocopy and time/date stamp the document to reflect the time period the original was reviewed by LHAND.

- Any tenant declaration must be made in a format acceptable to LHAND and must be signed in the presence of a notary public and include a perjury statement.

Verification Requirements
- LHAND will have applicants sign and date the release statement on each third party verification form or will attach the LHAND Release of Information to the Third Party Form.

- Each applicant will be required to bring in birth records of family members to verify family relationship.

- The timing of verification is critical; if more than 60 days elapse between the date of verification and the issuance of a voucher for initial admission, the item must be re-verified.

- If the family does not report any changes from the originally submitted information, LHAND will not re-verify information before signing the HAP contract, even if verification is more than 60 days old.

- LHAND will maintain the validity of verification for 90 days from the date of receipt.

- LHAND will utilize Enterprise Income Verification when available prior to seeking written third party verification. In the event EIV documentation is unavailable, the LHAND will document the reason in the tenant file.

- LHAND may mail or fax third-party written verification requests and will accept third-party responses using any of these methods.

- LHAND will make two attempts to obtain any/all forms of third party verification before relying on another method. A record of each attempt to contact the third-party source (including no-answer calls) and all contacts with the source will be documented in the file.
The first attempt for third party verification will be a written request. LHAND will allow ten business days from the date of the written verification request before making the second request for third party verification. If a response has not been received by the 11th business day from the date of the first request, LHAND will make a second request for third party verification, which may be written or oral.

LHAND will allow ten business days from the date of the second request for third party verification before using the next method of verification (document review). If a response has not been received by the eleventh business day from the date of the second request, LHAND will use tenant provided documents for verification.

If tenant provided documents are not already on file, LHAND will request that the tenant provide the appropriate verification documents. LHAND will allow five business days from the date of the tenant request for document review before using the next method of verification (tenant declaration). If a response has not been received by the sixth business day from the date of the request, LHAND will request a tenant declaration for verification.

Tenant declaration may be made in the form of a notarized statement or affidavit from the tenant which includes a perjury statement.

LHAND will diligently seek third-party verification using a combination of written and oral requests to verification sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely fashion.

If third party verification is not used, LHAND will document the file with the reasons that third party verification was not available.

If third party verification significantly differs from tenant provided documents, LHAND will use the higher of the two. Resolution will be documented in the file to leave a clear audit trail. Substantial difference is defined as a difference of $200 or more per month or more between tenant-provided documents and third party documents.

Regarding third-party oral verification, LHAND will record the telephone number used, and the facts provided on the appropriate oral verification forms. The third party verification form is completed orally and attached to the Oral Verification form. In addition, the oral verification form is documented with all attempts to obtain oral verification.

When third-party verification has been requested and the timeframes for submission have been exceeded, LHAND will use the information from tenant provided documents on a provisional basis. If LHAND later receives third-party verification that significantly differs ($200 or more per month) from the amounts used in income and rent determinations and it is past the deadline for processing the reexamination, LHAND will conduct an interim reexamination to adjust the figures used for the most recently completed reexamination.

LHAND will determine that third party verification is not available when there is a service charge for verifying income, an asset or expense and the family has original documents that provide the necessary information.

LHAND will determine that third party verification is not available where an agency refuses to respond to requests for third party verification, i.e. Social Security Administration.

Tenant declaration may be used when attempts to obtain third party verification have failed and/or if there are not appropriate documents available to verify applicant income information. If the family cannot provide original documents, a tenant declaration will be acceptable as the only means of verification.

**Misrepresentation**

Any material misrepresentation on the part of an applicant/tenant revealed through the application/recertification process or otherwise, will result in a determination of ineligibility or termination from the program in the case of existing tenants. The applicant/tenant shall be notified in writing of such determination by LHAND and will be given the opportunity for an informal review of the matter.
**CONTINUED OCCUPANCY**

**ELIGIBILITY FOR CONTINUED OCCUPANCY**

Residents who meet the following criteria will be eligible for continued occupancy:

- Qualify as a family as defined in this policy
- Are in full compliance with resident obligations and responsibilities as described in the dwelling lease.
- Whose family members each have a SS # or have certification on file indicating they have no SS #
- Who meet HUD standards on citizenship or immigration status or are paying pro-rated rent
- Who are in compliance with the LHAND’s 8 hour per month community service requirements

**REMAINING FAMILY MEMBERS AND PRIOR DEBT**

Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse.

Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

**REEXAMINATIONS**

1. Regular reexaminations: LHAND shall, at least once a year, re-examine the family composition and incomes of all resident families paying Income Based Rents. Families paying Flat Rent will come in once a year to re-examine the family composition and at least once every 3 years to re-examine their income.

2. Special Reexaminations: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special reexamination will be scheduled every 60 days until a reasonably accurate estimate of income can be made.

3. Special reexamination shall be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder.

4. New Reexamination Date Following Income Disallowance: When a family qualifies for an earned income disallowance, the date for their next regular reexamination shall be permanently adjusted to be 12 months following the date that the income disallowance began.

5. Reexamination Procedures:
   
   (a) At the time of reexamination, the head of household will be required to sign an application for continued occupancy and all adult household members will be required to sign other forms required by HUD.
   
   (b) Income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be filed in the resident’s folder.
   
   (c) Verified information will be analyzed and a determination made with respect to:
      
      a. Eligibility of the resident as a family as or as the remaining member of a family;
      
      b. Unit size required for the family (using the Occupancy Guidelines); and
      
      c. Rent the family should pay.
   
   (d) Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy.
   
   (e) Families failing to respond to the initial reexamination appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a notice of lease violation and referred to the Housing Manager for termination of the lease.

6. Action Following Reexamination:
(a) If there is any change in rent, the lease will be amended, a new lease will be executed, or a Notice of Rent Adjustment will be issued.

(b) If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described above in this policy and moved to an appropriate unit when one becomes available.

**SEASONAL INCOME**

LHAND will annualize anticipated cyclical or seasonal income from all known sources for families with seasonal or cyclical employment up and until the next annual recertification is due. Families with cyclical or seasonal income will be advised that Interim Recertifications will not be conducted unless there has been an unexpected change in income during that period. The policy does not exempt participants from reporting income in excess of the cyclical income.

Residents with a history of employment whose regular reexamination takes place at a time when they are not employed must have their income calculated based on their past and anticipated employment.

Residents with seasonal or part-time employment of a cyclical nature must be asked for third party documentation of the circumstances of their employment including starting and ending dates.

**ZERO INCOME**

Zero Income Individuals: Individuals who report zero income must report any change in income within 15 working days from the date of the change. Adult household members claiming zero income must execute a Zero Income Certification approximately every 180 days as long as the zero income situation exists. Third party verification of termination is required for any income and/or benefit which was reported on the certification prior to reporting zero income. If the individual was previously employed, verification from Unemployment is required.

Zero Income Households: The head of household will be required to complete and sign a Zero Income Questionnaire approximately every 180 days as long as the household reports zero income. Third party from DTA is required for a zero income household.

**EARNED INCOME DISALLOWANCE**

This disallowance applies only to households under lease. It is not applicable at admissions. Only adults can qualify. Each person can receive only one 48-month disallowance period during his or her lifetime. To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Annual income increases as a result of employment after having been unemployed for at least 12 months;
- Annual income increases as a result of increased earnings during participation in any economic self sufficiency or other job training program; or
- Annual income increase as a result of new employment or increased earnings during or within six months after receiving assistance, benefits or services under any state program or TANF provided that the total amount over a six-month period is at least $500.00.

During the first 12 months after a qualified family member starts working, 100 percent of the incremental increase of that family member’s income is disallowed. The incremental increase is the amount of earned income that exceeds that family member’s income prior to starting date.

In the second 12 month period after the date of first employment, 50 percent of the incremental increase in income is disallowed. Total time of benefit is limited to a lifetime 48 month period.

**CHANGE IN FAMILY COMPOSITION**

Additions to the Household and Visitors
1. Only those persons listed on the most recent family certification form and lease shall be permitted to occupy a dwelling unit.
   - Except for natural births, adoptions or court awarded custody
   - Any family seeking to add a new member must request approval in writing before the new member moves in.
   - All persons listed on the most recent family certification form and the lease must use the dwelling unit as their sole residence.

2. When a resident requests approval to add a new person to the lease, the LHAND will conduct a pre-admission screening of any proposed new member to determine whether the PHA will grant such approval.

3. Residents who fail to notify LHAND of additions to the household or who permit persons to join the household without undergoing screening are violating the lease. Persons added without LHAND approval will be considered unauthorized occupants and the entire household will be subject to eviction.

4. Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on LHAND premises would be a lease violation.
   a. Visits of a period not exceeding 14 days each 12 month period are allowed without authorization.
   b. Permission may be granted, upon written request to and approval by LHAND, for an extension of the guest visitation period.
   c. Visitors remaining beyond this period shall be considered unauthorized occupants and the head of the household shall be guilty of breach of the lease.

5. Roomer and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.

6. Residents will not be given permission to allow a former resident of the LHAND who has been evicted to occupy the unit for any period of time. Violation of this requirement is ground for termination of the lease.
INSPECTIONS

MOVE-IN INSPECTION
The LHAND and Tenant shall inspect the dwelling unit prior to occupancy by Tenant. The LHAND will give Tenant a written statement of the condition of the dwelling unit, both inside and outside and note any equipment provided with the unit. The LHAND and Tenant shall sign the statement and a copy of the statement retained in the Tenant’s folder. The Authority will correct any deficiencies noted on the inspection report. If the household identifies no other deficient conditions, which may not have been apparent at the time of Move-in Inspection, within thirty (30) days of the Move-in inspection, the condition of the unit is established. Any subsequent deficiencies must be reported by the household to the LHAND as part of its maintenance procedures.

