



Housing Authority of New Haven  
**Karen DuBois-Walton, Ph.D.**  
President

## AGENDA

REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
HOUSING AUTHORITY OF THE CITY OF NEW HAVEN  
360 ORANGE STREET NEW HAVEN CT 06511  
TUESDAY, SEPTEMBER 19<sup>TH</sup>, 2023 at 4:00 P.M.  
<https://v.ringcentral.com/join/215683616>  
**Dial: 1-650-419-1505**  
**Access Code / Meeting ID: 215 683 616**

1. Roll Call
2. Approval of the Minutes from August 15<sup>th</sup>, 2023
3. Bills and Communications
4. Public Comments (3 Minutes per Individual /15 Minutes per Group)
5. President's Report

### ACTION ITEMS

#### FINANCE COMMITTEE:

1. **Resolution 09-66/23-R;** Resolution Ratifying Change Order Number 2 in the amount of \$425,000 to the Contract with McCarter & English, LLP and its joint venture (Berchem Moses PC, Reno & Cavanaugh, PLLC, and Pullman & Comley, LLC) for Outside Legal Services resulting in an Amount Not to Exceed of \$4,447,332
2. **Resolution 09-67/23-R;** Approving the FY2024 (October 1, 2023 – September 30, 2024) Elm City Communities Agency-Wide Budget

#### P&D COMMITTEE:

*NONE*

#### SERVICES COMMITTEE:

3. **Resolution 09-68/23-R;** Resolution Ratifying A Memorandum Of Understanding Regarding Cooperation In Connection With An Application By The Connecticut Department Of Housing For Housing Mobility-Related Services Funding
4. **Resolution 09-69/23-R;** Resolution Authorizing Changes To The Flat Rent Schedule As Outlined In HUD Notice PIH 2022-33 To Establish Flat Rents At 100% Fair Market Rent
5. **Resolution 09-70/23-R;** Resolution Ratifying Change Order Number Two (2) to the Contract with EMEK Security LLC, for Unarmed Uniformed Security Guard Services in the Amount of \$28,000.00 bringing the Total Contract Value Not to Exceed Amount From \$149,000.00 to \$177,000.00
6. **Resolution 09-71/23-R;** Resolution Authorizing Contract Award to Anthem Blue Cross and Blue Shield for Dental Insurance Coverage
7. **Resolution 09-72/23-R;** Resolution approving the Lactation/Chest/Breast Feeding Policy

8. **Resolution 09-73/23-R**; Resolution approving a contract with Ultimate Kronos Group (UKG) for HR Data Management & Payroll Processing Services
9. **Resolution 09-74/23-R**; Resolution Authorizing the ECC/HANH Vehicle Policy
10. **Resolution 09-75/23-R**; Resolution Authorizing Change Order Number Three (3) to the contract with F.W. Webb Wholesale Company for plumbing and heating parts and equipment for an additional amount of \$98,000.00 bringing the total not to exceed contract amount from \$147,711.00 to \$245,111.00
11. **Resolution 09-76/23-R**; Resolution Authorizing Change Order Number Two (2) to the contract with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for equipment for an additional amount of \$60,000.00 bringing the total not to exceed contract amount from \$440,000.00 to \$500,000.00
12. **Resolution 09-77/23-R**; Resolution authorizing the revision of the ECC/HANH Admission and Continued Occupancy Plan (ACOP)
13. **Resolution 09-78/23-R**; Resolution authorizing the revision of the ECC/HANH Housing Choice Voucher Administrative Plan (Admin Plan)

## ADJOURNMENT

MINUTES  
REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
HOUSING AUTHORITY OF THE CITY OF NEW HAVEN  
360 ORANGE STREET NEW HAVEN CT 06511  
TUESDAY, SEPTEMBER 19<sup>TH</sup> 2023 at 4:00 P.M.

Those present included:

William Kilpatrick, Chairman  
Erik Clemons, Commissioner  
Alberta Witherspoon, Commissioner  
Danya Keene, Commissioner  
Rolan Joni Young, McCarter & English LLP  
Various staff and public attendees via RingCentral

The Regular Meeting of the Board of Commissioners of the Housing Authority of New Haven was called to order at 4:04 p.m.

At Roll Call, Karen DuBois-Walton was present in person in the boardroom along with, Chairman Kilpatrick, Commissioner Keene and Commissioner Witherspoon.

**Approval of the Minutes from the Tuesday, August 15, 2023 Regular Meeting:**

Motion to approve the minutes was moved by Commissioner Keene and seconded by Commissioner Witherspoon.

**Bills and Communications:**

Aged Accounts Payable Report totaling \$ 4,315.80 (listed on page 1), this excludes paid invoices on report). This list consists of invoices that have been received and entered in the system but may not be ready for payment. A register of the paid invoices may be provided at the September 19, 2023, Board of Commissioners meeting.

Bank Book Check Register totaling \$ \$ 4,375,702.94 (listed on page 17). This list consists of invoices that have been paid from August 1 – August 31, 2023. Columbus House, Inc (\$ 5,000) for tenant services; BRD Builders, LLC (\$ 152,321) for Essex Improvements; VASE Management LLC (\$294,316) for Lead Scattered Sites; McCarter & English, LLP (\$ 170,571) for agency-wide legal services; Tri-Con Construction Manager, Llc (\$ 35,348) for M&N Eastern St Fire #4; New Haven Village Suites (\$123,656) for Essex and Crawford Manor relocations; Lothrop Associates, LLP (\$ 12,811) IQC A&E Lead projects scattered sites; Reitman Personnel Services, Inc. (\$ 42,663) for agency-wide temp services; Home Depot (\$ 39,332) for agency-wide materials; HD Supply Facilities Maintenance, Ltd (\$58,612) agency-wide supplies; United Illuminating (\$ 217,296) for various sites; Southern Connecticut Gas (\$ 33,062) for agency-wide gas service; Regional Water Authority (\$ 162,050) For agency-wide services.

The total of both registers is \$ 4,380,018.74

Read into the record by Karen DuBois Walton  
Accepted as stated

**Public Comments: None**

**President's Report**

**To: ECC/HANH Board of Commissioners**  
**From: Karen DuBois-Walton, Ph.D., President**  
**Date: August 15th, 2023**  
**RE: President's August 2023 Report**  
**I. Administrative**

**Happy Spring!**

**Our team continues to work toward our strategic pillars:**

- **House more families (more quickly) in the highest quality housing in communities of their choice**
- **Support residents' ability to live their best life and achieve goals that move them toward greater housing and life choices**
- **Cost effective and cost-efficient delivery of services in ways that maximize impact in our community (jobs, contracting, economic development) and**
- **Spark policy change that creates growth in housing market especially for families in need of affordable housing**

**On July 24<sup>th</sup> we were pleased to release the report that culminated the 3-part housing series- Breaking Ground. The final report provides useful city and region level data on the state of housing and offers solutions that can be undertaken by our city partners to address the urgency and the scale of the housing affordability crisis. We received broad coverage in print and television media including the New Haven Independent and Register, Hartford Courant, CT Mirror, NPR, Fox 61, WTNH and NBC30. Click here for one sample article: <https://ctmirror.org/2023/07/26/new-haven-ct-affordable-housing-study/https://ctmirror.org/2023/07/26/new-haven-ct-affordable-housing-study/> The report remains available on our website and we will continue to engage locally with community members and policy makers on advancing the ideas. Many thanks to Will Viederman, Housing Policy Manager, for his work and authorship of the report. Will has left ECC/HANH to attend graduate school and we are excited to see what is next for him.**

**Also along the lines of upcoming transitions, our Senior Vice President of the 360 MGT Group, Patricia Johnson has announced her intention to resign as of August 25<sup>th</sup> to pursue an unexpected but wonderful professional opportunity. Pat's leadership has been key in the launch and stabilization of 360 MGT and she will be missed. We are currently finalizing the transition plan and will begin the search for her successor.**

**We received word that the Principal Deputy Assistant Secretary of US HUD, Richard Monocchio wishes to visit CT and has selected ECC/HANH as the site for his visit. On August 22, 2023 we will host him for a day of discussion, engagement and tour of our properties. We look forward to demonstrating the impact of MTW here in New Haven particularly as it relates to resident services and housing investments. All are welcome to join us for all or part of the visit.**

**Our team has reviewed the new legislation passed by the State Legislature which goes into effect on October 1, 2023. While many of the reforms are already best practices here at ECC/HANH, there are some impacts of the new law that require policy change or procedural change on our part. Our team has begun the process of updating our policy documents accordingly. I call the Board's attention to the new requirement that anyone serving on the Board of a Public Housing Authority will be required to attend a training annually conducted by an industry recognized partner. As such, we have circulated and will continue to circulate opportunities for training to the Board members.**

**We are in the process of the staff reorganization and repositioning that needs to be completed by October 1st and have worked with the unions and with staff in positions that will be impacted to begin to identify**

**new opportunities. To that end, we held an internal job fair on August 4<sup>th</sup> and offered the chance to review current and upcoming job vacancies.**

**On August 1<sup>st</sup> we held our annual Back to School Fair for ECC/HANH families. Thank you to Robin Miller Godwin who leads this effort each year and the teams of staff who support to execute the event.**

**On Saturday August 5<sup>th</sup> we suffered property loss due to a significant fire impacting two units at Essex Townhouses. Thankfully no one was injured but two families were displaced. The two units had just recently been completely renovated and the families had just returned recently to their units. They are both temporarily housed and the cause of the fire is under investigation.**

**We continue to track the CHRO case involving a former employee. Legal counsel has been assigned by our insurer and the case is pending. Mediation proved unsuccessful and the case advances.**

**Finally, I am pleased to be able to continue service in my role for an additional year as you consider execution of my contract extension. Together we have and are continuing to accomplish much toward our goals and we remain positioned to take on the challenges that lie ahead.**

#### **Time Extension Granted per Resolution #02-25/10-R**

- No Cost Time Extension with AM PM Door Repair Services Repair Services from August 31, 2023, to September 30, 2023 (PO# 21154-13104) in order to process new vendor contract.**
- No Cost Time Extension with Nobe Construction for Board-Up Services from August 31, 2023, to September 30, 2023 (PO# 22419-13816) in order to process new vendor contract.**
- No Cost Time Extension with Chen's Key Shop for Key and Lock Services August 1, 2023, to October 1, 2023 (PO# 21540-13325)**
- No Cost Time Extension with Hartford Truck & Equipment for Snow Removal Equipment off State of Ct. contract # 17PSX0118 August 31, 2023, to March 31, 2024. (PO# 21814-13464)**
- No Cost time extension with Stanley Convergent Solutions for Door Access Controls Cooperative Purchasing Agreement from September 30 , 2023, to October 1, 2024. (PO# 22327-13769)**
- No Cost time extension of time with CSC for pay per use laundry services from February 28, 2023, to September 30, 2023 (PO# 21814-13128)**
- No Cost time extension with Stanton Equipment for Snow Removal Equipment from September 1, 2023, to June 1, 2024. (PO# 21183-13464)**
- No Cost time extension with Home Depot Pro Institution for inventory warehouse management September 30, 2023, to October 1, 2024. (PO# 22329-13790)**
- No Cost time extension for the two (2) year option to renew with Hooker & Holcomb Investment Advisors, Inc for Broker / Agent of Record / Consultant Services for HANH's Pension plan services for a period beginning on October 14, 2023, and ending on October 13, 2025.**

- **No Cost time extension for the two (2) year option to renew with Corporate Benefits Consultants for Broker / Agent of Record / Consultant Services for HANH's Medical, Prescription Drug Coverage, Vision Care, and Dental Care, Life Insurance, STD, LTD and AD & D plan services for a period beginning on October 14, 2023 and ending on October 13, 2025.**

**No Cost Time Extension to the contract of Talent Management with KJR Consulting which expires on July 31, 2023. Extension effective August 1, 2023 thru July 31, 2024.**

## **II. Finance**

### **JUNE 2023 YTD Financials**

**The financial report covers nine months (October 1 through June 30) of data. Total Revenues are \$90,505,153 and Total Expenses are \$80,658,197 (including depreciation expense of \$1,764,181). The excess of revenue over expenses is reduced by \$(9,160,555) capitalized expenditures. Depreciation expense add-back is \$1,764,181. The HANH Net Surplus of \$2,450,583 was as follows:**

#### **MTW Programs**

##### **➤ Low Income Public Housing**

**Net surplus is \$1,938,342 versus a budget net deficit of \$(654,894) for an overall favorable variance of \$2,593,236**

##### **➤ Section 8 Housing Choice Voucher**

**Net deficit is \$(1,901,225) versus a budget deficit of \$(579,113). The unfavorable variance is \$1,322,112.**

#### **Non-MTW Programs**

##### **➤ Business Activities showed deficit of \$(778,094) compared with a budgeted deficit of \$(606,797), resulting in a unfavorable variance of \$(171,297).**

##### **➤ Central Office Cost Center shows a net surplus of \$3,191,561 compared to a budgeted surplus of \$1,840,805 resulting in a favorable variance of \$1,350,756.**



## **IV. Community and Economic Development (CED) Monthly Report**

### **CARES/FSS Program Highlights**

- **G. G - Has been working hard with her savings which is close to \$2,000 despite the fact that she has a fixed income (SSI) and has not been able to secure employment due to her current medical situation.**
- **T. M – currently working her part time job and has decided to pick up more hours at work for the summer. She has saved \$1500 to date for her goals of homeownership.**
- **Upcoming Graduates -12 in CARES are scheduled to graduate- pending leases**
- **(3) participants increased their credit score**
- **(2) CARES participants become employed during month of July**

### **ECC Believes Program Highlights**

- **EARN AS YOU LEARN Participants:**
  - **6/23/2023 – 30 youth residents**
- **National Summer Learning Week – 3 Day Event**
  - **This event was part of a week-long celebration of National Summer Learning Week with over 387 families in attendance at the Event hosted by CED Department. During the week, we hosted themed events at three family developments (Eastview Terrace, Mill River and 295 Wilmot Road) in the ECC/HANH portfolio. Each event had a different theme was STEM (Science, Technology, Engineering and Math), Wonders of Wellness Health and Sports and Amazing Arts and included activities, pizza and ice cream trucks. Additionally, a number of Community Partners, several of whom will be providing on-site programming beginning this summer, including Yale Child Study, Bridges of Hope, Youth Without Limits, Hill Health Center, CfAL, CAHS, UCA, Solar Youth, NHPD, United Way.**
- **Bridges of Hope launched summer camp for youth at St. Anthony 1 and 2 and Mill River Crossing**
- **Urban Community Alliance launched teen basketball and mentoring program at EVT**
- **ECC/HANH launched Summer Reading Challenge**
- **Launched Summer Employment Programs RSYVP and Earn As You Learn programs**

## **V. Planning and Modernization**

### **HUD Emergency Safety and Security Grants:**

**P&M applied to HUD for 2022 funding to address security upgrades at Robert T. Wolfe and George Crawford Manor. The grant would enable our high-rise Elderly and Disabled communities to have the extra layer of security necessary to exclude the influx of an uninvited element. The maximum award per HA annually is \$250,000. Application was submitted June 15, 2022, and the full amount was awarded, October 3, 2022. Contracts for the two (2) camera systems were submitted for BOC approval in May, 2023, and funds were obligated on time. ECC has until 9/25/2024 to expend the funds.**

**P&M applied to HUD for 2023 funding to address security upgrades at Essex Townhouses, a family development with 35 apartments. If awarded, funding will go to replacement of antiquated camera system and damaged access control gates repair and replacement. Application was due 6/28/2023.**

### ***Lead-Based Paint Capital Fund Program—Lead Grant Funding Years 2017 and 2020***

#### **HUD Housing Related Hazards 2020**

- **P&M responded to the HUD NOFA for the Housing Related Hazards for Fiscal Year 2020, due May 25, 2021. On September 29, 2021, ECC was awarded \$3,999,993 to address the following Hazards at Scattered Sites, Essex, Crawford Manor, Wolfe: Smoke and Carbon monoxide, Radon, Mold**



and Vermin (high-rise buildings). Work will include inspections, testing, installation of equipment, treatments and post-abatement testing, as required. The grant covers abatements in buildings encompassing 402 units. Scheduling/testing has begun with CO & smoke detectors (HUD stated priority), Radon testing and mitigation. Mold is being addressed in conjunction with Lead abatement projects as well as separately. Inspections for the Vermin (Bedbugs, rodents and cockroaches) portion of the grant has begun. A 3<sup>rd</sup> Quarterly benchmark report has been sent to the HUD Washington and our Regional offices. We worked directly with the HUD Washington LBP and Housing Related Hazards Team and our Field Office regarding applicability of coverage for the grants as we progress through the construction and ongoing abatement design and procurement of contractors. Current obligation of funds is at 52% and expenditure of funds at 25%.