ANNUAL INSPECTIONS
The LHAND is responsible to conduct a physical inspection of HUD housing, to determine compliance with Uniform Physical Conditions Standards, and must inspect such housing annually in accordance with HUD-prescribed physical inspection procedures. The inspection must be conducted annually unless the program regulations governing the housing provide otherwise or unless HUD has provided otherwise by notice.

Annual Inspections must occur within 365 days from previous inspection and approximately 90 days prior to Annual Reexamination/Recertification anniversary date.

PRE MOVE-OUT INSPECTION
Tenants may request an inspection of their unit before they move-out to check for damages.

MOVE-OUT INSPECTION
The LHAND will inspect the unit at the time Tenant vacates and will give Tenant a written statement of the charges, if any, for which Tenant is responsible. Tenant and/or their representative may join in such inspection, unless Tenant vacates without notice to the LHAND. If the tenant has a Security Deposit it will be used towards the charges.
RENT COLLECTION POLICY AND PROCEDURE

In order to maintain the financial liquidity of the LHAND and to insure that the level of services provide by the LHAND is of the highest quality, it is the policy of the Authority to pursue full (100%) rent collection based on the rent roll established through the annual recertification process and through the rent determination process associated with the tenanting of new residents.

DEFINITIONS

“Certification, Recertification or Rent Determination” will mean a process through which the basis for program eligibility is reviewed and a rent level is set based on household and income documentation provided by the resident and verified by the LHAND. It occurs at least annually or whenever increases or decreases in household composition and/or income requires. When this process is conducted it must be done within thirty (30) days of its effective date and the documentation must be current.

“Interim Recertification” are recertifications at the resident’s request because of a decrease in income or an increase in their income of 10% or greater.

“Good Standing” is the status of a resident who is current on all rent payments. This status can only be lost after a Private Conference and is the adverse action associated with the Private Conference. Once a resident loses their Good Standing because of failure to pay rent consistent with their schedule of payments as specified in their lease, they are not entitled to any additional Private Conferences until they satisfy all requirements of a Late Rent Payment Agreement.

“Grievance Hearing” will mean a formal process whereby the resident and the Authority arbitrate any issues related to an individual resident’s lease or LHAND regulations. A Grievance Hearing is not available to a resident who has failed to pay rent in accordance with their lease. However, a resident can file a grievance about the process that led to the current determination of total tenant payments due under the lease if they feel that the amount calculated was unfair or erroneous.

“Late Rent” rent that is considered late will result in a private conference.

Private Conferences have two possible outcomes:

1. the resident pays all rent due in full plus any court and filing fees that have accrued thus curing the breach in the lease agreement and the Authority ceases the eviction process;
2. the Authority proceeds to file all paperwork required to evict the resident for non-payment of rent and goes before the local judiciary.

“Rent” will mean the financial consideration paid on a periodic basis by the resident to the LHAND for use of the dwelling units. This amount will be determined at least annually based on formula held in force by program regulation. This formula is currently 30% of adjusted annual gross income divided by the twelve. In each twelve month period, these periodic payments must equal the total tenant payment (less a utility allowance, if appropriate) as formulated at initial tenanting or through the annual recertification process projected for that twelve month period. Rent is only subject to change based on a regular or interim recertification.

“Private Conference” will mean the formal meeting between the Property Manager or designee and the resident to discuss rent past due, rent at risk of being past due, or violations of lease requirements. A resident is required to attend such a meeting as a condition for continued occupancy. A Private Conference serves the same function as an informal grievance hearing.

Private Conferences can be voluntary. A resident who is unable to pay rent in full when due and approaches the Authority prior to the month that rent will be late is requesting a voluntary Private Conference.
RENT OPTIONS

For federal public housing programs, in accordance with QHWRA of 1998, the LHAND will offer two rent determination options to public housing families at initial certification and at each subsequent annual re-exam.

Option #1 – Income Based Rent – A public housing resident/family may choose to have their rent determined as a percentage of their family’s monthly adjusted income. The total tenant payment will not exceed 30% of the family’s monthly adjusted income. In determining rents, the LHAND will factor in all HUD mandatory deductions. Tenants who directly pay utilities will have a Utility Allowance factored into their rent determination.

Option #2 – Flat Rent – A public housing resident/family may choose to pay a Flat Rent. The LHAND reviews the Flat Rent structure annually in accordance with PIH Notice 2014-12 which implemented the 2014 Appropriations Act. When a resident chooses Flat Rent, his/her rent shall be adjusted only at the next regular reexamination/recertification rather than at the point the Flat rent may change.

In regards to Family Choice, the LHAND will consider “switching” the choice of rents for financial hardships. Financial hardship situations will/can include the following situations:

Decrease of income including:
- loss or reduction of employment
- Death in the family
- Reduction or loss of earnings or other assistance

Increase in expenses including:
- Medical costs
- Childcare
- Transportation
- Education

MINIMUM RENT

The establishment of a minimum rent provides a mechanism for families to make some rental contribution toward their housing. LHAND will address any hardship issues for federal public housing families on minimum rent. Minimum Rent established for the federal public housing program is $50. This minimum rent includes tenant rent plus any utility allowances.

Minimum Rent guidelines include the following:

- Participants will continue to provide verification of annual income;
- Families claiming zero income may be required to substantiate that claim every 180 days;
- LHAND will retain the current system of utility allowances for federal public housing participants who are responsible for utility payments.

FINANCIAL HARDSHIP EXEMPTION FROM MINIMUM RENT

In regards to minimum rents, the LHAND will grant a financial hardship, as mandated by HUD regulations, for the following HUD mandated hardships;

1. When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or local assistance program;
2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
3. When the income of a family has decreased because of changed circumstances including loss of employment;
4. When a death in the family has occurred; and
5. Other circumstances determined by the responsible entity or HUD.
If a family requests a financial hardship exemption, LHAND will suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption until LHAND determines whether there is a qualifying financial hardship, and whether such hardship is temporary or long term. LHAND will render a decision on the hardship exemption from minimum rent within thirty days from the family's request. Upon review of the family's request for a financial hardship exemption, LHAND will determine whether to reinstate the minimum rent requirement, suspend the minimum requirement for a temporary period or exempt the family from the minimum rent requirement. Further, LHAND will make a determination on the effective date of the reinstatement of the minimum rent requirement and the amount of back rent owed, if applicable. LHAND will follow HUD guidelines for financial hardship exemptions from minimum rent.

**RENT COLLECTION / REPAYMENT AGREEMENT**

The purpose of the LHAND Rent Collection Policy is to insure that timely action is taken by LHAND Housing Management Staff to collect any rent payments not made in accordance with a tenant’s lease responsibilities. Deviations from this policy cannot be made without prior written approval of the Executive Director or designee. In implementing this policy, the LHAND staff will consider all of the circumstances of each tenant’s situation including seriousness of the rent delinquency, the impact of the action or inactions of family members affecting the delinquency, the effects of evidence on other family members who were not involved with the delinquency, whether there are any mitigating circumstances related to the disability of a family member and whether an action other than eviction is warranted as a reasonable accommodation.

**PAYMENTS**

For all Public Housing Programs, tenant rent is due on the first of each month. In order to allow for the fact that some government benefits, which may comprise a significant portion of a household’s income, are not received until later in the first week of the month the LHAND will not consider rent late until the fifth of the month.

**LATE RENT PROCEDURES**

If by the fifth of the month rent has not been received the LHAND the appropriate Housing Management Office will schedule a Private Conference with the tenant by the second Wednesday/Thursday of that month. At the time of the Private Conference, if the rent has still not been paid, a 14-Day Notice to Quite will be given to the tenant and their signature will be obtained acknowledging receipt of the notice.

If at the end of the notice period the rent has not been received the manager will notify LHAND's attorneys will file a complaint with the court. If the rent arrearage is not paid in full prior to the court date, the manager will attend court and enter into mediation to establish a reasonable agreement for repayment of the rent owed. The manager will see that court filing costs will be included in this agreement, as well as a stipulation stating that of the tenant does not keep their rent current for the following 12 months they will be in violation of the agreement and can be brought back into court without restarting the process.

It is the LHAND policy not to enter into informal repayment agreements, written or verbal, for any arrearages.
LHAND HOMEOWNERSHIP SUPPORTIVE SERVICES PROGRAM

NOTE: The regular text represents statutory or regulatory provisions required for Homeownership Supportive Service Program.
The bolded text represents discretionary provisions adopted by this LHAND.
The bolded-italicized text represents language used to draw special attention to an issue.

GENERAL PROVISIONS

The Homeownership Supportive Services (HSS) Program of the LHAND permits eligible residents of LHAND’s Federal Public Housing, the option of purchasing a home with Section 8 assistance rather than renting.

The LHAND will make available Section 8 Vouchers as necessary to meet the demand of public housing residents who are interested and who qualify for the Homeownership Supportive Services Program. At a minimum, ten (10) Section 8 Housing Choice Vouchers will be offered to eligible residents each of the three (3) year grant period.

Eligible applicants for the HSS Program must have completed an initial lease term, may not owe LHAND or any other Housing Authority an outstanding debt, must be a tenant in good standing and must meet the eligibility criteria set forth herein. Preference will be given to those participants who have successfully completed the Family Self-Sufficiency Program.

Homeownership Supportive Services home ownership assistance may be used to purchase the following type of homes within the City of Lynn: new or existing single-family, condominium, planned use developments, cooperatives, lofts, live/work units, or manufactured homes. LHAND also will permit portability of HSS home ownership assistance to another jurisdiction, provided the receiving jurisdiction operates a Homeownership Supportive Services Program and or Section 8 Homeownership Program for which applicant qualifies or authorizes LHAND to administer the home ownership assistance in their jurisdiction.

FAMILY ELIGIBILITY REQUIREMENTS

Participation in the Homeownership Supportive Services Program is voluntary. Each HSS participant must meet the general requirements for admission to the program as set forth in LHAND’s Administrative Plan. Such HSS family also must be "eligible" to participate in the home ownership program. The additional eligibility requirements for participation in LHAND's Homeownership Supportive Services Program include that the family must: (A) be a first-time homeowner or have a member who is a person with disabilities; (B) with the exception of elderly and disabled households, meet a minimum income requirement without counting income from "welfare assistance" sources; (C) with the exception of elderly and disabled households, meet the requisite employment criteria; (D) have completed an initial lease term; (E) have fully repaid any outstanding debt owed to LHAND or any other Housing Authority; (F) not defaulted on a mortgage securing debt to purchase a home under the home ownership option; (G) not have any member who has a present ownership interest in a residence at the commencement of home ownership assistance.

First-Time Homeowner

Each HSS family, except families with a disabled member, must be a first-time homeowner. A “first-time homeowner” means that no member of the household has had an ownership interest in any residence during the three years preceding commencement of home ownership assistance. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse) is considered a “first-time homeowner” for purposes of the Homeownership Supportive Services option; and the right to purchase title to a residence under a lease-purchase agreement is not considered an “ownership interest.” A member of a cooperative (as defined in § 982.4) also qualifies as a “first time homeowner”.

Minimum Income Requirement

(1) Amount of Income.
At the time the family begins receiving homeownership assistance, the head of household, spouse, and/or other adult household members who will own the home, must have a gross annual income at least equal to the Federal minimum hourly wage multiplied by 2000 hours.

(2) Exclusion of Welfare Assistance Income.
With the exception of elderly and disabled families, LHAND will disregard any "welfare assistance" income in determining whether the family meets the minimum income requirement. Welfare assistance includes assistance from Temporary Assistance for Needy Families ("TANF"); Supplemental Security Income ("SSI") that is subject to an income eligibility test; food stamps; general assistance; or other welfare assistance specified by HUD. The disregard of welfare assistance income under this section affects the determination of minimum monthly income in determining initial qualification for the home ownership program. It does not affect the determination of income-eligibility for admission to the Section 8 housing choice voucher program, calculation of the family's total tenant payment, or calculation of the amount of home ownership assistance payments.

Employment History

With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family who will own the home at commencement of home ownership assistance is employed full-time (an average of 30 hours per week) and has been so continuously employed for at least one year prior to execution of the sales agreement. In order to reasonably accommodate a family's participation in the program, LHAND will exempt families that include a person with disabilities from this requirement. LHAND's Executive Director may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. The Executive Director may also consider successive employment during the one-year period and self-employment in a business.

Completion of Initial Lease Term

Applicants for and new participants in the HSS program shall be ineligible for participation in the program until completion of an initial lease term and the completion of participant’s first annual recertification.

Repayment of Any Housing Authority Debts

Participants in the HSS program shall be ineligible for participation in the program in the event any debt or portion of a debt remains owed to LHAND or any other Housing Authority. Nothing in this provision will preclude HSS participants that have fully repaid such debt(s) from participating in the Homeownership Supportive Services Program. Participants in the HSS program must have no more than one late rental payment in the last 12 months. Landlords will be requested to complete a verification of rental certification.

Additional Eligibility Factors

(1) Elderly and Disabled Households.
Elderly and disabled families are exempt from the employment requirements set forth in Section 2. C. Above. In the case of an elderly or disabled family, LHAND will consider income from all sources, including welfare assistance in evaluating whether the household meets the minimum income required to purchase a home through the Homeownership Supportive Services Program.

(2) Program participation preference.
Preference will be given to those participants who have successfully completed the Family Self-Sufficiency Program.

(3) Prior Mortgage Defaults.
If a head of household, spouse, or other adult household member, who will execute the contract of sale, mortgages and loan documents have previously defaulted on a mortgage obtained through the Homeownership Supportive Services Program and or Section 8 Homeownership Program, the family will be ineligible to participate in the home ownership program.
FAMILY PARTICIPATION REQUIREMENTS

Once a family is determined to be eligible to participate in the program, it must comply with the following additional requirements: (A) complete a home ownership counseling program approved by LHAND prior to commencement of home ownership assistance; (B) within a specified time, locate the home it proposes to purchase; (C) submit a sales agreement containing specific components to LHAND for approval; (D) allow LHAND to inspect the proposed home ownership dwelling to assure that the dwelling meets appropriate housing quality standards; (E) obtain an independent inspection covering major building systems; (F) LHAND must review the proposed mortgage financing (which must comply with generally accepted mortgage underwriting requirements); and (G) enter into a written agreement with LHAND to comply with all of its obligations under the Section 8 program.

Home Ownership Counseling Program

A family’s participation in the home ownership program is conditioned on the family attending and successfully completing a home ownership and housing counseling program provided or approved by LHAND prior to commencement of home ownership assistance.

The counseling agency providing the counseling program shall either be approved by HUD or the program shall be consistent with the home ownership counseling provided under HUD’s Housing Counseling program. LHAND requires families to participate in LHAND approved pre-purchase counseling prior to closing and post-home ownership counseling program on a continuing basis.

Locating and Purchasing a Home

1. Locating A Home.
Upon approval for the Homeownership Supportive Services Program, a family shall have one hundred eighty (180) days to locate a home to purchase. A home shall be considered located if the family submits a proposed sales agreement with the requisite components to LHAND. For good cause, LHAND may extend the family’s time to locate the home for additional thirty (30) day increments. During a participant’s search for a home to purchase, their rental assistance shall continue pursuant to the Administrative Plan. If a participant family is unable to locate a home within the time approved by LHAND, their rental assistance shall continue.

2. Type of Home.
A family approved for HSS assistance may purchase the following type of homes: a new or existing home, a single-family home, a condominium, a home in a planned use development, a cooperative, a loft or live/work unit, or a manufactured home to be situated on a privately owned lot or on a leased pad in a mobile home park. The home must be already existing or under construction at the time LHAND determines the family is eligible for home ownership assistance to purchase the unit. The family also may purchase a home in a jurisdiction other than the City of Lynn, provided the Housing Authority in the receiving jurisdiction operates a Homeownership Supportive Services Program and or Section 8 Homeownership Program for which the applicant qualifies or authorizes LHAND to administer the home ownership assistance in their jurisdiction. In the former case, a family’s participation in the Homeownership Supportive Services Program will be subject to the Homeownership Supportive Services Program, Section 8 Homeownership Program and policies of the receiving jurisdiction.

3. Purchasing a Home.
Once a home is located and a sales agreement approved by LHAND is signed by the family, the family shall have up to three (3) months, or such other time as is approved by LHAND’s Executive Director.

4. Failure to Complete Purchase.
If participant is unable to purchase the home within the maximum time permitted by LHAND, LHAND shall continue the family’s participation in the HSS program.

Sales Agreement

Prior to execution of the offer to purchase or sales agreement, the financing terms must be provided by the family to LHAND. The sales agreement must provide for inspection by LHAND and the independent inspection referred to in Section 3(E) and must state that the purchaser is not obligated to purchase unless such inspections are satisfactory to
Admissions and Continued Occupancy Policy

The contract also must provide that the purchaser is not obligated to pay for any necessary repairs without approval by LHAND. The sales agreement must provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by LHAND pursuant to Section 3(F). The sales agreement must also contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

Independent Initial Inspection Conducted

To assure the home complies with the housing quality standards of the Section 8 program, home ownership assistance payments may not commence until LHAND first inspects the home. An independent inspection of existing homes covering major building systems also must be completed by a professional selected by the family. LHAND will not pay for the independent inspection. The independent inspection report must be provided to LHAND prior to its inspection. LHAND may disapprove the unit due to information contained in the report or for failure to meet federal housing quality standards.

Financing Requirements

The proposed financing terms must be submitted to and reviewed by LHAND as soon as possible or at least prior to close of escrow. Certain types of financing, including but not limited to, balloon payment mortgages, unless convertible to a variable rate mortgage, are prohibited and will not be acceptable by LHAND. Seller-financing mortgages shall be considered by LHAND on a case by case basis. If a mortgage is not FHA-insured, LHAND will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/FHA, Ginnie Mae, Fannie Mae, Freddie Mac, Massachusetts Housing Finance Agency (MHFA), State Soft Second Mortgage Program, or other private lending institution.

Compliance With Family Obligations

A family must agree, in writing, to comply with all family obligations under the Section 8 program and LHAND’s home ownership policies. These obligations include (1) attending pre and post purchase home ownership counseling, (2) Complying with the mortgage terms; (3) not selling or transferring the home to anyone other than a member of the assisted family who resides in the home while receiving home ownership assistance; (4) not refinancing or adding debt secured by the home without prior approval by LHAND; (5) not obtaining a present ownership interest in another residence while receiving home ownership assistance; and (6) supplying all required information to LHAND, including but not limited to annual verification of household income, notice of change in home ownership expenses, notice of move-out, and notice of mortgage default. LHAND’s Home Ownership Family Obligation policies are set forth in Appendix A attached hereto.

AMOUNT OF ASSISTANCE

The amount of the monthly assistance payment will be based on three factors: the voucher payment standard for which the family is eligible; the monthly home ownership expense; and the family’s household income. LHAND will pay the lower of either the payment standard minus the total family contribution ("TFC") or the family’s monthly home ownership expenses minus the TFC. The Section 8 family will pay the difference.