HUD Lead Grant 2020--ECC applied and was awarded \$3,700,000, in May 2021.

What we have completed to date:

- Obligated and expended all \$986,260 of the 2017 LBP Grant funding.
- Tested all (299) LIPH family property units at risk for Lead Based Paint (Built before 1978).
- Units testing positive for lead were organized by priority in order of importance to address-- Amalgamated Prioritization Chart. Highest priority, units with children under the age of 6 years and actionable levels of lead.
- We are addressing units even if there are no children, now, as these could be rented in the future to a family with young children.
- ECC met with State of Connecticut and HUD Washington Lead Teams to align goals and verify plan of action.
- Applied for six-month extension for obligation deadline on the HUD LBP 2020 Grant; pending response from HUD. Continuing work to obligate remaining lead monies in anticipation of receipt of extension approval.
- Immediate action--Completed:
  - Trained in-house staff to perform Interim Controls and to Follow Lead Safe Renovating practices
  - Interim Controls: Targeted highest priority units, temporarily removing lead dust while design and solicitation process was in progress
    - Highest priority Scattered site properties (10 houses-17 units)
    - McConaughy Terrace exterior source of lead dust--our largest Family development (201 units).
  - Removed Lead painted doors and friction components at McConaughy Terrace...no lead painted doors left at McConaughy Terrace (201 units).
- Design, Abatement and Construction Complete for Lead Abatement in the following properties:
  - Lead Groups 1, 2 and 3: 10 houses (17 units lead safe) in our Scattered Sites West Portfolio. Lead, encapsulated, including replacement of peeling porch components and encapsulation of some siding. These came first as they were highest on our Amalgamated Prioritization Chart. Essex Townhouses (32 units lead safe) ...all known lead components have been removed from 32 units, not just encapsulated. Of the remaining 3 units (total of 35 units at Essex), all have encapsulated lead, to be removed in the new Essex Envelope Scope of work, in the process of window replacement, happening June, 2023.
  - McConaughy (201 units moved to redevelopment effort...however, units all had Interim Controls performed; More permanent Abatement to accompany redevelopment.
- Redesign: Upon receipt of the 2<sup>nd</sup> Lead Based Paint grant, design of remaining units were upgraded to remove instead of just encapsulate certain components, keeping to the priorities established by

the testing. This was made possible due to the additional HUD funding and provides residents and ECC a more permanent and lasting solution to the Lead. With the obligation of Group D houses (21), only one 2-family house of the original 299 properties remains to be addressed by Planning and Modernization: 759 Quinnipiac Avenue, identified as Group A. The cost of construction for Group A came in above the TDC for the 2 units. Project currently under redesign.

- **Other Housing Related Hazards:** ECC added elimination of other Housing Related Hazards upon receipt of a 3<sup>rd</sup> HUD grant \$3,999,993, where inspections identified significant mold, CO and Smoke detectors, vermin and Radon to mitigate or remove. Work on the multiple hazards started:
- All units with identified Radon, throughout the LIPH portfolio have been mitigated with installed piping and exhaust fan systems and confirmation testing. All properties have been inspected for needed CO and Smoke detectors and designs for more reliable hardwired systems is in process. Vermin are being addressed in conjunction with other construction projects. Mold is being addressed largely in the scattered sites AMPs, and at Essex Townhouses and with some properties with Lead Abatement work, others, separately. CO and Smoke detector project was put out for solicitation and received no bids. A smaller project is currently out for Solicitation as a pilot. 57 Mountaintop is out for solicitation for mold abatement.

#### **Solicitations Awarded:**

- **Group B:** 3 Single-Family Houses in the Scattered Site West portfolio (Construction start, September 2, 2022; 100% Completed))
- **Group C:** 8 Units in 4 houses in the Scattered Site East portfolio--Solicitations went out for Bid, July 2022: Construction Completion July 23, 2023:
- **Group A:** 1 house, Scattered Sites East portfolio, Lead, mold and asbestos abatement with site safety and historic preservation requirements; Solicitation out for Bid September 2022, originally going to the October Board, for construction start in Spring, 2023; 2 Bids were received. Contractor with lowest responsible Bid was awarded the contract in December, 2022. The Contractor withdrew and the project is resolicited, bids due March 17, 2023. Two (2) viable bids were received, however, no contract was awarded due to cost for bids being too high. Scope removal plans and re-solicitation scheduled in July.
- **Group D:** 21 houses in the Scattered Sites East portfolio (houses currently without children under the age of 6 years but needing lead abatement for future family rentals). 3 bids received, for solicitation in February, 2023, including some mold abatement, bids due March 20, 2023. Rebid solicited with 3 bids received. Contract for BOC approval, May, 2023. Contract awarded.

Testing results are shared with residents and explained, if needed. State of CT Lead education packet is shared and consultants are available for any technical clarification. Prior to Covid, Lead education packets were available in our lobby. We will be starting to make these available, again. Ongoing Lead Management Plans are being developed for completed Construction projects, as required by HUD regulations.

#### ***P&M Projects 2020-2023***

- **Crawford Manor: ADA Entrance and Access Improvements and Fire Panel and Fire Pump Replacement:** ECC rescinded previously awarded contract due to COVID considerations. Project was repackaged to perform PH1- ADA entry and fire pump renovations. PH 2, Fire Panel replacement work which requires entry into resident units in an Elderly development, was postponed until deemed safe to proceed, due to COVID. Seven (7) bids were received for Phase 1 vestibule and fire pump replacement. In March 2021, Board approved contract award. ADA entry vestibule is completed, and in use. The fire pump is installed. Fire Marshal required a change in electrical panels, a change order which added time. A portion of the work has been paid for by CARES funding. Work extended to March 31, 2022, to

accommodate the Fire Department Fire Watch schedule. PH 2, was re-bid, for the Fire Panel and addressable fire alarm system and Life Health and Safety Upgrades. Resolution was brought to the Board of Commissioners, in April, 2022. Time extended due to long lead times on equipment. Installation of Fire Alarm Panel 100% complete as of June, 2023.

- **437 M&N Eastern Street:** P&M solicited A&E and environmental design services for a vacancy rehabilitation project. 437 M&N Eastern Street sustained significant structural and cosmetic damage due to a fire. Solicitation received several bids; contract awarded. Roofing condition requires corrective structural fortification. Project was out for bid with bids due before Thanksgiving. Due to receiving only one bid, ECC resolicited the project and bids were due January 4, 2023. Contract awarded and NOA provided. Building closed in and interior work in progress.
- **57 Mountaintop:** Scattered Sites East single-family home with extensive mold, requiring relocation of the household residents. Joint project between Operations Department and Planning & Modernization (P&M). Operations to address immediate mold abatement and miscellaneous housing upgrades to allow resident to return to the house. P&M has contracted with an Architect and Environmental consultant to design a remedy for long term remediation of the moisture source(s) which fed the mold and miscellaneous building and site upgrades. Operations has performed much of the needed immediate work. A solicitation is out to perform the mold preventative and restorative work needed.
- **George Crawford Structural Evaluation:** ECC is conducting a structural evaluation of 90 Park Street, which is on the National Register of Historic Places. This structural evaluation will not only provide information on the condition of the structure of the building for current life safety, but will also provide information valuable to any future plans for the building. A contract was finalized with a structural engineering firm, and a final report has been submitted. A design for report recommendations are part of corrective work in advance of and in coordination with future development plans.
- **546 Woodward Avenue:** Contractor completed the roof work and is currently in closeout.

## **VI. The Glendower Group**

- **Farnam Courts Phase II**
  - For the purpose of Financing Glendower bifurcated the redevelopment of Phase II into two phases – 4% and 9%.
  - Glendower Farnam Courts 4%, LLC (closest to Farnam 1), consists of 45 units and Glendower Farnam Courts 9%, LLC consists of 66 units including 52 affordable, a community building, and a park.
  - 100% drawing completed on January 24, 2020.
  - Haynes Construction has been selected to be the General Contractor for Phase II.
- **Farnam Courts Phase II 4%**
  - Successfully closed on July 7, 2020.
  - Notice to proceed issued to begin work on July 13, 2020.
  - Construction completed and keys turned over on 10/13/21.
  - Closeout process ongoing. Waiting on Environmental closeout reports and updated O&M Manuals with survey.
  - Conversion to permanent completed on February 28, 2023.
- **Farnam Courts Phase II 9%**
  - Successfully closed on December 17, 2020

- Notice to proceed issued to begin vertical and demolition work on December 18, 2020.
  - Demolition of former Farnam buildings completed.
  - Phase 2b building construction was completed in May 2022. Fencing and the playground installation began 9-12-22.
  - HTCC application submitted on June 1, 2021, for additional funding in the amount of \$500,000 due to offset the cost of the sharp increase in lumber pricing across construction nationally caused by the Covid pandemic. Awarded the full amount on October 8, 2021.
  - Conversion targeted for the 3rd quarter of 2023.
- **Westville Manor**
    - The Authority submitted a 9% LIHTC application in November 2016 to complete the offsite component on the Rockview Phase II site and was awarded. - Contract closing for Rockview Phase 2 occurred on June 20, 2019.
    - The Authority issued an RFQ for a Master Planner for Westville Manor and selected a team composed of Ken Boroson Architects and Torti Gallas Planners.
    - The planning team has begun scheduling the necessary steps to prepare for the first application for on-site redevelopment with a target of January 2022. This application will address the first phase of Westville Manor consisting of 50 total units and will include the 21 unit 3-story main building.
    - It is anticipated that funding for the final Westville Manor on-site phase consisting of 59 units will be submitted under the 9% LIHTC CHFA round in 2022 or 2023.
    - The master Planning Team held a series of meetings and charrettes in September 2018 and will completed a final recommendation to stakeholders in January 2019. The Authority submitted a RAD application for Westville Manor and was awarded.
    - It was determined that a Planned Development District (PDD) was the best approach to the redevelopment of the site. A PDD application was submitted to the City of New Haven in January 2019 that will include the redevelopment of 109 units on site of which 80% will be RAD replacement units and 20% unrestricted. The Board of Alders approved the PDD in April 2019.
    - Submitted a 9% LIHTC application for on-site Phase 1 on January 12, 2022. This application was not awarded. The application will be resubmitted under the CHFA 2023 9% LIHTC round (due January 11, 2023).
    - Anticipated closing in 4h quarter of 2024.
- **RAD Portfolio Award**
    - The Authority received a portfolio award, inclusive of 13 developments, detailed herein. They have been grouped as follows:
      - **Group I: Motley, Bush, Harvey and Newhall Garden**
        - Development completed and leased.
      - **Group IIA: Waverly and Stanley Justice and Fulton Park**
        - Development completed and leased.
      - **Group IIB: Valley Townhomes**
        - Submitted financing template to the Resource desk on November 2, 2021
        - HUD concept call completed on October 7, 2021.

- Closing anticipated to be the December 2022. Targeting October 2022 CHFA board approval.
    - Closing completed on December 23,2022.
    - Demolition of existing buildings began on January 6, 2023.
    - Demolition of all buildings was completed in March 2023
    - Construction of the new buildings began in May 2023. The first 5 buildings are expected to be complete in December 2023 with the final 5 completed in March 2024.
    - Final construction completion is expected in March 2024
  - **Group III: McQueeney, and Celentano**
    - Closed February 27, 2020.
    - Construction began on March 9, 2020.
    - Construction activities are **COVID delay of 8 weeks**. State and nationwide slowdowns and shutdowns are being monitored for possible schedule overruns.
    - Final completion for McQueeney October 31, 2021
    - Final completion for Celentano October 31, 2021
    - Conversion to permanent financing anticipated to be completed by June 1, 2022.
  - **Group IV: Ruoppolo and Fairmont,**
    - Closed on March 11, 2021.
    - Construction began March 15, 2021
    - Final completion for Fairmont Heights May 31, 2022
    - Final completion for Ruoppolo Manor May 31, 2022.
    - Glendower is working on adding elevator code upgrades to Fairmont scope.
    - Conversion targeted for 3rd quarter 2023.
- **McConaughy Terrace**
    - For the purpose of Financing Glendower bifurcated the redevelopment into two phases – 4% and 9% Low Income Housing Tax Credit applications.
    - Glendower McConaughy Terrace 4%, LLC will consist of 92 affordable units and Glendower McConaughy Terrace 9%, LLC will consist of 104 affordable and 26 market rate units.
    - 90% drawing completed on October 31, 2021 for the 9% phase.
    - LaRosa Building Group, LLC has been selected to be the General Contractor for the Development.
  - **McConaughy Terrace 4%**
    - Submitted a LIHTC application to CHFA on November 12, 2021. Application awarded in conjunction with the 9% award identified below.
    - Closing anticipated to be in 1<sup>st</sup> quarter of 2022.
    - 92 total units, 66 rehab 26 new construction.
    - Closing targeted for the 3<sup>rd</sup> quarter of 2023
  - **McConaughy Terrace 9%**