Determining the Payment Standard

The voucher payment standard is the fixed amount the LHAND annually establishes as the “fair market” rent for a unit of a particular size located within the LHAND jurisdiction. In the home ownership program, the initial payment standard will be the lower of either (1) the payment standard for which the family is eligible based on family size; or (2) the payment standard which is applicable to the size of the home the family decides to purchase. The payment standard for subsequent years will be based on the higher of: (a) the payment standard in effect at commencement of the home ownership assistance; or (b) the payment standard in effect at the most recent regular reexamination of the family’s income and size. The initial payment standard, for purposes of this comparison, shall not be adjusted even if there is a subsequent decrease in family size. LHAND will request HUD approval of a higher payment standard, up to 120% of the published Fair Market Rent limit, where warranted as a reasonable accommodation for a family that includes a person with disabilities.
Determining the Monthly Home Ownership Expense

Monthly home ownership expense includes all of the following: principal and interest on the initial mortgage and any mortgage insurance premium (MIP) incurred to finance the purchase and any refinancing of such debt; real estate taxes and public assessments; homeowner’s insurance; maintenance expenses per LHAND allowance; costs of major repairs and replacements per LHAND allowance (replacement reserves); utility allowance per LHAND’s schedule of utility allowances; principal and interest on mortgage debt incurred to finance major repairs, replacements or improvements for the home including changes needed to make the home accessible; and homeowner association dues, fees or regular charges assessed, if any. Home ownership expenses for a cooperative member may only include LHAND approved amounts for the cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home; principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt; home insurance; the allowances for maintenance expenses, major repairs and replacements and utilities; and principal and interest on debt incurred to finance major repairs, replacements, or improvements, including changes needed to make the home accessible. *(When the homeowner is provided with Soft Second mortgage financing, $100 of the HAP payment will be applied towards the principal of the loan to compensate for the fact that the second mortgage loan does not begin to amortize until year 11.)*

Determining the Total Family Contribution

The TFC is that portion of the home ownership expense that the family must pay. It is generally 30% percent of the family’s adjusted income, plus any gap between the payment standard and the actual housing cost. All family income (including public assistance), will be counted to determine the family’s adjusted monthly income for purposes of determining the amount of assistance.

Payment to Family or Lender

LHAND will provide the lender with notice of the amount of the housing assistance payment prior to close of escrow. LHAND will collect the family’s portion of the mortgage payment and submit one payment directly to the lender.

TERMINATION OF SECTION 8 HOME OWNERSHIP ASSISTANCE

Grounds for Termination of Home Ownership Assistance

1. Failure to Comply with Family Obligations Under Section 8 Program or LHAND’s Home Ownership Policies.
   A family’s home ownership assistance may be terminated if the family fails to comply with its obligations under the Section 8 program, LHAND home ownership policies, or if the family defaults on the mortgage. **The family must attend and complete ongoing home ownership, credit, budgeting and housing counseling classes.** The family must comply with the terms of any mortgage incurred to purchase and/or refinance the home. The family must provide LHAND with written notice of any sale or transfer of any interest in the home; any plan to move out of the home prior to the move; the family’s household income and home ownership expenses on an annual basis; any notice of mortgage default received by the family; and any other notices which may be required pursuant to LHAND home ownership policies. Except as otherwise provided in this Section, the family may not convey or transfer the home to any entity or person other than a member of the assisted family while receiving home ownership assistance.

2. Occupancy of Home.
   Home ownership assistance will only be provided while the family resides in the home. If the family moves out of the home, LHAND will not continue home ownership assistance commencing with the month after the family moves out. **Neither the family nor the lender is obligated to reimburse the LHAND for home ownership assistance paid for the month the family moves out.**

3. Changes in Income Eligibility.
   A family’s home ownership assistance may be changed in the month following annual recertification of the household income, but **participation in the Homeownership Supportive Services Program shall continue until such time as the assistance payment amounts to $0 for a period of six (6) consecutive months.**

Notwithstanding the provisions of Section 5(A), subparagraphs 1 through 3, except for disabled and elderly families, a family may receive Section 8 home ownership assistance for not longer than ten (10) years from the date of close of escrow unless the initial mortgage incurred to finance purchase of the home has a term that is 20 years or longer, in which case the maximum term is 15 years. Families that qualify as elderly at the commencement of home ownership assistance are not subject to a maximum term limitation. Families that qualify as disabled families at the commencement of home ownership assistance or at any time during the provision of home ownership assistance are not subject to a maximum term limitation. If a disabled family or elderly family ceases to qualify as disabled or elderly, the appropriate maximum term becomes applicable from the date home ownership assistance commenced; provided, however, that such family shall be eligible for at least six additional months of home ownership assistance after the maximum term becomes applicable. The time limit applies to any member of the household who has an ownership interest in the unit during any time that home ownership payments are made, or is a spouse of any member of the household who has an ownership interest.

Procedure for Termination of Home Ownership Assistance

A participant in the Homeownership Supportive Services Program shall be entitled to the same termination notice and informal hearing procedures as set forth in the Administrative Plan of the LHAND for the Section 8 housing choice voucher program.

CONTINUED PARTICIPATION IN SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Default on FHA-Insured Mortgage

If the family defaults on an FHA-insured mortgage, LHAND may permit the family to move with continued Section 8 housing choice rental assistance if the family demonstrates that it has (a) conveyed title to the home to HUD or its designee, as required by HUD; and (b) moved from the home within the period established or approved by HUD.

Default on non-FHA-Insured Mortgage

If the family defaults on a mortgage that is not FHA-insured, LHAND may permit the family to move with continued Section 8 housing choice voucher rental assistance if the family demonstrates that it has (a) conveyed title to the home to the lender, to LHAND or to its designee, as may be permitted or required by the lender; and (b) moved from the home within the period established or approved by the lender and/or LHAND.

LHAND ADMINISTRATIVE FEE

For each month that home ownership assistance is paid by LHAND on behalf of the family, LHAND shall be paid the ongoing administrative fee described in 24 C.F.R. §982.152(b).

WAIVER OR MODIFICATION OF HOME OWNERSHIP POLICIES

The Executive Director of LHAND shall have the discretion to waive or modify any provision of the Homeownership Supportive Services Program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.
EXHIBITS

EXHIBIT 1 - COMMUNITY SERVICE & SELF SUFFICIENCY POLICY

A. Overview of the Community Service & Self-Sufficiency Requirement

The Community Service and Self-Sufficiency Requirement (CSSR) is mandated by Congress as a part of the Public Housing Reform Act of 1998. This law requires that every adult resident (18 or older) in public housing contribute or participate for eight (8) hours each month in a community service or a self-sufficiency activity or combination of both, as a condition of receipt of Federal housing assistance. Under this provision of law, noncompliance with the community service and self-sufficiency requirement is a violation, and is grounds for non-renewal of the lease at the end of a 12-month lease term.

B. Definitions

Community Service: The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities. Activities must be performed within the community and not outside the jurisdictional area of the Authority.

Eligible community service activities include, but are not limited to, serving at:

- Local public or nonprofit institutions, such as schools, Head Start Programs, before-or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);

- Nonprofit organizations serving PHA residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children’s recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;

- Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;

- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;

- PHA housing to improve grounds or provide gardens (so long as such work does not alter the PHA’s insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with PHA-run self-sufficiency activities including supporting computer learning centers; and,

- Care for the children of other residents so parents may volunteer.

Self Sufficiency: A self-sufficiency program includes any program designed to encourage, assist, train, or facilitate the economic independence of the family in public housing. This includes, but is not limited to:

- Job search after graduation (temporary 6 month allowance); a minimum of 8 hours per month (48 hours over the course of 6 months)
- Job training
- Employment counseling
- Work placement
- Basic skills training
• Education
• English proficiency
• Reading or computer literacy classes
• Budgeting or credit counseling
• Apprenticeship
• Substance abuse and mental health treatment programs necessary for an individual to become ready to work

Service Requirements: The obligation of each adult resident, other than an exempt individual, to perform community service or participate in an economic self-sufficiency program required in accordance with 24 CFR 960.603.

Except for any family member who is an exempt individual, each adult resident of public housing must:

• Contribute 8 hours per month of community service; or
• Participate in an economic self-sufficiency program for 8 hours per month; or
• Perform a combination of 8 hours per month of community service and participate in an economic self-sufficiency program.

The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification.

C. New Residents

New residents will be provided with a copy of the CSSR Policy. The new resident and all adult household members (18 or older) must sign a certification that they received and read the policy and understand that if they are not exempt, failure to comply with the CSSR will result in nonrenewal of their lease.

At lease execution, new residents and all adult household members (18 or older) will be identified as exempt or non-exempt and must certify to their status. If non-exempt, the CSSR will begin 30 days after the lease is signed.