- Submitted a LIHTC application to CHFA on November 12, 2021.
  - Application was awarded under the 2021 competitive LIHTC round. The 9% LIHTC award also included approval of the 4% award.
  - Closing anticipated to be on the 1<sup>st</sup> quarter of 2023.
  - Phase includes the rehab of 130 units, 104 RAD units, and 26 to be market rate.
  - Closing targeted for the 3<sup>rd</sup> quarter of 2023
- **Scattered Sites**
    - Scattered site is multifamily redevelopment which includes 88 units located in various part of the city. The developments are: 23 Chamberlain Street, 54 Kingswood Drive, 63 Fulton Street, 425 Eastern Street, 437 Easter Street, 1361 Quinnipiac Ave, 1368 Quinnipiac Ave, 1370 Quinnipiac Ave, 1376 Quinnipiac Ave, 1378 Quinnipiac Ave, 1381 Quinnipiac Ave, and 1435 Quinnipiac Ave.
    - Submitted a 9% LIHTC application on January 12, 2022. Project was not awarded.
    - Application will be resubmitted under the DOH DEP round.
    - Anticipated closing in 4th quarter of 2024.
- **34 Level Street/The Heights at Westrock**
    - Submitted a HUD Section 202 Supportive Housing for the Elderly application to HUD in January, 2023.
    - Closing anticipated to be on the 4th quarter of 2024.
    - The development includes 50 supportive housing units
    - DECD Brownfields award of \$999,000 received in June 2023 to assist in clean up and removal of former nursing home.
- **St Luke's Apartments, Whalley Ave.**
    - Submitted a CIF application on June 30, 2023.
    - State DOH engagement pre-application submitted May, 2023.
    - The development includes up to 54 housing units, including 8 market units
    - Architectural Plans being reviewed to identify cost-saving method



**MEMORANDUM**

**TO:** Board of Commissioners

**DATE:** August 15, 2023

**FROM:** Karen DuBois-Walton, President

**RE:** Resolution Authorizing the Write-Off of Accounts Receivable of Former ECC/HANH Tenants of the Federal Public Housing Program Financial Statement Reporting Purposes

---

**ACTION:** Recommend that the Board of Commissioners pass Resolution # **08-57/23-R**

**TIMING:** Immediately

**DISCUSSION:** ECC/ECC/HANH has accounts receivable balances for individuals that are no longer tenants. These balances need to be removed from our Financial Reporting systems. In writing these accounts off for financial reporting purposes, the accounts receivable detail will still remain in our Low-Income Housing system for possible collection efforts. The dollar amounts will simply not carry over to the Financial Reporting system, thus lowering the net accounts receivable balance to an amount closer to what is expected to be collected as required under Generally Accepted Accounting Principles (GAAP) for financial statement reporting.

Any tenant leaving ECC/HANH with an outstanding balance is to be denied re-admission to ECC/HANH and all other PHA's until all outstanding obligations are satisfied. Therefore, information regarding any outstanding accounts receivable will be maintained on Tenant Ledgers in the Low-Income Housing component of our computer system for review and possible reporting as allowed by HUD.

ECC/HANH is currently carrying a \$37,945.39 balance for 10 vacated tenants from the 3<sup>rd</sup> Quarter FY 2023, a period ending 06/30/2023. This amount includes residents that are deceased, terminally ill and in nursing homes. It also includes residents that have been evicted or skip leaving no forwarding address.

**FISCAL IMPACT:** None

**STAFF:** John Rafferty, Sr. VP of Finance, IT & Administration



**ELM CITY COMMUNITIES**  
**Housing Authority of The City of New Haven**

**RESOLUTION #08-57/23-R**

**RESOLUTION AUTHORIZING THE WRITE-OFF OF FORMER TENANT ACCOUNTS RECEIVABLE (TAR) FOR THE LOW-INCOME PUBLIC HOUSING (LIPH) PROGRAM FOR THE PERIOD ENDING 06/30/2023 IN THE AMOUNT OF \$37,945.39**

WHEREAS, ECC/HANH's is responsible for the management and operation of all projects under the Federal Consolidate Program; and

WHEREAS, in the course of such operation, certain tenants of these developments discontinue occupancy leaving outstanding balances for rents and other charges with the Authority; and

WHEREAS, efforts were made to collect all outstanding balances while tenants remain in possession; and

WHEREAS, ECC/HANH has previously contracted with Collection Company of America during FY 2009 to pursue collection of outstanding balances, but effects proved to be unsuccessful; and

WHEREAS, ECC/HANH is currently carrying \$37,945.39 balance for 10 vacated tenants through June 30, 2023, and

WHEREAS, while ECC/HANH will remove the balances from ECC/HANH's Financial Reporting systems, the obligations of these former tenants will remain in the Low-Income Housing System for possible future collections; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT:

1. The write-off for financial reporting purposes of all former tenant's accounts receivable balances accrued through June 30, 2023 for LIPH program in the amount of \$37,945.39 is hereby authorized.
2. The President be and is hereby authorized, empowered, and directed to take any and all such action ancillary, related and/or necessary action to fulfill the foregoing purposes and the purposes of this resolution.
3. This resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on August 15, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph.D.  
Secretary/President.

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

\_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**Motion to approve resolution was moved by Commissioner Witherspoon and seconded by Commissioner Keene second. Motion passed unanimously.**

## MEMORANDUM

**TO:** Board of Commissioners

**DATE:** August 15, 2023

**FROM:** Karen DuBois-Walton, Ph.D., President

**RE:** **The Housing Authority of the City of New Haven Authorizing the Issuance of Not Exceeding \$12,000,000 Multifamily Housing Revenue Bonds and the Making of a Loan to Finance the Costs of a Portion of the Winchester Green Project**

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution #08-58/23-R

**TIMING:** Immediately

**DISCUSSION:** The Housing Authority of the City of New Haven (the “HANH”) was created pursuant to Section 8-40 of the Connecticut General Statutes.

Section 8-44 of the Connecticut General Statutes provides that a housing authority shall have all the powers necessary or convenient to carry out its purposes including the powers to provide for the construction of any housing project either directly or in the form of loans to borrowers, and to promote the creation and preservation of housing for low and moderate income persons and families by lending or otherwise making available to borrowers the proceeds from the sale of obligations which are tax-exempt pursuant to the provisions of the Internal Revenue Code of 1986.

Section 8-52 of the Connecticut General Statutes provides that a housing authority may issue bonds, notes or other obligations (hereinafter referred to as “bonds”) from time to time in its discretion for any of its corporate purposes.

The HANH has been requested to provide financing by issuing bonds and by using a portion of the bond proceeds to fund a loan (the “Loan”) to an entity to be formed by Winchester Residential Holdco LLC, or any of its subsidiaries, affiliates or parent (the “Borrower”) for the acquisition, construction reconstruction and equipping of a separate condominium unit located in the Winchester Green Project which will be comprised of approximately fifty-seven (57) affordable rental units restricted to tenants whose income averages 50% of AMI (the “Winchester Affordable Project”). The remainder of the Winchester Green Project will consist of approximately two hundred twenty-six (226) market rate rental units and 13,000 square feet of commercial space. The Winchester Affordable Project will be located at 315 Winchester Avenue, New Haven Connecticut., and the Borrower has agreed to secure the Loan with a mortgage, assignment of leases and rents and other security, as may be required by the purchaser of the Bonds; and

The principal of and interest on the bonds may be additionally secured by an irrevocable direct-pay letter of credit, guaranty, insurance, surety agreement, standby bond purchase agreement or other credit enhancement or liquidity facility (“Credit Facility”) issued by a credit facility provider; and

For the purpose of providing the funds needed to (i) make the Loan to the Borrower for the financing and refinancing of the costs of the Winchester Affordable Project (ii) fund one or more reserve funds established under the Funding Loan Agreement, if necessary (as hereinafter defined) (iii) pay capitalized interest on the bonds, if needed and (iv) to pay certain costs of issuance and credit enhancement fees, if any, with respect to the bonds issued hereunder (collectively, the “Project”), HANH has determined to authorize the issuance of its multifamily housing revenue bonds or notes in one or more series (collectively the “Bonds”), and to lend a portion of the Bond proceeds to the Borrower.

**FISCAL IMPACT:** Nonrefundable Application Fee: \$25,000 due and payable upon execution Authority Origination Fee: Origination Fee of 150 basis points (1.50%) of the principal amount of the Bonds, payable at the Bond closing. Annual Administrative Fee: The Borrower is responsible for the payment of 50 basis points or 0.50% of principal balance of the Loan, paid annually

**SOURCE OF FUNDS:** HANH

**STAFF:** Shenae Draughn, Executive Vice President

**ELM CITY COMMUNITIES  
Housing Authority of the City of New Haven**

**RESOLUTION #08-58/23-R**

**The Housing Authority of the City of New Haven Authorizing the Issuance of Not Exceeding \$12,000,000 Multifamily Housing Revenue Bonds and the Making of a Loan to Finance the Costs of a Portion of the Winchester Green Project**

**WHEREAS**, the Housing Authority of the City of New Haven (the “HANH”) was created pursuant to Section 8-40 of the Connecticut General Statutes; and

**WHEREAS**, Section 8-44 of the Connecticut General Statutes provides that a housing authority shall have all the powers necessary or convenient to carry out its purposes including the powers to provide for the construction of any housing project either directly or in the form of loans to borrowers, and to promote the creation and preservation of housing for low and moderate income persons and families by lending or otherwise making available to borrowers the proceeds from the sale of obligations which are tax-exempt pursuant to the provisions of the Internal Revenue Code of 1986; and

**WHEREAS**, Section 8-52 of the Connecticut General Statutes provides that a housing authority may issue bonds, notes or other obligations (hereinafter referred to as “bonds”) from time to time in its discretion for any of its corporate purposes; and

**WHEREAS**, the HANH has been requested to provide financing by issuing bonds and by using a portion of the bond proceeds to fund a loan (the “Loan”) to one or more entities to be formed by Winchester Residential Holdco LLC, or any of its subsidiaries, affiliates or parent (the “Borrower”) for the acquisition, construction reconstruction and equipping of a separate condominium unit located in the Winchester Green Project which will be comprised of approximately fifty-seven (57) affordable rental units restricted to tenants whose income averages 50% of AMI (the “Winchester Affordable Project”). The remainder of the Winchester Green Project will consist of approximately two hundred twenty-six (226) market rate rental units and approximately 13,000 square feet of commercial space. The Winchester Affordable Project will be located at 315 Winchester Avenue, New Haven Connecticut., and the Borrower has agreed to secure the Loan with a mortgage, assignment of leases and rents and other security, as may be required by the purchaser of the Bonds; and

**WHEREAS**, the principal of and interest on the bonds may be additionally secured by an irrevocable direct-pay letter of credit, guaranty, insurance, surety agreement, standby bond purchase agreement or other credit enhancement or liquidity facility (“Credit Facility”) issued by a credit facility provider; and

**WHEREAS**, for the purpose of providing the funds needed to (i) make the Loan to the Borrower for the financing and refinancing of the costs of the Winchester Affordable Project (ii) fund one or more reserve funds established under the Funding Loan Agreement, if necessary (as hereinafter defined) (iii) pay capitalized interest on the bonds, if needed and (iv) to pay certain costs of issuance and credit enhancement fees, if any, with respect to the bonds issued hereunder (collectively, the “Project”), HANH has determined to authorize the issuance of its multifamily housing revenue bonds or notes in one or more series (collectively the “Bonds”), and to lend a portion of the Bond proceeds to the Borrower.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HANH AS FOLLOWS:**

1. In order to provide for financing the cost of the Project, the issuance and sale of the Bonds is hereby authorized in the aggregate principal amount not to exceed \$12,000,000 as hereinafter provided. The Bonds shall be payable solely from sources and secured by such security as provided for in the Funding Loan Agreement (the "Funding Loan Agreement") by and among KeyBank, the HANH and U.S. Bank Trust Company, National Association (the "Fiscal Agent") and the HANH hereby pledges such security for the payment of the Bonds. The Bonds (a) shall not constitute a debt or liability of the State of Connecticut (the "State"), or of any political subdivision thereof, the City of New Haven (the "City") or the United States of America (the "USA"); (b) shall not constitute a pledge of the full faith and credit of the State or of any political subdivision thereof, the Town or the USA; and (c) shall not directly, indirectly or contingently obligate the State or any political subdivision thereof, the Town or the USA to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

2. For the purposes of making a loan to the Borrower, to provide for the financing, refinancing or reimbursing of the costs of the Project, a Project Loan Agreement by and among the HANH, the Fiscal Agent and the Borrower (the "Project Loan Agreement") and Project Note and other security instruments, in the form and with the terms and conditions as may be determined by the Executive Director or such other officer as may be appointed by the Executive Director (the "Executive Director" or each such other officer, an "Authorized Officer") to be necessary or desirable for the benefit of the HANH or the security or marketability of the Bonds and the execution and delivery of such documents shall be conclusive evidence of such determination, are hereby approved; and any Authorized Officer, in the name of the HANH, is hereby authorized to execute and deliver such documents and the approval of the Board of Commissioners shall conclusively be determined from any of their signatures thereon.

3. For the purpose of providing for the issuance of the Bonds and further setting forth the terms and provisions applicable to the Bonds, the Funding Loan Agreement, in the form and with the terms and conditions as may be determined by any Authorized Officer to be necessary or desirable for the benefit of HANH or the security or marketability of the Bonds and the execution and delivery of such documents shall be conclusive evidence of such determination, is hereby approved; and any Authorized Officer, in the name of the HANH, is hereby authorized to execute and deliver the Funding Loan Agreement and such other documents pertaining thereto, including but not limited to, any supplements thereto, in connection with the issuance of the Bonds, and the approval of the Board of Commissioners shall conclusively be determined from any of their signatures thereon.

4. For the purpose of providing for additional security for the Bonds, the Assignment of the Project Note (the "Assignment"), substantially in the form as may be determined by the Executive Director, is approved; and any Authorized Officer, in the name of the HANH, is hereby authorized to execute and deliver such other documents pertaining thereto, in connection with the issuance of the Bonds, and the approval of the Board of Commissioners shall conclusively be determined from any of their signatures thereon.

5. For the purpose of additionally securing the principal of and interest on the Bonds, any Authorized Officer is authorized to (a) negotiate with or cause the negotiation with Credit Facility Providers to obtain a commitment for a Credit Facility (the "Commitment") on such terms and conditions as shall be determined by such Authorized Officer to be in the best interest of HANH, (b) appoint a Credit Facility Provider to additionally secure the principal of and interest on the Bonds and (c) execute and deliver such Commitment and such other documents pertaining thereto and the approval of the Board of Commissioners shall conclusively be determined from any Authorized Officer's signature thereon.

6. That for the purpose of providing for the sale or private placement of the Bonds, one or more Contracts of Purchase (the "Purchase Contract"), in the form and with the terms and conditions as may be determined by any Authorized Officer to be necessary or desirable for the benefit of the HANH or the marketability of the Bonds and the execution and delivery of such document shall be conclusive evidence of such

determination, are hereby authorized and any Authorized Officer in the name of the HANH is hereby authorized to execute and deliver the Purchase Contract, and the approval of the Board of Commissioners shall conclusively be determined from any of their signatures thereon.

7. That any Authorized Officer is authorized, in the name of the HANH, to appoint or approve of any consultants or professionals required to issue and sell or privately place the Bonds and to make the loans to the Borrowers, including the Bond Counsel, and the Board of Commissioners hereby authorizes any Authorized Officer to execute and deliver any and all documents required thereby or in connection therewith.

8. That the power (i) to establish the final aggregate principal amount of the Bonds (at not greater than \$12,000,000) which Bonds may be sold or privately placed in one or more series, the principal amount of the Bonds maturing in each year, the final maturity date for the Bonds, the interest rates to be borne by the Bonds, the redemption provisions of the Bonds, and the date and place for the sale of the Bonds, (ii) to sell the Bonds at a negotiated sale or a direct private placement pursuant to the Purchase Contract to one or more underwriters or purchasers and (iii) to execute and deliver any and all documents required thereby or in connection therewith, is hereby delegated to any Authorized Officer of the HANH and action taken by any one of such officers shall be sufficient.

9. That any Authorized Officer (and if any such action shall heretofore have been taken by any one of such officers, such action is hereby ratified and confirmed), be and is hereby authorized and directed (i) to publish such notices, to hold such hearings, and to take such other actions as shall be necessary to enable the HANH's Bond Counsel to render its opinion as to the exclusion of the interest on the Bonds from gross income for federal income tax purposes (ii) to request and accept an allocation of private activity bond volume cap from the State and (iii) to make, execute and deliver all such additional and supplemental documents, including any tax certificates and agreements, tax forms, assignments and any investment agreements, and to do and perform such acts and to take such actions as may be necessary or required for the consummation of the transactions provided for and contemplated by the Funding Loan Agreement, the Project Loan Agreement, the Purchase Contract and the financing or refinancing or reimbursing of a portion of the costs of the Project.

10. The Bonds shall state on their face that neither the full faith and credit nor the taxing power of the Town, the State, or any agency, department, or political subdivision thereof, the USA or the HANH is pledged to the payment of the principal of or interest on the Bonds. The Bonds also shall state on their face that they have been issued by the HANH to aid in financing a housing project for persons of low and moderate income.

11. Any Authorized Officer is hereby authorized to execute and deliver the Bonds and such documents, agreements, certifications, contracts or instruments as may be necessary or desirable to make the loan to the Borrower and to issue, secure, insure and deliver the Bonds, including but not limited to, bond purchase agreements, tax regulatory agreements, land use restriction agreements, supplemental indentures, continuing disclosure agreements and to make any other representations and agreements to assure that the Bonds are issued on a tax-exempt basis and in compliance with Rule 15(c)(2)(12) of the Securities and Exchange Commission and to perform and take such actions or to designate other officials or employees of the HANH to perform and take such actions and execute such documents, agreements, certifications, contracts or instruments in connection with the issuance, security and delivery of the Bonds or the making of the loans to the Borrower as are determined necessary or advisable and in the best interests of the HANH to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the HANH with respect to the Bonds, the documents authorized by this Resolution and that the execution by the Authorized Officer or other officials of such documents, agreements, certifications, contracts or instruments shall be conclusive evidence of such determination.

12. The HANH hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the

date of passage of this resolution in connection with the development of the Project with the proceeds of the Bonds. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The HANH hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Executive Director or her designee is hereby authorized to pay Project expenses, if any, in accordance herewith pending the issuance of the Bonds. This Section 12 is included herein solely for purposes of compliance with the Regulations and may not be used or relied on for any other purpose.

13. Nothing in this resolution shall obligate the HANH to issue the Bonds if the best interests of the HANH would not be served by the issuance of such Bonds. Any capitalized terms, not defined in this resolution, shall have the definitions assigned to such terms in the Project Loan Agreement.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on August 15, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph. D.  
Secretary/President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**Motion to approve resolution was moved by Commissioner Witherspoon and seconded by Commissioner Keene second. Motion passed unanimously.**

**MEMORANDUM**

**TO:** Board of Commissioners

**DATE:** August 15, 2023

**FROM:** Karen DuBois-Walton, Ph.D., President

**RE: RATIFYING, AUTHORIZING AND TO THE EXTENT NECESSARY, REAUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF INTENT ("LOI") AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT, ALL FOR THE PURCHASE OF THE NEW HAVEN CLOCK COMPANY FACTORY LOCATED AT 133 HAMILTON STREET, NEW HAVEN, CT, FOR THE AMOUNT OF \$4.5 MILLION DOLLARS**

---

**ACTION:** Recommend that the Board of Directors adopt Resolution #08-59/23-R

**TIMING:** Immediate

**DISCUSSION:** The Housing Authority of the City of New Haven/Elm City Communities ("ECC" or "HANH") is preparing a redevelopment plan for the New Haven Clock Company Factory located at 133 Hamilton Street, New Haven, CT. To date, ECC has successfully redeveloped Mill River Crossing. As such, ECC's efforts are now focused on expanding affordable housing in the Mill River community. Because of the proximity of Mill River Crossing, directly across the street from the Clock Factory, it was critical for ECC to purchase the vacant, dilapidated 1.9-acre site to make for a comprehensive redevelopment of the Mill River area. The purchase will create additional affordable housing units in the City.

This resolution seeks ratification, authorization and, to the extent necessary, reauthorization of the execution of a letter of intent ("LOI") by the President, which LOI sets forth the basic framework upon which a purchase and sale agreement would be negotiated between the Seller and HANH, a copy of which is attached as Exhibit A.

In addition, this resolution seeks authorization from the Board for the negotiation and execution of a Purchase and Sales Agreement in the amount of \$4.5 Million Dollars for the New Haven Clock Company Factory located at 133 Hamilton Street, New Haven, CT, upon such terms and conditions as set forth in the LOI, and upon such additional and terms and conditions as determined by the President, in



consultation with legal counsel to the Authority and the Chairman of the Board of Commissioners, to be in the best interests of HANH. The resolution authorizes the expenditure of \$4.5 Million Dollars for the purchase of the property, the payment of the Deposit amounts as set forth in the LOI, and the assumption of the DECD Debt related to the environmental remediation of the property, as set forth in the LOI.

The obligations of HANH will be subject to certain additional conditions as set forth in the attached LOI, and specifically are subject to HANH's satisfactory completion of public hearings as required pursuant to Connecticut General Statutes Section 8-44 and Section 8-56a.

FISCAL IMPACT: \$4.5 Million

Sources: MTW Funds

Staff: Shenae Draughn, Executive Vice President

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION # 08-59/23-R**

**RATIFYING, AUTHORIZING AND TO THE EXTENT NECESSARY,  
REAUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF INTENT  
("LOI") AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE  
AGREEMENT, ALL FOR THE PURCHASE OF THE NEW HAVEN CLOCK  
COMPANY FACTORY LOCATED AT 133 HAMILTON STREET, NEW HAVEN, CT,  
FOR THE AMOUNT OF \$4.5 MILLION DOLLARS**

**WHEREAS**, the Housing Authority of the City of New Haven/Elm City Communities ("ECC" or "HANH") is preparing a redevelopment plan for the New Haven Clock Company Factory located at 133 Hamilton Street, New Haven, CT; and

**WHEREAS**, to date, ECC has successfully redeveloped Mill River Crossing, and as such, ECC's efforts are now focused on expanding affordable housing in the Mill River community; and

**WHEREAS**, because of the proximity of Mill River Crossing, directly across the street from the Clock Factory, it was critical for ECC to purchase the vacant, dilapidated 1.9-acre site to make for a comprehensive redevelopment of the Mill River area; and

**WHEREAS**, the purchase will create additional affordable housing units in the City; and

**WHEREAS**, this resolution is seeking ratification, authorization and, to the extent necessary, reauthorization of the execution of a letter of intent ("LOI") by the President, which sets forth the basic framework upon which a purchase and sale agreement would be negotiated between the Seller and HANH, a copy of which is attached as Exhibit A; and

**WHEREAS**, in addition, this resolution seeks authorization from the Board for the negotiation and execution of a Purchase and Sales Agreement in the amount of \$4.5 Million Dollars for the New Haven Clock Company Factory located at 133 Hamilton Street, New Haven, CT, upon the terms and conditions set forth in the LOI, and upon such additional terms and conditions as determined by the President, in consultation with legal counsel to the Authority and the Chairman of the Board of Commissioners, to be in the best interests of HANH; and

**WHEREAS**, the obligations of HANH will be subject to certain additional conditions as set forth in the attached LOI, and specifically are subject to HANH's satisfactory completion of public hearings as required pursuant to Connecticut General Statutes Section 8-44 and Section 8-56a.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN, THAT:**

- 1) The execution and delivery of the Letter of Intent attached hereto as Exhibit A in connection with the real property located at 133 Hamilton Street, New Haven, Connecticut, be and hereby is ratified, authorized and, to the extent necessary, reauthorized; and
- 2) The negotiation, execution and delivery of a Purchase and Sale Agreement in the amount of \$4.5 Million Dollars for the purchase of the real property located at 133 Hamilton Street, New Haven, Connecticut, upon terms and conditions as set forth in the LOI, and upon such additional terms and conditions as the President, in consultation with legal counsel to HANH and the Chairman of the Board of Commissioners determines to be in the best interests of HANH, including the expenditure of \$4.5 Million Dollars in connection therewith, the assumption of the DECD Debt set forth in the LOI, the payment of the Deposit in the amounts set forth in and in accordance with the terms of the LOI, with the purchase of the property being subject to the conduct by HANH of satisfactory public hearings pursuant to Connecticut General Statutes 8-44 and 8-56a, as applicable, be and hereby is authorized and directed; and
- 3) The President be and hereby is authorized, empowered and directed to execute and deliver the Purchase and Sales Agreement for the New Haven Clock Company Factory located at 133 Hamilton Street, New Haven, CT in the amount of \$4.5 million dollars, all as aforesaid, and to expend the amount of \$4.5 Million Dollars, plus costs ancillary to such purchase in the usual and normal course, all in connection therewith; and
- 4) The President be and is hereby authorized, empowered and directed to take any and all such action and execute such documents as necessary to effectuate the terms and conditions of this Resolution, and to take any and all necessary action ancillary and related thereto.
- 5) The resolution shall take effect immediately.

[CERTIFICATION PAGE FOLLOWS]

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on August 15, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph. D.  
President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**Motion to approve resolution was moved by Commissioner Witherspoon and seconded by Commissioner Keene second. Motion passed unanimously.**

**EXHIBIT A**

Letter of Intent

## MEMORANDUM

**To:** Board of Commissioners

**Date:** August 15, 2023

**From:** Karen DuBois-Walton, Ph.D., President

**Re:** Resolution Authorizing Change Order Number Three (3) to the contract with HD Supply for a variety of commercial supplies for an additional amount of \$80,000.00 bringing the total contract amount from \$357,000.00 to a not to exceed amount of \$437,000.00

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**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 08-60/23-R

**TIMING:** Immediately

**DISCUSSION:** Elm City Communities (ECC)/The Housing Authority of the City of New Haven (HANH) has determined a need for a leading wholesale distribution company, providing a broad range of products and services to professional customers in the Infrastructure & Energy, Maintenance, Repair & Improvement and Specialty Construction markets that is able to drop ship in a 24-hour period from the time of order.

HD Supply currently has a US Communities contract which provides government procurement and maintenance professionals access to thousands of competitively solicited approved products. The contract Number is #16154 with the County of Maricopa, Arizona and is to expire December 31, 2026.

Justification for procurements with city or State agencies are noted in the A) HUD Procurement Handbook 7460.8 Rev-1, Section 8 (Cooperative Purchasing Agreements); B) Federal Procurement Regulation CFR 85.36 (Page 527); and C) ECC/HANH Procurement Policy (Page 14) Cooperative Purchasing which states "ECC/HANH may enter into state and local intergovernmental agreements to purchase or use common goods and services."

On September 21, 2021, the Board approved Resolution Number # 09-75/21-R to enter into a (1) One Year Contract with HD Supply for a variety of commercial supplies and services for the period beginning October 1, 2021, and ending September 30, 2022, for a total not to exceed contract amount of \$150,000.00 with a (1) one-year option to renew for a total not to exceed contract value of \$300,000.00 On September 13, 2022, ECC/HANH authorized Change Order Number (1) for the one-year option to renew year for a total not to exceed contract amount of \$150,000.00 bringing the total contract amount from \$150,000.00 to \$300,000.00 for the period beginning October 1, 2022, and ending September 30, 2023

On June 20, 2023, the Board approved Resolution Number # 06-47/23 for Change Order Number Two (2) to the contract with HD Supply for a variety of commercial supplies for an additional amount of \$57,000.00 bringing the total contract amount from \$300,000 to a not to exceed amount of \$357,000.00.

ECC/HANH staff is now recommending that the Board of Commissioners authorize Change Order Number Three (3) to the contract with HD Supply for a variety of commercial supplies for an additional amount of \$80,000.00 bringing the total contract amount from \$357,000.00 to a not to exceed amount of \$437,000.00.

In accordance with resolution 10-129/18-R for the Revised Procurement Policy, approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution. ECC/HANH staff is now recommending that the Board of Commissioners authorize Change Order Number Three (3) to the contract with HD Supply for a variety

of commercial supplies for an additional amount of \$80,000.00 bringing the total contract amount from \$357,000.00 to a not to exceed amount of \$437,000.00.

FISCAL IMPACT: \$80,000.00 Operating funds Budgeted for FY 2023

STAFF: Lee Purvis, Central Operations Manager

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION # 08-60/23-R**

Resolution Authorizing Change Order Number Three (3) to the contract with HD Supply for a variety of commercial supplies for an additional amount of \$80,000.00 bringing the total contract amount from \$357,000.00 to a not to exceed amount of \$437,000.00

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WHEREAS, Elm City Communities (ECC)/The Housing Authority of the City of New Haven (HANH) has recurring a need for maintenance repair and improvement materials and supplies; and

WHEREAS, HANH has discontinued its central warehouse and transferred to mini warehouses which requires the utilization of drop shipments in a 24-hour time period; and

WHEREAS, HD Supply currently has a US Communities contract which provides access to thousands of competitively solicited approved products; and

WHEREAS, the contract Number is #16154 with the County of Maricopa, Arizona; and

WHEREAS, Justification for procurements with city or State agencies are noted in the A) HUD Procurement Hand Book 7460.8 Rev-1, Section 8 (Cooperative Purchasing Agreements); B) Federal Procurement Regulation CFR 85.36 (Page 527); and C) ECC/HANH Procurement Policy (Page 14) Cooperative Purchasing which states "ECC/HANH may enter into state and local intergovernmental agreements to purchase or use common goods and services."; and

WHEREAS, on September 21, 2021, the Board approved Resolution Number # **09-75/21-R** to enter into a (1) One Year Contract with HD Supply for a variety of commercial supplies and services for the period beginning October 1, 2021, and ending September 30, 2022, for a total not to exceed contract amount of \$150,000.00 with a (1) one-year option to renew for a total not to exceed contract value of \$300,000.00; and

WHEREAS, on September 13, 2022, ECC/HANH authorized Change Order Number (1) for the one-year option to renew year for a total not to exceed contract amount of \$150,000.00 bringing the total contract amount from \$150,000.00 to \$300,000.00 for the period beginning October 1, 2022, and ending September 30, 2023; and

WHEREAS, On June 20, 2023, the Board approved Resolution Number # 06-47/23 for Change Order Number Two (2) to the contract with HD Supply for a variety of commercial supplies for an additional amount of \$57,000.00 bringing the total contract amount from \$300,000 to a not to exceed amount of \$357,000.00; and

WHEREAS, ECC/HANH staff is now recommending that the Board of Commissioners authorize Change Order Number Three (3) to the contract with HD Supply for a variety of commercial supplies for an additional amount of \$80,000.00 bringing the total contract amount from \$357,000.00 to a not to exceed amount of \$437,000.00; and

WHEREAS, in accordance with resolution 10-129/18-R for the Revised Procurement Policy, approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution.