D. Exemptions from Community Service

At lease execution and/or at least 30 days before the annual reexamination, residents can apply for an exemption by completing the LHAND Exemption Certification and must provide documentation (Third-Party Verification), if applicable, that they qualify for one of the following exemptions:

FAMILY EXEMPTIONS (If a member of the household receives one of the following, then the entire family is exempt)

• TAFDC (and is in compliance with the program)
• EAEDC (and is in compliance with the program)
• SNAP (and is in compliance with the program)
• SSI
• State subsidized child care (i.e. by the Office of Child Care Services (“OCCS”) or the Department of Education’s Community Partnerships for Children)
• The state Earned Income Tax Credit
• State Veteran’s Services benefits

INDIVIDUAL EXEMPTIONS (If a member of the household qualifies for one of the following, then only that member is exempt)

• Will be 60 years of age or older before lease-up or before the upcoming annual recertification
• Disabled or blind and meets one of the following:
  o receives SSDI disability benefits
  o receive MassHealth due to disability
  o has a disability that meets the TAFDC standard for disability exemption
• The primary caretaker for a disabled or blind family member who lives in the resident’s home and the disabled person meets one of the following:
  o the disabled person receives Social Security or MassHealth on the basis of a disability
  o the disabled person’s doctor verifies that resident is needed to care for the disabled person
• The parent or legal guardian of a child under the age of 2 who lives in the resident’s home (in a two parent family, only one person can be exempt on this basis)
• Within the last 120 days of pregnancy
• A teen parent age 18 or 19 and attending full-time high school or a full-time GED training or work program that totals at least 20 hours per week
• On TAFDC and exempt from its work program
• A foster parent taking care of a foster child with serious care needs as determined by the Department of Social Services
• Engaged in the following types of work activities at least 20 hours per week
  o Paid work including self-employment
  o On the job training
  o Job search and job readiness
  o Vocational and job skills training
  o Job related education (such as GED)
  o Paid or unpaid childcare for someone who is doing public housing community service or TAFDC community service

LHAND will make the final determination as to whether or not a family member is exempt from the Community Service requirement. Residents may use LHAND’s Grievance Procedure if they disagree with LHAND’s determination.

E. Non-Exempt Residents:

Residents who are not exempt may fulfill this requirement by performing community service and/or participating in approved self-sufficiency programs.

Community Service

Residents are required to find their own opportunities to perform community service. LHAND will provide residents with a list of volunteer resources. To verify community service activities, residents must utilize the LHAND Activity Log or similar certification.

Self-Sufficiency

To verify participation in self-sufficiency programs, residents may utilize the LHAND Activity Log or similar certification or must provide proof of enrollment (Third-Party Verification) describing the type of training/educational program, the number of hours the resident will participate each month, and the date the program will end.

- Activity Logs may be submitted to the Management Office at any time, but must be provided to Management by their next annual review. It is recommended that residents keep a copy of the Activity Logs since the resident is responsible for ensuring that Management receives the logs by their annual review. The Activity Log will include places for supervising official’s signature verifying the number of hours contributed.

F. Changes in Exempt/Non-Exempt Status:

• If, during the twelve (12) month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to the LHAND and provide documentation of such.

• If, during the twelve (12) month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to the LHAND.

G. Noncompliance of family members:
• At least thirty (30) days prior to annual re-examination and/or lease expiration, the LHAND will begin reviewing the exempt or non-exempt status and compliance of family members;

• If the LHAND finds a family member to be noncompliant, the LHAND will enter into an Agreement with the noncompliant member and the Head of Household to make up the deficient hours over the next twelve (12) month period. If the noncompliant member and the Head of Household fail to enter into an Agreement, the lease will not be renewed and the entire family will have to vacate, unless the noncompliant member agrees to move out of the unit;

• If at the next annual re-examination, the family member still is not compliant, the lease will not be renewed and the entire family will have to vacate, unless the noncompliant member agrees to move out of the unit;

• The family may use the LHAND’s Grievance Procedure to protest the lease termination.
EXHIBIT 2 - CRIMINAL OFFENDER RECORD INFORMATION (CORI) AND SEXUAL OFFENDER RECORD INFORMATION (SORI) POLICIES

This policy is adopted pursuant to the Criminal History Systems Board (CHSB) regulations governing requests for and use of Criminal Offender Record Information (CORI) by local housing authorities. The policy is designed to ensure compliance with all federal, state, and local laws governing the use of CORI, and specifically those laws found at Code of Massachusetts Regulations, 803 CMR 2.00 and following.

LHAND employees may be designated to request and use CORI only for purposes of evaluating applicants for Federal or State subsidized housing. Dissemination of CORI for any other purpose or to individuals not involved in the tenant selection process is expressly prohibited. To ensure that CORI is handled in lawful fashion, the LHAND has adopted the following guidelines for handling CORI:

1. CORI checks will only be conducted as authorized by CHSB. All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of the CORI policy.
2. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by CHSB.
3. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.
4. If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicants, to ensure the record relates to the applicant.
5. If the LHAND is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the organization’s CORI policy, advised of the part(s) of the record that make the individual unsuitable for the program and given an opportunity to dispute the accuracy and relevance of the CORI record.
6. Applicants challenging the accuracy of the policy shall be provided a copy of CHSB’s Information Concerning the Process in Correcting a Criminal Record. If the CORI record provided does not exactly match the identification information provided by the applicant, LHAND will make a determination based on a comparison of the CORI record and documents provided by the applicant. The LHAND may contact CHSB and request a detailed search consistent with CHSB policy.
7. If the LHAND reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in section 4 above, then the determination of suitability for the program will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:
   • Relevance of the crime to the program sought;
   • The nature of the work to be performed;
   • Time since conviction;
   • Age of the candidate at the time of the offense;
   • Seriousness and specific circumstances of the offense;
   • The number of offenses;
   • Whether the applicant has pending charges;
   • Any relevant evidence of rehabilitation or lack thereof; and
   • Any other relevant information, including information submitted by the candidate or requested by the housing authority.
8. LHAND will notify the applicant of the decision and the basis of the decision in a timely manner.

Furthermore, the LHAND has adopted these specific policies:

1. CORI will be obtained for all applicants for Federal or State subsidized housing who are age 14 or older, including all applicant household members and other persons to be listed on the lease as “Authorized Occupants”, as well as any other persons to be added to this list at a later time;
2. Requests for CORI shall not be made prior to the final application screening process;
3. Requests for and use of CORI shall not have the purpose or effect of discrimination on the basis of race, religion, color, national or ethnic origin, ancestry, age, sex, handicap, sexual orientation, marital status, military status, or receipt of public assistance.

4. Only the LHAND employees in the following position are authorized to submit a written request for CORI to the CHSB on behalf of the Authority:
   a. Executive Director
   b. General Counsel
   c. Asst Managers/Program Administrators
   d. Tenant Selection Supervisors
   e. Case Representative

5. Only the LHAND employees in the following positions are directly involved in the decisions as to whether an applicant is eligible for Federal or State subsidized housing and are authorized to handle CORI in the course of their duties:
   a. Executive Director
   b. General Counsel
   c. Program Representatives
   d. Tenant Selection Supervisors
   e. Tenant Selection/Case Representatives
   f. Asst. Director for Management

Employees in those positions shall sign an "Agreement of Non-Disclosure" provided by CHSB.

6. Only one (1) copy of an individual's CORI shall be kept in the LHAND's files at any time.

7. CORI shall be kept in a separate, locked file cabinet when not being used.

8. CORI shall be destroyed when the applicant to whom it pertains has been housed.

9. If an applicant is determined ineligible for housing, the applicant's CORI shall be destroyed three (3) years from the date of the applicant's rejection, or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.

10. No provision of these guidelines shall be construed to prohibit dissemination of CORI by the LHAND in the course of tenant selection, appeal, or other administrative or judicial proceedings in which such CORI is relevant, brought by an applicant/tenant against the Authority.

Information Concerning the Process in Correcting a Criminal Record

1. If you have undergone a background check by an agency that has received a criminal record from the CHSB, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 by calling 617-660-4640 or go to: www.mass.gov/cori/cori_forms.html#pers.

2. The CHSB charges $25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that CHSB waive the fee.

3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and “how to read a BOP” on the CHSB’s website www.mass.gov/chsb/cori/cori_bop.html. The CHSB does not offer “walk-in” service but you may call our Legal Division at 617-660-4760 for assistance or CARI Unit of the Office of the Commissioner of Probation at 617-727-5300.

4. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation CARI Unit at 617-727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.

5. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CORI unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.

6. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CORI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see www.mass.gov/chsb/cori/cori_codes_court.html.

7. In some situations of identity theft, you may need to contact the CHSB to arrange to have a fingerprint analysis conducted.

8. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.
9. If you believe that an employer, volunteer agency, housing agency, or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at 617-660-4640.

This policy is adopted pursuant to the Sexual Offender Registry Board (SORB) regulations governing requests for and use of Sexual Offender Record Information (SORI) by local housing authorities. The policy is designed to ensure compliance with all federal, state, and local laws governing the use of SORI, and specifically those laws found at Code of Massachusetts Regulations, 803 CMR 1.00 and following.

In accordance with 24 CFR part 5.905, a PHA that administers a Section 8 or public housing program under an Annual Contributions Contract with HUD must carry out background checks necessary to determine whether a member of a household applying for admission to any Federally assisted housing program is subject to a lifetime sex offender registration program. It is mandatory that the PHA deny assistance to a person who is subject to a lifetime registration requirement. This check must be carried out with respect to the State in which the housing is located and with respect to States where members of the applicant household are known to have resided.

NOTE: Any information provided by either the police or the Sexual Offender Registry Board will be limited only to offenders who have been finally classified by the Board as Level 2 or Level 3 offenders. The law prohibits the Board and police departments from disseminating any information on a sex offender who has not been finally classified by the Board or who has been finally classified as a Level 1 offender.

SORI will be obtained for all applicants for Federal or State subsidized housing who are age 14 or older, including all applicant household members and other persons to be listed on the lease as “Authorized Occupants”, as well as any other persons to be added to this list at a later time;

Requests for SORI shall not be made prior to the final application screening process;

Requests for and use of SORI shall not have the purpose or effect of discrimination on the basis of race, religion, color, national or ethnic origin, ancestry, age, sex, handicap, sexual orientation, marital status, military status, or receipt of public assistance.