**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT:**

1. ECC/HANH staff is now recommending that the Board of Commissioners authorize Change Order Number Three (3) to the contract with HD Supply for a variety of commercial supplies for an additional amount of \$80,000.00 bringing the total contract amount from \$357,000.00 to a not to exceed amount of \$437,000.00.
2. The Executive Director be and hereby is authorized, empowered, and directed to take any and all such action ancillary, related and or/necessary action to fulfill the foregoing purposes and the purposes of this resolution.
3. This resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on August 15, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph.D.  
Secretary/President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq  
A Partner

**Motion to approve resolution was moved by Commissioner Witherspoon and seconded by Commissioner Keene second. Motion passed unanimously.**

MEMORANDUM

**TO: Board of Commissioners**

**DATE: August 15, 2023**

**FROM: Karen DuBois-Walton, Ph. D., President**

**RE: Resolution Authorizing a Contract with Home Depot for a variety of commercial supplies and services for two (2) years for a total not to exceed contract amount of \$375,000.00 for the period beginning October 1, 2023, and ending September 30, 2025**

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 08-61/23-R

**TIMING:** Immediately

**DISCUSSION:** Elm City Communities/The Housing Authority of the City of New Haven (ECC/HANH) has determined a need for a leading wholesale distribution company providing a broad range of products, paint, and services to professional customers in the Infrastructure & Energy, Maintenance, Repair & Improvement and Specialty Construction markets.

Home Depot currently has a US Communities contract that provides government procurement and maintenance professionals access to thousands of competitively solicited approved products. The contract Number is #16154 with the County of Maricopa, Arizona and is to expire December 31, 2021, with an additional five (5) years or at the County's sole discretion. In addition, Home Depot has an US Communities Contract that also provides paint and paint supplies. The contract number is #170009 with the County of Maricopa, Arizona and is to expire February 28, 2027.

Justification for procurements with city or State agencies are noted in the A) HUD Procurement Handbook 7460.8 Rev-1, Section 8 (Cooperative Purchasing Agreements); B) Federal Procurement Regulation CFR 85.36 (Page 527); and C) ECC/HANH Procurement Policy (Page 14) Cooperative Purchasing which states "ECC/HANH may enter into state and local intergovernmental agreements to purchase or use common goods and services."

ECC/HANH staff is recommending that the Board of Commissioners authorize a Contract with Home Depot for a variety of commercial supplies and services for two (2) years for a total not to exceed contract amount of \$375,000.00 for the period beginning October 1, 2023 and ending September 30, 2025.

In accordance with resolution 10-129/18-R for the Revised Procurement Policy, approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution. ECC/HANH staff is recommending that the Board of Commissioners authorize a Contract with Home Depot for a variety of commercial supplies and services for Two (2) years for a total not to exceed contract amount of \$375,000.00 for the period beginning October 1, 2023 and ending September 30, 2025.

**FISCAL IMPACT:** \$ 187,500.00 Fiscal Year 2024

**FISCAL IMPACT:** \$ 187,500.00 Fiscal Year 2025

**SOURCE OF FUNDS:** Budgeted Operating Funds

**STAFF:** Lee Purvis, Central Operations Manager

**ELM CITY COMMUNITIES  
Housing Authority of the City of New Haven**

**RESOLUTION # 08-61/23-R**

**Resolution Authorizing a Contract with Home Depot for a variety of commercial supplies and services for Two (2) years for a total not to exceed contract amount of \$375,000.00 for the period beginning October 1, 2023, and ending September 30, 2025**

---

**WHEREAS**, the Housing Authority of the City of New Haven (HANH) has a recurring a need for maintenance repair and improvement materials, paint, and supplies; and

**WHEREAS**, Home Depot currently has a US Communities contract which provides access to thousands of competitively solicited approved products; and

**WHEREAS**, the contract Number is #16154 and #17009 with the County of Maricopa, Arizona; and

**WHEREAS**, justification for procurements with city or State agencies are noted in the A) HUD Procurement Handbook 7460.8 Rev-1, Section 8 (Cooperative Purchasing Agreements); B) Federal Procurement Regulation CFR 85.36 (Page 527); and C) ECC/HANH Procurement Policy (Page 14) Cooperative Purchasing which states “ECC/HANH may enter into state and local intergovernmental agreements to purchase or use common goods and services.”

**WHEREAS**, ECC/HANH staff is recommending that the Board of Commissioners authorize a Contract with Home Depot for a variety of commercial supplies and services for Two (2) years for a total not to exceed contract amount of \$375,000.00 for the period beginning October 1, 2023 and ending September 30, 2025; and

**WHEREAS**, in accordance with resolution 10-129/18-R for the Revised Procurement Policy, approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT:**

1. Resolution Authorizing a Contract with Home Depot for a variety of commercial supplies and services for Two (2) years for a total not to exceed contract amount of \$375,000.00 for the period beginning October 1, 2023 and ending September 30, 2025 is authorized.
2. The Executive Director be and hereby is authorized, empowered, and directed to take any and all such action ancillary, related and or/necessary action to fulfill the foregoing purposes and the purposes of this resolution.
3. This resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on August 15, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph. D.  
Secretary/Executive Director

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**Motion to approve resolution was moved by Commissioner Witherspoon and seconded by Commissioner Keene second. Motion passed unanimously.**

MEMORANDUM

**TO: Board of Commissioners**

**DATE: August 15, 2023**

**FROM: Karen DuBois-Walton, Ph.D., President**

**RE: Resolution Ratifying Change Order Number Four (4) to the Contract with Home Depot in the amount of \$66,000.00 bringing the contract amount from \$825,000.00 to a not to exceed amount of \$891,000.00 for a variety of commercial supplies**

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**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 08-62/23-R

**TIMING:** Immediately

**DISCUSSION:** Elm City Communities/The Housing Authority of the City of New Haven (ECC/HANH) has determined a need for a leading wholesale distribution company providing a broad range of products, paint, and services to professional customers in the Infrastructure & Energy, Maintenance, Repair & Improvement and Specialty Construction markets.

Home Depot currently has a US Communities contract that provides government procurement and maintenance professionals access to thousands of competitively solicited approved products. The contract Number is #16154 with the County of Maricopa, Arizona and is to expire December 31, 2021, with an additional five (5) years or at the County's sole discretion. In addition, Home Depot has an US Communities Contract that also provides paint and paint supplies. The contract number is #170009 with the County of Maricopa, Arizona and is to expire February 28, 2020 with an additional seven (7) years or at the County's sole discretion. This option was approved and renewed for another 7-year period ending on February 28, 2027.

Resolution 07-38/22-R authorized Change Order Number One (1) to the contract for (a) a One (1) Year Contract with Home Depot for a variety of commercial supplies and services for the period beginning October 1, 2021 and ending September 30, 2022 for a total not to exceed amount contract amount of \$250,000.00, (b) increase the contract amount for period October 1, 2021 to September 30, 2022 by \$50,000.00, to a total amount of \$300,000.00; and (c) Authorize the exercise of a One (1) Year Option to renew for the amount of \$250,000.00, for a total amount not to exceed contract value of \$550,000.00.

On March 23, 2023, the Board ratified Resolution Number #03-21/23-R for Change Order Number Two (2) to the Contract with Home Depot to increase the contract amount by \$200,000.00 due to (a) the completion of ECC work order back log consisting of 4,830 routine and REAC workorders from October 2022 through February 2023, (b) vacancy reduction agency wide turning over approximately 50 units from October 2022 through February 2023 due to RAD relocations and monthly vacancies, and (c) add additional funds needed to reconcile outstanding invoices and for future services bringing the contract amount from \$550,000.00 to \$750,000.00 for a variety of commercial supplies and services for the period beginning October 1, 2021 and ending September 30, 2023 for a total not to exceed contract amount of \$750,000.00.

On June 26, 2023, ECC/HANH approved change order Number Three (3) in the amount of \$75,000.00 to the Contract with Home Depot in order to increase the contract amount by \$75,000.00 for a 10% of the contract bringing the contract \$750,000.00 to a not to exceed amount of \$825,000.00 to help turn 57 units at Westville Manor 62 for RAD relocations, monthly vacancies, USIG inspection work orders and routine workorders along with (2) labor only contracts.

ECC/HANH staff is now seeking ratification of Change Order Number Four (4) to the Contract with Home Depot in the amount of \$ 66,000.00 bringing the contract amount from \$825,000.00 to a not to exceed amount of \$891,000.00 for a variety of commercial supplies.

In accordance with resolution 10-129/18-R for the Revised Procurement Policy, approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution. ECC/HANH staff is now recommending that the Board of Commissioners ratify Change Order Number Four (4) to the Contract with Home Depot in the amount of \$66,000.00 bringing the contract amount from \$825,000.00 to a not to exceed amount of \$891,000.00 for a variety of commercial supplies.

FISCAL IMPACT: \$ 66,000.00 Fiscal Year 2023

SOURCE OF FUNDS: Budgeted Operating Funds

STAFF: Lee Purvis, Central Operations Manager

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION # 08-62/23-R**

**Resolution Ratifying Change Order Number Four (4) to the Contract with Home Depot in the amount of \$ 66,000.00 bringing the contract amount from \$825,000.00 to a not to exceed amount of \$891,000.00 for a variety of commercial supplies**

---

**WHEREAS**, the Housing Authority of the City of New Haven (HANH) has a recurring a need for maintenance repair and improvement materials, paint, and supplies; and

**WHEREAS**, Home Depot currently has a US Communities contract which provides access to thousands of competitively solicited approved products; and

**WHEREAS**, the contract Number is #16154 and #17009 with the County of Maricopa, Arizona; and

**WHEREAS**, Resolution 07-38/22-R authorized approval change order number one (1) to the contract (a) a One Year Contract with Home Depot for a variety of commercial supplies and services for the period beginning October 1, 2021 and ending September 30, 2022 for a total not to exceed amount of \$250,000.00; (b) increase the contract amount for period October 1, 2021 to September 30, 2022 by \$50,000.00, to a total amount of \$300,000.00; (c) Authorize the exercise of a One (1) year Option to Renew for the amount of \$250,000.00 for a total not to exceed contract value of \$550,000.00; and

**WHEREAS**, on March 23, 2023, the Board approved the Ratification of Resolution Number #03-21/23-R for Change Order Number Two (2) to the Contract with Home Depot to increase the contract amount by \$200,000.00 due to (a) the completion of ECC work order back log consisting of 4830 routine and REAC workorders from October 2022 through February 2023, (b) vacancy reduction agency wide turning over approximately 50 units from October 2022 through February 2023 due to RAD relocations and monthly vacancies, and (c) add additional funds needed to reconcile outstanding invoices and for future services bringing the contract amount from \$550,000.00 to \$750,000.00 for a variety of commercial supplies and services for the period beginning October 1, 2021 and ending September 30, 2023 for a total not to exceed contract amount of \$750,000.00; and

**WHEREAS**, on June 26, 2023, ECC/HANH approved change order Number Three (3) in the amount of \$75,000.00 to the Contract with Home Depot in order to increase the contract amount by \$75,000.00 for a 10% of the contract bringing the contract \$750,000.00 to a not to exceed amount of \$825,000.00 to help turn 57 units at Westville Manor 62 for RAD relocations, monthly vacancies, USIG inspection work orders and routine workorders along with (2) labor only contracts; and

**WHEREAS** ECC/HANH staff is now seeking Ratification of Change Order Number Four (4) to the Contract with Home Depot in the amount of \$66,000.00 bringing the contract amount from \$825,000.00 to a not to exceed amount of \$891,000.00 for a variety of commercial supplies; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT:**

1. Change Order Number Four (4) to the Contract with Home Depot in the amount of \$ 66,000.00 bringing the contract amount from \$825,000.00 to a not to exceed amount of \$891,000.00 for a variety of commercial supplies is ratified.
2. The Executive Director be and hereby is authorized, empowered, and directed to take any and all such action ancillary, related and or/necessary action to fulfill the foregoing purposes and the purposes of this resolution.
3. This resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on August 15, 2023.

---

Karen DuBois-Walton, Ph. D.  
Secretary/Executive Director

---

Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**Motion to approve resolution was moved by Commissioner Witherspoon and seconded by Commissioner Keene second. Motion passed unanimously.**



**MEMORANDUM**

**TO:** Board of Commissioners

**DATE:** August 15, 2023

**FROM:** Karen DuBois-Walton, Ph.D., President

**RE:** Resolution Authorizing The Execution Of The Master Lease Agreement By The Housing Authority Of The City Of New Haven D/B/A Elm City Communities (ECC/Hanh) And The Glendower McConaughy Terrace 4%, LLC And The Glendower McConaughy Terrace 9%, LLC For Relocation Activities Related To The Redevelopment Of McConaughy Terrace

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**ACTION** Recommend that the Board of Commisioners adopt Resolution # 08-63/23-R

**TIMING:** Immediately

ECC/HANH currently owns 62 dwelling units located at Westville Manor. The dwelling units have been removed from the LIPH inventory and part of transfer of assistance under a Rental Assistance Demonstration (RAD) conversion after transfer. McConaughy Terrace is under going rehabilitation under RAD program. To ensure the appropriate compensation of ECC/HANH by the limited liability company owners for the use and repair of these units, as well as to ensure that they are available during the term of the masterlease agreement for the exclusive use of these owners, the owners and ECC/HANH had agreed to enter into a Master Lease provide interim housing for certain residents of McConaughy Terrace until reoccupancy occurs.

On or about September 4, 2023, ECC/HANH will begin temporary relocation activities for McConaughy Terrace residents to Westville Manor. Prior to the start of this relocation, the parties will enter into a Master Lease Agreement that will detail master tenants rights and landlord obligations for the master lease dwelling unit.

As such, this resolution is seeking to allow ECC/HANH to enter into a master lease agreement with ECC RAD Group McConaughy Terrace for the relocation of residents from McConaughy Terrace.