Only the LHAND employees in the following position are authorized to submit a written request for SORI to the SORB on behalf of the Authority:

   a. Executive Director
   b. General Counsel
   c. Asst Managers/Program Administrators
   d. Tenant Selection Supervisors
   e. Case Representative

Only the LHAND employees in the following positions are directly involved in the decisions as to whether an applicant is eligible for Federal or State subsidized housing and are authorized to handle SORI in the course of their duties:

   a. Executive Director
   b. General Counsel
   c. Program Representatives
   d. Tenant Selection Supervisors
   e. Tenant Selection/Case Representatives
   f. Asst. Director for Management

Only one (1) copy of an individual’s SORI shall be kept in the LHAND’s files at any time.

SORI shall be kept in a separate, locked file cabinet when not being used.

SORI shall be destroyed when the applicant to whom it pertains has been housed.

If an applicant is determined ineligible for housing, the applicant's SORI shall be destroyed three (3) years from the date of the applicant's rejection, or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.
No provision of these guidelines shall be construed to prohibit dissemination of SORI by the LHAND in the course of tenant selection, appeal, or other administrative or judicial proceedings in which such SORI is relevant, brought by an applicant/tenant against the Authority.

This policy is adopted by the Board of Commissioners of the Lynn Housing Authority and Neighborhood Development this 12th day of June 2007.
EIV Security Procedures

Introduction
The procedures outlined in this document serve to provide guidance to assure that the LHAND’s practices and controls and safeguards adequately protect the confidentiality of the tenant wage data and are in compliance with the Federal laws regarding the protection of this information.

The EIV system is used by the LHAND to verify tenant income upfront by comparing the tenant income data obtained from various sources such as:

- Tenant-supplied income data is captured on Form HUD-50058 – Family Report and maintained in the Public Housing Information Center (PIC) database;
- Department of Health and Human Services’ National Directory of New Hires Data (NDNH)
- Social Security and Supplemental Security Income from the Social Security Administration;
- Wage information from the State Wage Information Collection Agencies (SWICAs); and
- User Profile Information from the PIC database.

This information will only be used to verify a tenant’s eligibility for participation in a HUD rental assistance program and to determine the level of assistance the tenant is entitled to receive.

The Section 8 and Public Housing Managers must assure that a copy of Form HUD-9886 – Authorization for the Release of Information / Privacy Act Notice has been signed by each member of the household age 18 years old or older and is in the household file.

All procedures are based on HUD information available on the EIV website including the User Manual, User Administration Manual, Security Administration Manual, Security Procedures, Rules of Behavior and User Agreements.

Security & Training
The EIV authorized employees will be trained in EIV security policies and procedures by their supervisor before granting them access and will be briefed on any new policies and procedures that require their awareness and compliance.

Staff appointed by the Executive Director will review the list of approved User ID’s on a quarterly basis. Any unauthorized use of the system will be brought to the attention of the manager.

EIV Authorized Personnel
All LHAND EIV approved personnel must have signed the EIV Access Authorization Form and the EIV Rules of Behavior.

Users and potential users of the EIV system and UIV data should be made aware of procedures to maintain the privacy and security and notify their supervisor in the event of a security or privacy violation.

EIV Record Keeping
Information from the EIV website will be downloaded only with a signed HUD Form 9886 on file. The data will be maintained in the appropriate tenant’s file. This EIV will be maintained in the same confidential manner as all tenant data.

- Data downloaded from the EIV System will not be saved to a hard drive.
- Printouts of EIV data will be collected from the printer immediately

All LHAND tenant files are kept in metal file cabinets in locked and alarmed offices. Before and after normal work hours, only managers and senior staff have keys to access these offices. Employees leaving LHAND employment are to return these keys and locks are changed as needed.

Destruction of EIV Data
The EIV data will be kept in the tenant file in accordance with the LHAND’s record retention policy, which is determined by both HUD and State guidelines.
EXHIBIT 4 - LIMITED ENGLISH PROFICIENCY (LEP) AND LANGUAGE ASSISTANCE PLAN POLICY

1. INTRODUCTION

The Lynn Housing Authority & Neighborhood Development (LHAND) is committed to ensuring equal access to its programs and services by all residents, regardless of primary language spoken. Title VI and Executive Order 13166 require recipients of federal financial assistance to take reasonable steps to ensure meaningful access to their programs and services by Limited English Proficient (LEP) persons. Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be considered LEP persons.

On January 22, 2007, the U.S. Department of Housing and Urban Development (HUD) issued Final Guidance to recipients of HUD funding concerning compliance with the Title VI prohibition against national origin discrimination affecting LEP persons. HUD’s Final Guidance defines a four-factor self-assessment method which assists agencies receiving HUD funds in determining the extent of their obligations to provide LEP services. Based on the Final Guidance, LHAND completed a LEP self-assessment.

Using the LEP self-assessment as a guide, LHAND has prepared this Language Assistance Plan (LAP) which defines the actions to be taken by LHAND to ensure Title VI compliance with respect to LEP persons. LHAND will periodically review and update this LAP in order to ensure continued responsiveness to community needs and compliance with Title VI.

2. GOALS OF THE LANGUAGE ASSISTANCE PLAN

The goals of LHAND’s Language Assistance Plan include:

a. To ensure meaningful access to LHAND’s public housing and Housing Choice Voucher programs by all eligible individuals regardless of primary language spoken.

b. To ensure that all LEP individuals are made aware that LHAND will provide free oral interpretation services to facilitate their contacts with and participation in LHAND programs.

c. To provide written translations of vital documents to LEP individuals in accordance with HUD’s “safe harbor” guidelines.

d. To ensure that LHAND staff are aware of available language assistance services and how these services need to be used when serving LEP individuals.

e. To provide for periodic review and updating of language assistance plans and services in accordance with community needs.

3. LEP INDIVIDUALS WHO NEED LANGUAGE ASSISTANCE

The City of Lynn is a diverse community in which numerous LEP households reside. The LHAND obtained information from the U.S. Census Bureau’s American Factfinder website in order to gather data about the City’s overall population as well as the population of LEP persons within the jurisdiction.

This data indicates that Lynn’s population is 32% Hispanic, 47% non-Hispanic White, 10% non-Hispanic Black, and 6% Asian.

The data reveals that 47% of the City’s population over the age of 5 speaks a language other than English at home. Of this population, 63% speaks Spanish. According to Census data, there are at least thirty-three (33) languages other than English spoken in Lynn homes. The data indicates that 21% of Lynn residents are linguistically isolated. This data clearly identified that there is a significant proportion of persons who speak Spanish as a first language and that LHAND must continue to make available translated documents and access to oral translators for the Spanish speaking population.
Admissions and Continued Occupancy Policy

It was determined through review of this data for the City of Lynn, as recommended by HUD that Spanish was the only language to meet the 4 factor analysis criteria (1 – Number or proportion of LEP persons served or encountered in the eligible service area; 2 – Frequency of contact with the program; 3 – Importance of service, information, program or activity; 4 – Costs versus resource and benefits) requiring translation of vital documents. This was supported by the volume of encounters with LEP persons where the majority was Spanish speaking.

The next largest LEP population is persons who speak Khmer and identified themselves as speaking English “less than” very well. This population totals 1,517, which is less than 2% of the Lynn population of persons over the age of five years. LHAND took into consideration that while there are 1,517 LEP persons in this population, not all of them will seek assistance from LHAND programs and services as some of them are children and others will not need the type of services provided by LHAND. The LHAND has determined that it will look into the cost and feasibility of translating vital documents into Khmer and will continue to provide oral translation as needed to Khmer speaking LEP persons requesting such service.

Other language groups in the City of Lynn had few LEP persons and therefore did not meet the threshold to require written translation of vital documents into those languages. The LHAND will provide oral translation as needed to LEP persons requesting such services.

4. TYPES OF ASSISTANCE NEEDED BY LEP PERSONS

The majority of contacts between LHAND and LEP persons are meetings, written communications and phone calls where information is exchanged. Other contacts involve the exchange and review of printed materials, some of which may be considered “vital documents”. HUD Final Guidance defines vital documents as, "any document that is critical for ensuring meaningful access to the recipients' major activities and programs by beneficiaries generally and LEP persons specifically".

LHAND will periodically review and update documents which are considered vital to applicants and residents.

5. LANGUAGE ASSISTANCE TO BE PROVIDED

In order to promote equal access to LHAND programs and services by LEP individuals, LHAND will implement the following array of language assistance services.

A) Identification of LEP Persons and Notices:

- Identification of LEP Persons and Notices - Use of "I Speak Cards": In order to help identify LEP individuals and determine the appropriate language assistance, LHAND will make available I Speak Cards at its central office waiting rooms and LHAND site based management offices. Applicants, public housing residents and HCV participants can use these cards to indicate their primary language. LHAND staff at the point of entry will then make appropriate arrangements for interpretation services, generally using a bi-lingual staff person.

- Notices of Oral Interpretation Services: LHAND will provide free access to either bi-lingual staff or telephone interpretation services for all contacts with LEP individuals. LHAND will prominently post multi-lingual notices at its central office waiting rooms and LHAND site based management offices which indicate that free oral interpretation services are available upon request.

- Language Preferences of Residents and Applicants: LHAND will have available for applicants and residents, a form to identify their primary language preference for receiving written communications. The form will also ask the applicant or resident/participant if translations services are necessary. This information will be included in the paper files.

B) Language Assistance Measures:

- Oral Interpretation - Staff: Where feasible, bi-lingual LHAND staff will be deployed to communicate with LEP individuals in their native languages and to assist them in reviewing LHAND materials, answering questions about LHAND programs, and responding to LHAND forms and information requests. Currently, LHAND
employs staff members who speak Spanish and Khmer which are the non-English languages spoken most frequently by eligible persons served by LHAND.