**FISCAL IMPACT:** \$0

**STAFF:** GARY HOGAN, Vice President of Operations

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION # 08-63/23-R**

**Resolution Authorizing The Execution Of The Master Lease Agreement By The Housing Authority Of The City Of New Haven D/B/A Elm City Communities (ECC/Hanh) And The Glendower McConaughy Terrace 4%, LLC And The Glendower McConaughy 9%, LLC For Relocation Activities Related To The Redevelopment Of McConaughy Terrace**

**WHEREAS**, ECC/HANH as the owner of dwelling units at Westville Manor that are currently vacant and available as a temporary relocation option for families residing at McConaughy Terrace; and

**WHEREAS**, there is a need to relocate families from McConaughy Terrace that is under going rehabilitation under the Rental Assistance Demostration program (RAD); and

**WHEREAS**, it has been determined that there is need to efficiently and effectively relocate families for the rehabilitation of the McConaughy Terrace; and

**WHEREAS**, executing a master lease in the form attached hereto is required to provide temporary housing for McConaughy Terrace families relocating to Westville Manor; and

**WHEREAS**, this resolution is seeking to allow ECC/HANH to enter into a master lease agreement with The Glendower McConaughy Terrace 4%, LLC and the Glendower 9% LLC for the relocation of residents from McConaughy Terrace.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN, THAT:**

1. The resolution shall be effective immediately for execution of Master Lease between ECC/HANH and the Glendower McConaughy Terrace 4%, LLC and the Glendower 9% LLC.
2. The President is authorized and reauthorized to the extent necessary to take all actions necessary and appropriate to carry out the purposes of this Resolution.
3. This Resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on August 15, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph. D.  
Secretary/President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER AND ENGLISH LLP.  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**Motion to approve resolution was moved by Commissioner Witherspoon and seconded by Commissioner Keene second. Motion passed unanimously.**

**MEMORANDUM**

**TO:** Board of Commissioners

**DATE:** August 15, 2023

**FROM:** Karen DuBois-Walton, Ph.D., President

**RE:** Resolution Authorizing The Glendower Group, Inc., Or Its Single Purpose Affiliated Ownership Entity, To Participate In The Contracts Procured By The Housing Authority Of The City Of New Haven D/B/A Elm City Communities With Certain Vendors For Certain Goods And Services

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**ACTION** Recommend that the Board of Commissioners adopt Resolution # 08-64/23-R

**TIMING:** Immediately

ECC/HANH, in conformance with its procurement policies and applicable law, rule and regulation, procured the vendors on the list attached as Exhibit A (the "Vendors") to provide certain goods and services for ECC/HANH owned sites. Each of the vendors have provided satisfactory services thus far.

The Glendower Group, Inc. ("Glendower"), is an instrumentality of HANH formed by HANH to undertake certain development and redevelopment activities of HANH, including the redevelopment and development of HANH owned properties. As part of that redevelopment and development effort, Glendower has converted properties under the HUD Rental Assistance Demonstration ("RAD") program, all of which is accomplished through a Glendower affiliated single purpose owner entity ("Owner Entity").

As part of the RAD conversion process, Glendower and/or the Owner Entity require the continuation of the provision of these goods and services from the Vendors as set forth in the various agreements between HANH and the Vendors.

The purpose of this resolution is to authorize Glendower and/or the Owner Entity to utilize the HANH contracts with the Vendors to continue to receive the goods and services set forth therein, and to reimburse HANH for all costs incurred in connection therewith, either through (a) reimbursement to HANH of costs incurred by HANH for the benefit of Glendower and/or the Owner Entity, or (b) assignment and assumption by HANH to Glendower or the Owner Entity of all or a portion of any HANH agreement with a Vendor, or (c) some combination of the foregoing.

Glendower/Owner Entity will only utilize contracts that have not expired, and upon the expiration of any one of the contracts, Glendower and/or the Owner Entity, as applicable, will then itself procure the necessary vendor for such goods and/or services.

**FISCAL IMPACT:** \$0 (to be reimbursed by Glendower)

**STAFF:** GARY HOGAN, Vice President of Operations

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION # 08-64/23-R**

**Resolution Authorizing The Glendower Group, Inc., Or Its Single Purpose Affiliated Ownership Entity, To Participate In The Contracts Procured By The Housing Authority Of The City Of New Haven D/B/A Elm City Communities With Certain Vendors For Certain Goods And Services**

**WHEREAS**, ECC/HANH, in conformance with its procurement policies and applicable law, rule and regulation, procured the vendors on the list attached as Exhibit A (the "Vendors") to provide certain goods and services for ECC/HANH owned sites; and

**WHEREAS**, Each of the vendors have provided satisfactory services thus far; and

**WHEREAS**, The Glendower Group, Inc. ("Glendower"), is an instrumentality of HANH formed by HANH to undertake certain development and redevelopment activities of HANH, including the redevelopment and development of HANH owned properties; and

**WHEREAS**, as part of that redevelopment and development effort, Glendower has converted properties under the HUD Rental Assistance Demonstration ("RAD") program, all of which is accomplished through a Glendower affiliated single purpose owner entity ("Owner Entity"); and

**WHEREAS**, as part of the RAD conversion process, Glendower and/or the Owner Entity require the continuation of the provision of these goods and services from the Vendors as set forth in the various agreements between HANH and the Vendors; and

**WHEREAS**, the purpose of this resolution is to authorize Glendower and/or the Owner Entity to utilize the HANH contracts with the Vendors to continue to receive the goods and services set forth therein, and to reimburse HANH for all costs incurred in connection therewith, either through (a) reimbursement to HANH of costs incurred by HANH for the benefit of Glendower and/or the Owner Entity, or (b) assignment and assumption by HANH to Glendower or the Owner Entity of all or a portion of any HANH agreement with a Vendor, or (c) some combination of the foregoing; and

**WHEREAS**, Glendower/Owner Entity will only utilize contracts that have not expired, and upon the expiration of any one of the contracts, Glendower and/or the Owner Entity, as applicable, will then itself procure the necessary vendor for such goods and/or services.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN, THAT:**

1. The use by Glendower of the contracts with the Vendors, subject to, as set forth, and in accordance with the terms and conditions set forth in the Recitals above, including, but not by way of limitation, the assignment and assumption by HANH to Glendower/Owner Entity, as applicable, of all or any portion of all or any of the Vendor agreements, full reimbursement by Glendower for all costs incurred in connection therewith, and Glendower/Owner Entity seeking new contracts upon the expiration of any one of the Vendor contracts, be and hereby is authorized and directed; and

2. The President is authorized to take all actions necessary and appropriate to carry out the purposes of this Resolution.
3. This Resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on August 15, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph. D.  
Secretary/President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**Motion to approve resolution was moved by Commissioner Witherspoon and seconded by Commissioner Keene second. Motion passed unanimously.**

**EXHIBIT A**

List of Vendors

**TO:** Board of Commissioners  
**FROM:** William Kilpatrick, Chair  
**DATE:** August 15, 2022  
**RE:** **RESOLUTION AUTHORIZING SECOND AMENDMENT TO THE  
EMPLOYMENT AGREEMENT WITH KAREN DUBOIS-  
WALTON EXECUTIVE DIRECTOR**

**ACTION:** Recommend that the Board of Commissioners adopt Resolution  
Number **08-65/23-R**

**TIMING:** Immediately

**BACKGROUND:** Upon mutual agreement to continue the employment agreement,  
ECC/HANH seeks to enter into the Second Amendment to the  
Employment Agreement with Karen DuBois-Walton to be the  
President.

Board authorization is sought for the execution the agreement in  
accordance with the attached terms.

**FISCAL IMPACT:** Federal funds not to exceed federal executive compensation limit  
and non-federal funds to compensate for direction of  
instrumentalities

**STAFF:** None



**HOUSING AUTHORITY OF THE CITY OF NEW HAVEN**

**RESOLUTION NUMBER 08-65/23-R**

**RESOLUTION AUTHORIZING SECOND AMENDMENT TO THE  
EMPLOYMENT AGREEMENT WITH KAREN DUBOIS-WALTON AS  
PRESIDENT**

WHEREAS, the Housing Authority of the City of New Haven has determined it is in the best interest of the Authority to authorize an Employment Agreement with Karen DuBois-Walton upon the terms and conditions contained in the Executive Director Employment agreement attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN that the Executive Director Second Amendment to the Employment Agreement attached hereto in connection therewith is hereby authorized, and the Chairman of the Board of Commissioners be and hereby is authorized, empowered and directed to execute and deliver such agreement and to make such minor changes to the same as the Chairman determines to be necessary, prudent and in the best interests of the Authority and to take any and all such further action ancillary and incidental thereto to fulfill the forgoing purposes.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on August 15, 2023.

\_\_\_\_\_  
William Kilpatrick  
Chairman

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**Motion to adjourn was made at 4:48 p.m. by Commissioner Witherspoon and seconded by Commissioner Keene. Motion passed unanimously.**

**ADJOURNMENT**

# MEMORANDUM

**TO: All Board of Commissioners**

**FROM: John Rafferty, CFO**

**RE: Bills and Communications**

**DATE: September 19, 2023**

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Attached please find the following Two (2) lists:

**Aged Accounts Payable Report** totaling **\$ 4,315.80** (listed on page 1), this excludes paid invoices on report). This list consists of invoices that have been received and entered in the system but may not be ready for payment. A register of the paid invoices may be provided at the September 19, 2023, Board of Commissioners meeting.

**Bank Book Check Register** totaling **\$ 4,375,702.94** (listed on page 17). This list consists of invoices that have been paid from August 1 – August 31, 2023. Columbus House, Inc (\$ 5,000) for tenant services; BRD Builders, LLC (\$ 152,321) for Essex Improvements; VASE Management LLC (\$294,316) for Lead Scattered Sites; McCarter & English, LLP (\$ 170,571) for agency-wide legal services; Tri-Con Construction Manager, Llc (\$ 35,348) for M&N Eastern St Fire #4; New Haven Village Suites (\$123,656) for Essex and Crawford Manor relocations; Lothrop Associates, LLP (\$ 12,811) IQC A&E Lead projects scattered sites; Reitman Personnel Services, Inc. (\$ 42,663) for agency-wide temp services; Home Depot (\$ 39,332) for agency-wide materials; HD Supply Facilities Maintenance, Ltd (\$58,612) agency-wide supplies; United Illuminating (\$ 217,296) for various sites; Southern Connecticut Gas (\$ 33,062) for agency-wide gas service; Regional Water Authority (\$ 162,050) For agency-wide services.

The total of both registers is **\$ 4,380,018.74**  
Attachments

**Aged Accounts Payable Report**

Vendor Name	Invoice Number	Invoice Date	Due Date	Amount Due
HD Supply Facilities Maintenance, Ltd	<u>1803115403</u>	08/12/2023	09/11/2023	\$ (13.98)
HD Supply Facilities Maintenance, Ltd	<u>9217442319</u>	08/15/2023	09/14/2023	\$ 39.78
Christopher Williams Architects, LLC	<u>#39 IQC A&amp;E 437 M&amp;N</u>	08/04/2023	09/03/2023	\$ 1,440.00
HD Supply Facilities Maintenance, Ltd	<u>1803115401</u>	07/28/2023	08/27/2023	\$ (20.26)
HD Supply Facilities Maintenance, Ltd	<u>1803115034</u>	07/31/2023	08/30/2023	\$ (6.66)
HD Supply Facilities Maintenance, Ltd	<u>1409872471</u>	08/10/2023	09/09/2023	\$ (1,901.56)
Fuss & O'Neill, Inc.	<u>0249924</u>	04/19/2023	05/19/2023	\$ 350.00
Hearst Media Services Connecticut, LLC	<u>2790442-08062023</u>	08/31/2023	09/30/2023	\$ 541.28
Hearst Media Services Connecticut, LLC	<u>2793821-08272023</u>	08/31/2023	09/30/2023	\$ 1,640.70
Winnick Ruben Hoffnung Peabody & Mendel, LLC	<u>30843</u>	09/01/2023	10/01/2023	\$ 2,246.50
<b>Total Amount Due</b>				<b>\$ 4,315.80</b>



Type	Check No.	DD No.	Date	Amount	Status	Void Date	Recorded Payee
Check	183516	0	08/01/2023	\$ (19.00)	Posted		Sor Perez
Check	183457	0	08/01/2023	\$ (16.00)	Posted		Evelyn Santiago
DD	183436	30082	08/01/2023	\$ (123.00)	Posted		Ana Falero
DD	183507	30088	08/01/2023	\$ (22.00)	Posted		Rosaura Luciano
Check	183487	0	08/01/2023	\$ (16.00)	Posted		Mayra Quiles
Check	183508	0	08/01/2023	\$ (123.00)	Posted		Sarah M Kendrick
Check	183540	0	08/01/2023	\$ (47.00)	Posted		Yvette Gray
Check	183522	0	08/01/2023	\$ (245.00)	Posted		Tamika Bratton
Check	183492	0	08/01/2023	\$ (102.00)	Posted		Natalie Rodriguez
Check	183503	0	08/01/2023	\$ (193.00)	Posted		Rayquan T Durham
Check	183483	0	08/01/2023	\$ (59.00)	Posted		Maria L Correa
Check	183467	0	08/01/2023	\$ (49.00)	Posted		Jada Nyla Burnett
Check	183505	0	08/01/2023	\$ (47.00)	Posted		Reneta Mitchell
Check	183525	0	08/01/2023	\$ (234.00)	Posted		Tanya Carmon
Check	183466	0	08/01/2023	\$ (120.00)	Posted		Jacqueline Banks
Check	183463	0	08/01/2023	\$ (99.00)	Posted		Iniola Allen
Check	183486	0	08/01/2023	\$ (4.00)	Posted		Maryann Jones
Check	183479	0	08/01/2023	\$ (49.00)	Posted		Leslie Mckiver
DD	183509	30089	08/01/2023	\$ (52.00)	Posted		Sean Michael Flowers
Check	183528	0	08/01/2023	\$ (99.00)	Posted		Terese Edwina Stevenson
Check	183484	0	08/01/2023	\$ (159.00)	Posted		Maria R Langston
DD	183465	30085	08/01/2023	\$ (162.00)	Posted		Iris Nereida Santana
Check	183538	0	08/01/2023	\$ (112.00)	Posted		Vanessa Myers
Check	183534	0	08/01/2023	\$ (59.00)	Posted		Tyquanna Whitaker
Check	183478	0	08/01/2023	\$ (169.00)	Posted		Latoya D Garrett
Check	183527	0	08/01/2023	\$ (162.00)	Posted		Teneshia Monique Harrington
Check	183447	0	08/01/2023	\$ (169.00)	Posted		Cassandra Moore
Check	183499	0	08/01/2023	\$ (48.00)	Posted		Patty Burruss
Check	183519	0	08/01/2023	\$ (154.00)	Posted		Stephanie Sumler
Check	183452	0	08/01/2023	\$ (64.00)	Posted		Connie J Tyson
DD	183485	30086	08/01/2023	\$ (138.00)	Posted		Mary A Lopez
DD	183442	30083	08/01/2023	\$ (132.00)	Posted		Brenda Leisa Dickey
Check	183458	0	08/01/2023	\$ (195.00)	Posted		Faith H Thompson
Check	183524	0	08/01/2023	\$ (25.00)	Posted		Tanya A. Solomon
Check	183535	0	08/01/2023	\$ (52.00)	Posted		Tyrell J Pearson
Check	183506	0	08/01/2023	\$ (18.00)	Posted		Robyn Louise Green
Check	183504	0	08/01/2023	\$ (82.00)	Posted		Rehossem Djirangaye
Check	183539	0	08/01/2023	\$ (109.00)	Posted		Victoria C Allen
Check	183443	0	08/01/2023	\$ (132.00)	Posted		Brenda Sparks
Check	183532	0	08/01/2023	\$ (128.00)	Posted		Trenna Soares
Check	183500	0	08/01/2023	\$ (16.00)	Posted		Paula A Barnes
DD	183529	30090	08/01/2023	\$ (76.00)	Posted		Thelma Goodwin
DD	183537	30091	08/01/2023	\$ (104.00)	Posted		Valeka Williams
Check	183461	0	08/01/2023	\$ (130.00)	Posted		Helen Suggs
Check	183460	0	08/01/2023	\$ (195.00)	Posted		Gianakos Jenkins
DD	183498	30087	08/01/2023	\$ (56.00)	Posted		Pamela Greene
Check	183473	0	08/01/2023	\$ (206.00)	Posted		Joshua C Martin
Check	183449	0	08/01/2023	\$ (137.00)	Posted		Chevonne Boone
Check	183448	0	08/01/2023	\$ (80.00)	Posted		Catalina Soto
Check	183530	0	08/01/2023	\$ (56.00)	Posted		Tina McDonald
Check	183441	0	08/01/2023	\$ (107.00)	Posted		Brandi R Burgess
Check	183515	0	08/01/2023	\$ (52.00)	Posted		Sherita Tucker
Check	183482	0	08/01/2023	\$ (78.00)	Posted		Maria Ivette Martinez
Check	183517	0	08/01/2023	\$ (56.00)	Posted		Stephanie Green
Check	183455	0	08/01/2023	\$ (248.00)	Posted		Elizabeth Adorno-Avila
Check	183459	0	08/01/2023	\$ (132.00)	Posted		Gerardo Flores