- Oral Interpretation - Use of Other Interpreters not provided by LHAND: As noted above, LEP individuals will be informed that LHAND will provide them with free access to oral interpretation services via bilingual LHAND staff as needed. If the LEP individual requests their own qualified, trained interpreter, this will be allowed at the individual's own expense. Use of family members and friends, especially minor children, as interpreters will generally be discouraged. Exceptions may be made where the contact with the LEP person is of a routine nature, one that does not involve confidential matters, or significant/complex matters impacting the applicant or resident's housing status, rent payments, or lease compliance issues. In these instances where the LHAND does not have free available translation services, the LHAND is stating by this policy that they will not be held liable for the translation provided by the LEP individual's own translator. Staff will be advised to be alert to the potential for any conflict of interest or competency issues that may arise from the involvement of family or friends.

- Written Translation: LHAND will maintain vital documents in the most frequently used non-English languages: Spanish.

C) Staff Training and Coordination:

- LHAND will provide training on LEP awareness and required assistance actions under the Language Assistance Plan for employees.

  This will include:

  - Mandatory training: A mandatory training will be scheduled for all employees to review the Language Assistance Plan elements, review new procedures related to the LAP, and to inform staff of their responsibilities relative to LEP persons. On an ongoing basis, periodic refresher training will be provided to staff who regularly interact with LHAND clients.

  - LEP Coordinator: LHAND will designate a staff member as LEP Coordinator, responsible for ongoing updating of the LEP analysis, addressing staff, and providing ongoing LEP training.

D) Monitoring and updating the Language Assistance Plan:

Every two years, as part of LHAND's annual plan process, the LAP will be reviewed and updated, if needed. The review will assess:

- Whether there have been any significant changes in the composition or language needs of the LEP population in the City of Lynn;
- A review to determine if additional vital documents require translation;
- A review of any issues or problems related to serving LEP persons which may have emerged during the past year; and,
- Identification of any recommended actions to provide more responsive and effective language services.
EXHIBIT 5 - PET POLICY

Per the requirements of the 1998 Quality Housing and Work Responsibility Act, the LHAND has instituted a “Pet Policy,” which was submitted and approved by the U.S. Department of Housing & Urban Development (HUD) as written in the agency’s Public Housing Agency (PHA) Plan.

The following “Pet Policy” shall be enforced at Curwin Circle and Wall Plaza.

1. Any resident interested in owning and / or maintaining a common household pet in his/her unit will be required to obtain written approval from the Authority prior to housing a pet on the Authority’s property. Management reserves the right to check references for previous pet ownership. If management feels a pet is inappropriate, management will inform resident. Permission for a specific pet will not be unreasonably withheld. To obtain approval, a resident must first submit an “Application for Pet Waiver” at the local management office, which will include among other things, information concerning the size and type of pet intended for ownership by the resident. The manager will provide the resident with a copy of the Authority’s Pet Policy and will review all of the rules and regulations listed therein with the resident. Upon reviewing these requirements, the resident will be requested to sign the Pet Rider and agree to abide by all the rules listed in the Pet Policy and those city/town ordinances applicable to the ownership and care of a pet.

2. A companion animal will be defined as a common household pet such as a dog, cat, bird, guinea pig, gerbil, hamster, rabbit, or fish. Reptiles, iguanas, snakes, ferrets and birds of prey are not household pets. Pets, other than cats and dogs, shall have suitable housing, e.g. cages or aquariums.

3. There will be no more than one cat, dog, caged mammal or bird per apartment. In the case of a fish, no more than one aquarium with a 20-gallon capacity shall be allowed.

4. The mature size of newly acquired dogs is limited to a weight not to exceed 25 pounds. The size of the dog is not directly related to its desirability as a resident. Each animal shall be taken into consideration for its individual merit, based upon the facilities available.

5. Dogs of vicious or aggressive disposition will not be permitted. Due to age and behavioral activities of puppies and kittens, applications for ownership of such young animals shall be more closely reviewed prior to approval.

6. All female dogs over the age of six months and all female cats over the age of five months must be spayed. All male dogs over the age of eight months all male cats over the age of ten months must be neutered. If health problems prevent such spaying or neutering, a veterinarian’s certificate will be necessary to allow the pet to become a resident of the development and the exception will be at the Assistant Federal Public Housing Manager’s discretion.

7. Management reserves the right to require dog owners to be relocated to a comparable unit on the ground floor of their building or specific areas of a development based upon written complaints concerning: 1) the behavior of the dog in the elevator or hallways; or 2) the documented medical conditions of residents affected by the presence of the dog.

8. Residents are expressly prohibited from feeding or harboring stray animals. The feeding or harboring of a stray animal shall constitute having a pet without the approval of the Authority.

RESIDENT OBLIGATIONS

1. The pet owner will be responsible for proper pet care; good nutrition, grooming, exercise, flea control, routine veterinary care and yearly inoculations. Dogs and cats must wear identification tags and collars when outside the unit.

2. The pet owner is responsible for cleaning up after the pet inside an apartment and anywhere on development property. Owners should carry a “pooper scooper” and disposable plastic bags. All waste will be bagged and disposed of in a receptacle determined by management. Toilets are not designed to handle pet litter. Under no circumstances should any pet debris be deposited in a toilet, as blockages will occur. Tenants will be responsible for the cost of repairs or replacements of any damaged toilets or pipes.

3. Pet blankets and bedding are not to be cleaned or washed in the laundry room for hygienic reasons.

4. The pet owner will keep the unit and its patio, if any, clean and free of pet odors, insect infestation, waste and litter and maintain the unit in a sanitary condition at all times.

5. The pet owner will restrain and prevent pet from gnawing, chewing, scratching or otherwise defacing doors, walls, windows and floor covering of the unit, other units and common areas, as well as shrubs and landscaping of the facility.

6. Pets are not to be tied outside or left unattended on a patio or porch.
7. Residents will not alter their unit, patio or other outside area to create an enclosure for an animal.
8. Pets will be restrained at all times, when outside an apartment on development property. No pet shall be loose in hallways, elevators, community rooms, dining rooms or other common areas. All pet owners must be able to control their pet via leash, pet carrier or cage.
9. No visitors with pets will be allowed, except for disabled visitors requiring Seeing Eye dogs or other needed animals for assistance.
10. Pets will not be allowed to disturb the health, safety, rights, comfort or quiet enjoyment of other residents. A pet will not create a nuisance to neighbors with excessive barking, whining, chirping, or other unruly behavior.
11. Resident pet owners must provide litter boxes for cat waste, which must be kept in the owner’s unit. Litter boxes shall be kept clean and odor free.
12. Pet owners will agree to quarterly apartment inspections to be sure pets and units are being cared for properly. These inspections may be reduced or increased in time periods at the manager’s discretion. Pet owners further agree to apartment inspections when, in the opinion of the Authority, there is a reasonable basis to believe that pets and/or units are not being cared for properly or that a pet has done undue damage to the apartment.
13. The resident is responsible for providing management with the following information and documents which are to be kept on file in the tenant’s folder:
   a) A color photo and identifying description of the pet;
   b) Attending veterinarian’s name, address and telephone number;
   c) Veterinary certificates of spaying or neutering, rabies, distemper combination, parvovirus, feline VRC, feline leukemia testing and other inoculations, when applicable;
   d) Dog licensing certificates in accordance with local and state law
   e) Two (2) alternate caretakers, their names, addresses and telephone numbers, who will assume immediate responsibility for the care of the pet should the owner become incapacitated; these caretakers must be verified in writing by signing the Lease Pet Rider, acknowledge their responsibilities as specified;
   f) Emergency boarding accommodations;
   g) Temporary ownership (overnight or short term) shall be registered with management under the pet rules and regulations;
   h) The resident is responsible for keeping management informed of any changes of information.

PET PARTICIPATION FEE

1. A pet deposit of $200.00 or one month’s rent, whichever is less, is required of each pet owner. This amount may be payable over a reasonable time period determined by Executive Director. The Authority cannot require a tenant to pay all of the deposit before bringing in a pet. This payment will be implemented as a security deposit.
2. The deposit will be refunded at the time the resident vacates or no longer has ownership of the pet, provided that no pet-related damage has been done to the property. Sums necessary to repair such damage will be deducted from the deposit.
3. A fee of $10.00, shall be collected from pet owners for failing to clean up after their animals. This fee is a recurring non-refundable maintenance fee for each offense. This is a separate fee from the Pet Deposit to cover the reasonable operating costs to the development relating to the presence of pets.

LIABILITY OF PET OWNER FOR DAMAGE OR INJURY

1. Repairing or replacing damaged areas of the exterior, interior, doors, walls, floor coverings and fixtures in the unit, common areas or other areas damaged by tenant’s pet.
2. Cleaning, deodorizing and sanitizing carpeting and other floor coverings in the unit as necessitated by presence of a pet.
3. Charges of damage will include materials and labor. Payment plans will be negotiated between management and the pet owner not to exceed three times. Disputes concerning amount of damages are subject to the grievance procedures provided for in HUD regulations.

LHAND requires pet owners to secure renters insurance, which includes personal liability at a minimum of $300,000.00, and indemnifies the LHAND against pet related litigation or attorney’s fees, as a condition of pet ownership.

EXHIBIT 6 - PUBLIC HOUSING TRANSFER POLICY
GENERAL TRANSFER POLICY

1. It is the policy of the LHAND to implement transfers to address a variety of situations.
2. Transfers will be made without regard to race, color, national or ethnic origin, sex, religion, or familial status.
3. Residents can be transferred to accommodate a disability.
4. Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable conditions as determined by the LHAND Management staff.
5. The LHAND is responsible to expedite the vacancy process. Implementation of the Transfer Policy must not delay the vacancy process.