Check	183446	0	08/01/2023	\$	(52.00)	Posted		Carmen Lozada
Check	183491	0	08/01/2023	\$	(128.00)	Posted		Nancy Marilyn Estrada
Check	183510	0	08/01/2023	\$	(52.00)	Posted		Shana Johnson
Check	183533	0	08/01/2023	\$	(128.00)	Posted		Trevon Highsmith
Check	183450	0	08/01/2023	\$	(106.00)	Posted		Ciera S Lewis
Check	183493	0	08/01/2023	\$	(52.00)	Posted		Natasha White
Check	183502	0	08/01/2023	\$	(87.00)	Posted		Raven Taylor
Check	183456	0	08/01/2023	\$	(52.00)	Posted		Ericka Allis Cannon
Check	183475	0	08/01/2023	\$	(47.00)	Posted		Kiara Carmichael
Check	183526	0	08/01/2023	\$	(49.00)	Posted		Tatiana Bojka
Check	183440	0	08/01/2023	\$	(310.00)	Posted		Beatriz Toro
Check	183469	0	08/01/2023	\$	(384.00)	Posted		Jannie Ellison
DD	183434	30081	08/01/2023	\$	(52.00)	Posted		Afrika Lynette Canady
Check	183468	0	08/01/2023	\$	(85.00)	Posted		Jamie Marie Devlin
Check	183520	0	08/01/2023	\$	(49.00)	Posted		Synitra Culbreath
DD	183453	30084	08/01/2023	\$	(52.00)	Posted		Dione Bennett
Check	183462	0	08/01/2023	\$	(156.00)	Posted		Hope Brodie
Check	183470	0	08/01/2023	\$	(87.00)	Posted		Jannisha Marquisha Bowman
Check	183513	0	08/01/2023	\$	(59.00)	Posted		Shatora McCotter
Check	183435	0	08/01/2023	\$	(59.00)	Posted		Alice J. Foskey
Check	183489	0	08/01/2023	\$	(56.00)	Posted		Migdalia Flores
Check	183512	0	08/01/2023	\$	(52.00)	Posted		Shaquonda Rashaya Hunte
Check	183494	0	08/01/2023	\$	(56.00)	Posted		Natasha C Clay
Check	183444	0	08/01/2023	\$	(52.00)	Posted		Candi Foley
Check	183495	0	08/01/2023	\$	(99.00)	Posted		Natasha Laureano
Check	183464	0	08/01/2023	\$	(52.00)	Posted		Iris Hernandez-Cepeda
Check	183433	0	08/01/2023	\$	(78.00)	Posted		Adrienne Simpson
Check	183476	0	08/01/2023	\$	(171.00)	Posted		Lakeisha Massey
Check	183474	0	08/01/2023	\$	(132.00)	Posted		Joslyn Lockwood
Check	183501	0	08/01/2023	\$	(159.00)	Posted		Perry Flowers
Check	183438	0	08/01/2023	\$	(52.00)	Posted		Artavia Boone
Check	183445	0	08/01/2023	\$	(169.00)	Posted		Carle Washington
Check	183496	0	08/01/2023	\$	(56.00)	Posted		Nykia Lashelle Wilder
Check	183511	0	08/01/2023	\$	(56.00)	Posted		Shanice M. Calloway
Check	183536	0	08/01/2023	\$	(56.00)	Posted		Tyshonna Hobby
Check	183471	0	08/01/2023	\$	(23.00)	Posted		Jasmine Mcghee
Check	183472	0	08/01/2023	\$	(104.00)	Posted		Jhamal Gallimore
Check	183439	0	08/01/2023	\$	(52.00)	Posted		Ayshnee Butler
Check	183531	0	08/01/2023	\$	(69.00)	Posted		Tonya Perkins
Check	183521	0	08/01/2023	\$	(104.00)	Posted		Taccarra Smith
Check	183437	0	08/01/2023	\$	(19.00)	Posted		Arriana Santana
Check	183488	0	08/01/2023	\$	(156.00)	Posted		Mecca Malia Anderson
Check	183432	0	08/01/2023	\$	(118.00)	Posted		Adrianna Rumley
Check	183480	0	08/01/2023	\$	(43.00)	Posted		Lindsay Derubis
Check	183490	0	08/01/2023	\$	(59.00)	Posted		Mikalla Davis
Check	183454	0	08/01/2023	\$	(59.00)	Posted		Donna Willett
Check	183451	0	08/01/2023	\$	(56.00)	Posted		Clorissa Rivera
Check	183477	0	08/01/2023	\$	(106.00)	Posted		Lakia Hutchinson
Check	183541	0	08/01/2023	\$	(56.00)	Posted		Zulady Alicea-Reyes
Check	183523	0	08/01/2023	\$	(19.00)	Posted		Tania Montanez
Check	183481	0	08/01/2023	\$	(52.00)	Posted		Marcilena Perez
Check	183518	0	08/01/2023	\$	(19.00)	Posted		Stephanie Santiago
Check	183497	0	08/01/2023	\$	(43.00)	Posted		Olivia Camp
Check	183514	0	08/01/2023	\$	(52.00)	Posted		Sheila K Grant
Check	183632	0	08/01/2023	\$	(2,556.99)	Posted		United Illuminating
Check	183633	0	08/01/2023	\$	(229.60)	Posted		United Illuminating
Check	183634	0	08/01/2023	\$	(4,449.12)	Posted		United Illuminating
Check	183635	0	08/01/2023	\$	(16,440.67)	Posted		United Illuminating
Check	183629	0	08/01/2023	\$	(6,564.15)	Posted		Regional Water Authority
Check	183630	0	08/01/2023	\$	(11.75)	Posted		Regional Water Authority
Check	183631	0	08/01/2023	\$	(3,204.44)	Posted		Regional Water Authority
Check	183628	0	08/01/2023	\$	(407.88)	Posted		Hearst Media Services Connecticut, LLC
Check	183636	0	08/01/2023	\$	(7,129.20)	Posted		AM/PM Glass & Metal Fab., LLC

Check	183638	0	08/01/2023	\$	(1,461.79)	Posted		Frontier Communications of Company
DD	0	30114	08/01/2023	\$	(2,009.85)	Posted		Cohen Key Shop
Check	183639	0	08/01/2023	\$	(5,272.75)	Posted		Yale Termite & Pest Elimination Corp.
Check	183637	0	08/01/2023	\$	(863.48)	Posted		Comcast Cable
DD	0	30116	08/01/2023	\$	(7,452.00)	Posted		Home Services & More, LLC
DD	0	30115	08/01/2023	\$	(240.00)	Posted		Holly A Bryk
Check	183640	0	08/01/2023	\$	(4,457.19)	Posted		AM/PM Glass & Metal Fab., LLC
Check	183652	0	08/01/2023	\$	(131.72)	Posted		Southern Connecticut Gas
Check	183643	0	08/01/2023	\$	(858.88)	Posted		Regional Water Authority
Check	183644	0	08/01/2023	\$	(1,731.31)	Posted		Regional Water Authority
Check	183645	0	08/01/2023	\$	(474.48)	Posted		Regional Water Authority
Check	183646	0	08/01/2023	\$	(481.39)	Posted		Regional Water Authority
Check	183647	0	08/01/2023	\$	(78.66)	Posted		Regional Water Authority
Check	183648	0	08/01/2023	\$	(527.67)	Posted		Regional Water Authority
Check	183649	0	08/01/2023	\$	(336.05)	Posted		Regional Water Authority
Check	183650	0	08/01/2023	\$	(1,474.74)	Posted		Regional Water Authority
Check	183651	0	08/01/2023	\$	(985.88)	Posted		Regional Water Authority
Check	183653	0	08/01/2023	\$	(8,191.32)	Posted		Yale Termite & Pest Elimination Corp.
Check	183641	0	08/01/2023	\$	(4,645.57)	Posted		Comcast Cable
Check	183642	0	08/01/2023	\$	(2,089.64)	Posted		Hearst Media Services Connecticut, LLC
DD	0	30117	08/01/2023	\$	(3,457.00)	Posted		Tyco Copy Service, Inc.
DD	0	30121	08/01/2023	\$	(44,887.60)	Posted		Housing Insurance Services, Inc.
DD	0	30123	08/01/2023	\$	(2,760.00)	Posted		Penfield Communications
DD	0	30128	08/01/2023	\$	(29,692.73)	Posted		Trinity New Haven Housing Two Limited Partnership
DD	0	30126	08/01/2023	\$	(26,151.12)	Posted		Trinity New Haven Housing LP
DD	0	30129	08/01/2023	\$	(15,488.50)	Posted		Trinity Rowe Limited Partnership
DD	0	30119	08/01/2023	\$	(26,939.08)	Posted		Brookside 1 Associates LLC
DD	0	30118	08/01/2023	\$	(23,185.68)	Posted		Brookside 2 Associates LLC
DD	0	30127	08/01/2023	\$	(9,307.54)	Posted		Trinity New Haven Housing Three LP
DD	0	30122	08/01/2023	\$	(1,995.00)	Posted		O.T.W. Graffiti Removal Specialists, LLC
DD	0	30125	08/01/2023	\$	(13,108.58)	Posted		Rockview 1 Associates LLC
Check	183655	0	08/01/2023	\$	(60.00)	Posted		Johnson Controls Inc
DD	0	30124	08/01/2023	\$	-	Posted	08/03/2023	Pride Cleaning Pros, LLC
DD	0	30120	08/01/2023	\$	(870.00)	Posted		Hands On Moving, LLC
Check	183654	0	08/01/2023	\$	(899.30)	Posted		Aramark Refreshment Services
Check	183656	0	08/01/2023	\$	(1,085.64)	Posted		South Shore Property Management
Check	183672	0	08/01/2023	\$	(5,421.60)	Posted		Water Pollution Control
Check	183673	0	08/01/2023	\$	(630.30)	Posted		Water Pollution Control
Check	183674	0	08/01/2023	\$	(867.30)	Posted		Water Pollution Control
Check	183669	0	08/01/2023	\$	(503.00)	Posted		United Illuminating
Check	183670	0	08/01/2023	\$	(8,200.47)	Posted		United Illuminating
Check	183671	0	08/01/2023	\$	(8,279.91)	Posted		United Illuminating
Check	183667	0	08/01/2023	\$	(571.03)	Posted		Southern Connecticut Gas
Check	183668	0	08/01/2023	\$	(17.13)	Posted		Southern Connecticut Gas
Check	183657	0	08/01/2023	\$	(2,982.62)	Posted		Regional Water Authority
Check	183658	0	08/01/2023	\$	(884.02)	Posted		Regional Water Authority
Check	183659	0	08/01/2023	\$	(618.06)	Posted		Regional Water Authority
Check	183660	0	08/01/2023	\$	(1,023.95)	Posted		Regional Water Authority
Check	183661	0	08/01/2023	\$	(3,849.22)	Posted		Regional Water Authority
Check	183662	0	08/01/2023	\$	(1,734.93)	Posted		Regional Water Authority
Check	183663	0	08/01/2023	\$	(11,265.39)	Posted		Regional Water Authority
Check	183664	0	08/01/2023	\$	(7,505.91)	Posted		Regional Water Authority
Check	183665	0	08/01/2023	\$	(248.99)	Posted		Regional Water Authority
Check	183666	0	08/01/2023	\$	(2,556.71)	Posted		Regional Water Authority
DD	0	30131	08/01/2023	\$	(1,632.60)	Posted		Otis Elevator Company
DD	0	30130	08/01/2023	\$	(3,043.17)	Posted		ECC Group III RAD, LLC
Check	183675	0	08/01/2023	\$	(2,122.51)	Posted		Frontier Communications of Company
Check	183676	0	08/01/2023	\$	(2,283.90)	Posted		Frontier Communications of Company
Check	183677	0	08/01/2023	\$	(1,968.69)	Posted		Frontier Communications of Company
DD	0	30132	08/01/2023	\$	(5,496.04)	Posted		Ringcentral, Inc
Check	183688	0	08/03/2023	\$	(784.31)	Posted		Frontier Communications of Company
DD	0	30134	08/03/2023	\$	(5,286.35)	Posted		Reitman Personnel Services, Inc.
Check	183711	0	08/03/2023	\$	(2,115.73)	Posted		Verizon Wireless