TYPES OF TRANSFERS

1. Emergency Transfers are mandatory and will take precedent over all other transfers and new admissions when the LHAND determines that conditions pose an immediate threat to resident life, health or safety.

The following are considered emergency circumstances warranting an immediate transfer of the tenant or family:

- Maintenance Conditions
  Maintenance conditions in the resident’s unit, building or at the site that pose an immediate, verifiable threat to the resident life, health or safety that cannot be repaired or abated within 24 hours, make the unit uninhabitable and were not caused by the resident family or their guest. Examples of an uninhabitable unit may include a unit affected by a flood, fire, and natural disaster.

- Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
  If it is necessary for the victim to move to another dwelling to receive protection, the LHAND shall execute an emergency transfer for the victim to another available and safe dwelling under a covered housing program. Reasonable confidentiality measures shall be implemented to ensure that the LHAND does not disclose the location of the new dwelling unit of a participant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking.

- Verified Medical Condition
  To alleviate a doctor verified medical condition which is imminently life threatening or seriously impairs the health of the Resident or a Household Member.

2. Administrative Transfers include transfers to remove residents who are witnesses to crimes and may face reprisals; provide housing options to residents who are victims of hate crimes or extreme harassment; alleviate verified medical problems of a serious (but not life-threatening) nature; or to correct serious occupancy standards problems to families who are under-housed or over-housed. Transfers regarding occupancy standards will be addressed on an as needed and available basis as determined by the LHAND Management staff. These will be determined based on the households’ severity of need. Transfers due to overhoused situations are mandatory. Administrative Transfers initiated by the LHAND Management staff will also include but not limited to permitting modernization work and moving a person with mobility problems to a unit with accessible features, etc.

3. Medical Justification Transfers will be for tenants who present compelling and documented medical impairment to the LHAND Management staff, which is expected to be permanent or of long continued and indefinite duration and which could be substantially improved by a transfer to another unit when it becomes available.

PROCESSING TRANSFERS

Emergency Transfers will take precedent over all other transfers and new admissions.

All other types of transfers discussed above will be processed at the rate of one transfer to four new admissions. The LHAND reserves the right to modify this rate at any time on a case by case basis and offer transfers and or new admissions based on the severity of need.
Resident initiated transfers due to overhoused or underhoused situations will only be given one transfer offer. Refusal of that offer without good cause for overhoused tenants will result in legal action for violation of the tenant’s lease (Part I of the Residential Lease Agreement Section 6 titled Terms and Conditions number 6 titled Transfer Requirements).

Refusal of that unit offer without good cause for underhoused tenants will result in placement at the bottom of the Transfer list. Three refusals of a unit offer without good cause for underhoused tenants will result in the removal from the Transfer list.

All transfers except Emergency Transfers will be based on the tenant’s severity of need, which will be determined by the LHAND Management staff. Factors to be considered will include the Occupancy Standards:

- The number of persons per bedroom
- The age of the occupants in the household
- Household members of the opposite sex, except husband and wife (or those in a similar arrangement), do not have to share a bedroom, provided that children of the opposite sex under the age of eight shall share a bedroom and provided that other household members of the opposite sex may elect to share a bedroom.
- The sex of the occupants in the household
- Household members of the same sex shall share a bedroom.

Given a determination of equal need by more than one household requesting a transfer, transfers will then be made based on the date that transfers were requested.

TEACHER IN GOOD STANDING REQUIREMENT FOR TRANSFERS

1. In general, and in all cases of all resident – requested transfers, residents will be considered for transfers only if the head of household and any other family members for the past two years:
   - Have not engaged in criminal activity that threatens the health and safety of residents and staff;
   - Do not owe back rent or other charges, or there is no evidence of a pattern of late payment;
   - Meet reasonable housekeeping standards and have no housekeeping lease violations; and
   - Can get utilities turned on in the name of the head of household

Absent a determination of an exception, the following policy applies to transfers:

- If back rent is owed, the resident will not be considered for a transfer until back rent is paid in full (Verification will be placed in the tenant’s file).
- Residents with a history of late rental payments will not be considered for a transfer until there is demonstrated improvement in their rental payments (i.e. not delinquent in their rent for a period of six months following their request and verification will be placed in the tenant’s file).
- A resident with housekeeping standards violations will not be transferred until he/she passes an unannounced follow-up housekeeping inspection and if applicable, the tenant accepts available services (verification will be placed in the tenant’s file).

2. Exceptions to the Tenant in Good Standing requirement will be made for emergency transfers or when it is in the best interest to the LHAND to make the transfer and with LHAND Management staff approval.

PAYING FOR TRANSFERS

Residents will bear the cost of transfers to correct occupancy standards. Transfers requested or required by LHAND will be paid for or made by LHAND.
PROVISIONS EFFECTIVE 04/15/13 TO 3/31/15 OR UNTIL AMENDED, SUPERCEDED, OR RESCINDED

Allow households to self-certify if they have less than $5,000 in assets
HUD Notice 2013-03 allows the LHAND staff to accept a family’s self-certification on the Family Certification Form if the amounts of assets they have are under $5,000 at the time of signing. They will not be required to obtain supporting documentation.

Perform streamlined annual reexaminations for elderly families and disabled families on fixed incomes
HUD Notice 2013-03 allows the LHAND staff to conduct a streamlined reexamination of income for elderly and disabled families when 100% of the family’s income consists of fixed income. Staff will apply any published cost of living adjustments to the previously verified income amount and use that figure to determine the family’s portion of the rent for the next twelve months.
EXHIBIT 8 - VIOLENCE AGAINST WOMEN ACT (VAWA)

Lynn Housing Authority and Neighborhood Development (LHAND) has adopted all requirements to implement applicable provisions of the Violence Against Women Reauthorization Act of 2013 (Pub. L. 113-4, 127 Stat. 54).

LHAND’s goals, objectives and policies are to enable LHAND to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, and stalking, as defined in VAWA 2013, and stated in the LHAND VAWA Brochure, a copy of which is distributed to all program participants. In addition, LHAND shall operate programs to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, and stalking as and to the extent such programs are described from time to time in LHAND’s Annual Public Housing Agency Plan.

BACKGROUND
A federal law that went into effect in 2006, and was reauthorized and amended in 2013, provides legal protections to tenants and affiliated individuals of tenants (male or female) who are victims of domestic violence, dating violence, sexual assault, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. The provisions apply to victims of violence who receive publicly assisted housing benefits.

DEFINITIONS

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitated with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence:** Violence committed by a person:

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

**Sexual Assault:** an involuntary sexual act in which a person is coerced or physically forced to engage against their will, or any non-consensual sexual touching of a person.

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

**Affiliated Individual:** a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis (in place of a parent); or any individual, tenant, or lawful occupancy living in the household of that individual.

**PROTECTIONS PROVIDED BY VAWA**
In general, the law provides in part that criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an affiliated individual of the tenant is the victim or threatened victim of domestic violence, dating violence, sexual assault, or stalking.

The law also provides that any incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of that violence and will not be “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of such violence.
BIFURCATION OF LEASE
The LHAND may bifurcate (split) a lease for housing in order to evict, remove, or terminate assistance to a person who is a tenant who engages in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. If such bifurcation occurs and the removed tenant or lawful occupant was the sole tenant eligible to receive assistance under a covered housing program, the LHAND shall provide any remaining tenant the opportunity to establish eligibility for the covered housing program. If the remaining tenant cannot establish eligibility, the LHAND is required to provide the tenant a reasonable time to find new housing or establish eligibility under another covered housing program.

EMERGENCY TRANSFERS
If it is necessary for the victim to move to another dwelling to receive protection, the LHAND shall execute an emergency transfer for the victim to another available and safe dwelling under a covered housing program. Reasonable confidentiality measures shall be implemented to ensure that the LHAND does not disclose the location of the new dwelling unit of a participant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking.

ACTIONS NOT PROTECTED UNDER VAWA
The LHAND may terminate assistance for a participant if the victim is an actual and imminent threat to other tenants or staff. Further, the LHAND may deny admission or terminate assistance if the basis for the action is not related to domestic violence, dating violence, sexual assault, or stalking.

DOCUMENTATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING
The LHAND may ask the victim to prove or “certify” that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. A person can prove that he or she is a victim by submitting one of the following:

- A HUD-approved certification form provided by the LHAND;
- A document that is signed by the applicant or participant and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional who assisted the victim relating to domestic violence, dating violence, sexual assault, or stalking. The professional must state, under penalty of perjury, that he or she believes that the abuse meets the requirements under VAWA;
- A Federal, State, tribal, territorial, or local police or court record;
- A record of an administration agency; or
- A statement or other evidence provided by the applicant or participant, at the discretion of the LHAND.

The victim of domestic violence, dating violence, sexual assault, or stalking is required to provide the name of the perpetrator on the HUD-approved certification form only if the name of the perpetrator is safe to provide and is known to the victim.

The applicant or participant must provide the documentation within 14 business days after the date that the LHAND requests for documentation. An extension of the 14-day deadline is at the LHAND’s discretion.

The LHAND should be mindful that the delivery of the certification form to the tenant in response to an incident via mail may place the victim at risk, e.g., the abuser may monitor the mail. Therefore, the LHAND may require that the tenant come into the office to pick up the certification form and is encouraged to work with tenants to make delivery arrangements that do not place the tenant at risk.

CONFIDENTIALITY
All information provided to the LHAND regarding domestic violence, dating violence, sexual assault, or stalking, must be retained in confidence and must neither be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is (i) requested or consented by the individual in writing; (ii) required for use in an eviction proceeding or termination of assistance; or, (iii) otherwise required by applicable law. The HUD-approved certification form provides notice to the tenant of the confidentiality of the form and the limits thereof.