DD	0	30133	08/03/2023	\$ (3,709.00)	Posted	Home Services & More, LLC
Check	183695	0	08/03/2023	\$ (339.15)	Posted	Kaleem Hough
Check	183680	0	08/03/2023	\$ (373.16)	Posted	Abdirashid Mohamed
Check	183706	0	08/03/2023	\$ (52.56)	Posted	Online Information Services, Inc
DD	0	30135	08/03/2023	\$ (550.00)	Posted	United Mechanical Resources Inc.
Check	183697	0	08/03/2023	\$ (45.00)	Posted	Lamont A. Solomon
Check	183696	0	08/03/2023	\$ (135.00)	Posted	Keron Morrison Jr
Check	183709	0	08/03/2023	\$ (135.00)	Posted	S'ence Thomas
Check	183703	0	08/03/2023	\$ (135.00)	Posted	MyAsia Robinson
Check	183691	0	08/03/2023	\$ (337.63)	Posted	Jadyn Herbert
Check	183694	0	08/03/2023	\$ (380.00)	Posted	Jensen Jerriel Phetchampm
Check	183707	0	08/03/2023	\$ (380.00)	Posted	Orlando Colon
Check	183698	0	08/03/2023	\$ (380.00)	Posted	Lee Crenshaw
Check	183702	0	08/03/2023	\$ (374.30)	Posted	Michael Hill
Check	183684	0	08/03/2023	\$ (267.33)	Posted	Axel Yadiel Delgado-Santana
Check	183679	0	08/03/2023	\$ (370.88)	Posted	Aalyisia Herring
Check	183687	0	08/03/2023	\$ (380.00)	Posted	Emmanuel Osei Bonsu
Check	183686	0	08/03/2023	\$ (76.00)	Posted	Elaine Osei Bonsu
Check	183692	0	08/03/2023	\$ (395.77)	Posted	Jason Edge
Check	183713	0	08/03/2023	\$ (190.00)	Posted	Zy' Aasiah Moore
Check	183693	0	08/03/2023	\$ (76.00)	Posted	Jayla Hill
Check	183701	0	08/03/2023	\$ (380.00)	Posted	Michael Hall Jr
Check	183700	0	08/03/2023	\$ (380.00)	Posted	Marvin Nieves
Check	183708	0	08/03/2023	\$ (294.50)	Posted	Ricky Dawson III
Check	183710	0	08/03/2023	\$ (275.50)	Posted	Tyelin Garvin
Check	183682	0	08/03/2023	\$ (376.77)	Posted	Amir Jihad Lee
Check	183683	0	08/03/2023	\$ (370.69)	Posted	Angeviel Davila
Check	183685	0	08/03/2023	\$ (261.25)	Posted	David Coardes
Check	183705	0	08/03/2023	\$ (267.33)	Posted	Odalyz Dianne Delgado-Santana
Check	183712	0	08/03/2023	\$ (373.73)	Posted	Zuiryliz M Osorio
Check	183699	0	08/03/2023	\$ (230.85)	Posted	Marilyn A Rivera-Mendez
Check	183678	0	08/03/2023	\$ (182.02)	Posted	Aailyan Sara Centeno
Check	183690	0	08/03/2023	\$ (346.56)	Posted	Jada-Marie Aracelis Guerrero
Check	183681	0	08/03/2023	\$ (135.00)	Posted	Adrianna Larrea
Check	183704	0	08/03/2023	\$ (135.00)	Posted	Nevaeh James
Check	183689	0	08/03/2023	\$ (135.00)	Posted	Georgia Cunningham
Check	183736	0	08/03/2023	\$ (7,168.64)	Posted	W. B. Mason Company Inc
Check	183716	0	08/03/2023	\$ (423.55)	Posted	Southern Connecticut Gas
Check	183717	0	08/03/2023	\$ (80.25)	Posted	Southern Connecticut Gas
Check	183718	0	08/03/2023	\$ (407.03)	Posted	Southern Connecticut Gas
Check	183719	0	08/03/2023	\$ (229.99)	Posted	Southern Connecticut Gas
Check	183720	0	08/03/2023	\$ (562.07)	Posted	Southern Connecticut Gas
Check	183721	0	08/03/2023	\$ (403.94)	Posted	Southern Connecticut Gas
Check	183722	0	08/03/2023	\$ (485.54)	Posted	Southern Connecticut Gas
Check	183723	0	08/03/2023	\$ (905.44)	Posted	Southern Connecticut Gas
Check	183724	0	08/03/2023	\$ (900.45)	Posted	Southern Connecticut Gas
Check	183725	0	08/03/2023	\$ (518.11)	Posted	Southern Connecticut Gas
Check	183726	0	08/03/2023	\$ (245.73)	Posted	Southern Connecticut Gas
Check	183727	0	08/03/2023	\$ (340.57)	Posted	Southern Connecticut Gas
Check	183728	0	08/03/2023	\$ (80.76)	Posted	Southern Connecticut Gas
Check	183729	0	08/03/2023	\$ (47.65)	Posted	Southern Connecticut Gas
Check	183730	0	08/03/2023	\$ (527.69)	Posted	Southern Connecticut Gas
Check	183731	0	08/03/2023	\$ (468.91)	Posted	Southern Connecticut Gas
Check	183732	0	08/03/2023	\$ (251.33)	Posted	Southern Connecticut Gas
Check	183733	0	08/03/2023	\$ (579.47)	Posted	Southern Connecticut Gas
Check	183734	0	08/03/2023	\$ (92.29)	Posted	Southern Connecticut Gas
Check	183735	0	08/03/2023	\$ (324.75)	Posted	Southern Connecticut Gas
Check	183715	0	08/03/2023	\$ (14,107.48)	Posted	Regional Water Authority
Check	183714	0	08/03/2023	\$ (200.00)	Posted	Ace Van & Storage, Inc.
DD	0	30136	08/03/2023	\$ (1,916.72)	Posted	Home Services & More, LLC
Check	183739	0	08/03/2023	\$ (38.50)	Posted	Torello Tire Inc.
Check	183738	0	08/03/2023	\$ (8,836.15)	Posted	Ricoh USA Inc
DD	0	30138	08/03/2023	\$ (32,650.00)	Posted	Rubino Enterprises LLC

Check	183737	0	08/03/2023	\$	(125.02)	Posted		Aramark Refreshment Services
DD	0	30139	08/03/2023	\$	(40,172.50)	Posted		The Computer Company Inc
DD	0	30137	08/03/2023	\$	(8,333.33)	Posted		Kelly Group Consultants LLC
Check	183740	0	08/03/2023	\$	(108.16)	Posted		Kimberly Johansen
Check	183741	0	08/03/2023	\$	(1,892.50)	Posted		Vitasys, Inc
Check	183742	0	08/03/2023	\$	(669.41)	Posted		Southern Connecticut Gas
Check	183743	0	08/03/2023	\$	(385.72)	Posted		Southern Connecticut Gas
Check	183744	0	08/03/2023	\$	(21,040.00)	Posted		Fuss & O'Neill, Inc.
Check	183746	0	08/03/2023	\$	-	Posted		Pride Cleaning Pros, LLC
Check	183745	0	08/03/2023	\$	(2,544.00)	Posted		Pride Cleaning Pros, LLC
Check	183751	0	08/03/2023	\$	(750.00)	Posted		Yale New Haven Hospital
DD	0	30141	08/03/2023	\$	(11,485.66)	Posted		Reitman Personnel Services, Inc.
Check	183749	0	08/03/2023	\$	(10,218.01)	Posted		Standard Insurance Company.
Check	183747	0	08/03/2023	\$	(724.40)	Posted		Aflac
Check	183748	0	08/03/2023	\$	(112.40)	Posted		Gary Hogan
DD	0	30140	08/03/2023	\$	(9,766.10)	Posted		KJR Consulting
Check	183750	0	08/03/2023	\$	(2,650.00)	Posted		Tarin Evans
Check	183754	0	08/03/2023	\$	(2,078.70)	Posted		Water Pollution Control
Check	183755	0	08/03/2023	\$	(8,819.40)	Posted		Water Pollution Control
Check	183756	0	08/03/2023	\$	(3,685.80)	Posted		Water Pollution Control
Check	183757	0	08/03/2023	\$	(17,720.10)	Posted		Water Pollution Control
Check	183758	0	08/03/2023	\$	(2,139.90)	Posted		Water Pollution Control
Check	183759	0	08/03/2023	\$	(441.30)	Posted		Water Pollution Control
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Check	183761	0	08/03/2023	\$	(5,097.60)	Posted		Water Pollution Control
Check	183762	0	08/03/2023	\$	(2,027.40)	Posted		Water Pollution Control
Check	183763	0	08/03/2023	\$	(267.90)	Posted		Water Pollution Control
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Check	183765	0	08/03/2023	\$	(1,813.20)	Posted		Water Pollution Control
Check	183766	0	08/03/2023	\$	(120.00)	Posted		Water Pollution Control
Check	183752	0	08/03/2023	\$	(40.94)	Posted		Southern Connecticut Gas
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Check	183767	0	08/03/2023	\$	(1,600.00)	Posted		DeBaise Property Management LLC
Check	183769	0	08/04/2023	\$	(1,809.02)	Posted		Water Pollution Control
Check	183770	0	08/04/2023	\$	(10,246.80)	Posted		Water Pollution Control
Check	183771	0	08/04/2023	\$	(4,034.70)	Posted		Water Pollution Control
Check	183772	0	08/04/2023	\$	(962.10)	Posted		Water Pollution Control
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Check	183775	0	08/04/2023	\$	(5,178.00)	Posted		Water Pollution Control
Check	183776	0	08/04/2023	\$	(8,452.20)	Posted		Water Pollution Control
Check	183777	0	08/04/2023	\$	(1,617.00)	Posted		Water Pollution Control
Check	183778	0	08/04/2023	\$	(1,467.27)	Posted		Water Pollution Control
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Check	183780	0	08/04/2023	\$	(1,601.97)	Posted		Water Pollution Control
Check	183781	0	08/04/2023	\$	(6,984.00)	Posted		Water Pollution Control
Check	183782	0	08/04/2023	\$	(1,827.30)	Posted		Water Pollution Control
Check	183783	0	08/04/2023	\$	(94.50)	Posted		Water Pollution Control
Check	183768	0	08/04/2023	\$	(824.26)	Posted		Regional Water Authority
DD	0	30142	08/04/2023	\$	(9,452.50)	Posted		Sylva Developers, LLC
Check	183788	0	08/04/2023	\$	(97.19)	Posted		W.B. Mason Company Inc
DD	0	30145	08/04/2023	\$	(6,720.00)	Posted		Solar Youth Inc.
DD	0	30144	08/04/2023	\$	(860.00)	Posted		Emphasys Computer Solutions
Check	183785	0	08/04/2023	\$	(32,397.30)	Posted		Colonial Life & Accident Insurance
Check	183787	0	08/04/2023	\$	(383.97)	Posted		HD Supply Facilities Maintenance, Ltd
DD	0	30143	08/04/2023	\$	(12,626.13)	Posted		360 Management Group. Co.
Check	183786	0	08/04/2023	\$	(4,648.00)	Posted		Emek Security LLC
Check	183784	0	08/04/2023	\$	(12,118.00)	Posted		Berry Creative LLC
Check	183790	0	08/07/2023	\$	-	Posted	08/08/2023	Holiday Hill Management Company
Check	183789	0	08/07/2023	\$	(7,000.00)	Posted		333 Valley Street AN Intergenerational Organization Inc
Check	183791	0	08/07/2023	\$	-	Posted	08/08/2023	Holiday Hill Management Company
Check	183797	0	08/07/2023	\$	(183.50)	Posted		Olga Zweeres
Check	183795	0	08/07/2023	\$	(31.00)	Posted		Karen Coleman



Check	183798	0	08/07/2023	\$	(897.00)	Posted	Torello Tire Inc.
DD	0	30146	08/07/2023	\$	(70.60)	Posted	Infoshred, LLC
Check	183792	0	08/07/2023	\$	(183.52)	Posted	Dale Dibenedetto
Check	183794	0	08/07/2023	\$	(4,502.68)	Posted	HD Supply Facilities Maintenance, Ltd
Check	183793	0	08/07/2023	\$	(7,272.55)	Posted	F.W. Webb Company
DD	0	30147	08/07/2023	\$	(1,200.00)	Posted	Moore's Yard Care
Check	183796	0	08/07/2023	\$	(183.52)	Posted	Michelle Phillips Sharif
DD	0	30148	08/07/2023	\$	(14,162.50)	Posted	The Computer Company Inc
Check	183799	0	08/07/2023	\$	(456.67)	Posted	Comcast Cable
Check	183800	0	08/07/2023	\$	(1,195.00)	Posted	Philadelphia Indemnity Insurance Company
Check	183801	0	08/07/2023	\$	(75.00)	Posted	Patricia Smith-Lennon
Check	183802	0	08/08/2023	\$	(166.58)	Posted	Frontier Communications of Company
Check	183803	0	08/08/2023	\$	(153.94)	Posted	Frontier Communications of Company
Check	183805	0	08/08/2023	\$	(1,300.00)	Posted	Jerraya D Prince
Check	183804	0	08/08/2023	\$	(650.00)	Posted	Glenda L Ingram
DD	0	30152	08/08/2023	\$	(2,100.00)	Posted	Ed The Treeman
DD	0	30155	08/08/2023	\$	(625.00)	Posted	La Voz Hispana Newsprint
DD	0	30150	08/08/2023	\$	(225.70)	Posted	Cohen Key Shop
DD	0	30154	08/08/2023	\$	(47,565.00)	Posted	Housing Insurance Services, Inc.
DD	0	30158	08/08/2023	\$	(10,172.80)	Posted	U.S. Inspection Group, INC
DD	0	30151	08/08/2023	\$	(220.00)	Posted	Eagle Leasing Company
DD	0	30156	08/08/2023	\$	(392.73)	Posted	New Horizon Communications Corp
DD	0	30153	08/08/2023	\$	(862.00)	Posted	Home Services & More, LLC
DD	0	30149	08/08/2023	\$	(3,130.00)	Posted	212 Exchange Street LLC
DD	0	30157	08/08/2023	\$	(5,250.00)	Posted	Rubino Enterprises LLC
Check	183806	0	08/08/2023	\$	(3,500.00)	Posted	U.S. Bank
Check	183807	0	08/08/2023	\$	(75.00)	Posted	Angelina Suggs
Check	183809	0	08/08/2023	\$	(150.00)	Posted	Miguel Avila
Check	183808	0	08/08/2023	\$	(75.00)	Posted	Juanita Smith
Check	183847	0	08/09/2023	\$	(248.06)	Posted	W.B. Mason Company Inc
Check	183821	0	08/09/2023	\$	(1,788.38)	Posted	Frontier Communications of Company
Check	183844	0	08/09/2023	\$	(905.00)	Posted	Supreme Corporation
Check	183817	0	08/09/2023	\$	(306.12)	Posted	Comcast Cable
Check	183845	0	08/09/2023	\$	(261.50)	Posted	Tyco Copy Service, Inc.
DD	0	30161	08/09/2023	\$	(240.00)	Posted	Palace Garage dba York Service Center
DD	0	30163	08/09/2023	\$	(45,000.00)	Posted	The Glendower Group, Inc
Check	183823	0	08/09/2023	\$	(7,049.36)	Posted	HD Supply Facilities Maintenance, Ltd
DD	0	30160	08/09/2023	\$	(3,730.54)	Posted	Home Services & More, LLC
Check	183846	0	08/09/2023	\$	(164.00)	Posted	United Site Services Northeast, Inc
DD	0	30162	08/09/2023	\$	(6,019.58)	Posted	Ringcentral, Inc
Check	183830	0	08/09/2023	\$	(456.00)	Posted	Kaleem Hough
Check	183812	0	08/09/2023	\$	(451.25)	Posted	Abdirashid Mohamed
Check	183839	0	08/09/2023	\$	(416.10)	Posted	Online Information Services, Inc
Check	183840	0	08/09/2023	\$	(144.54)	Posted	Online Information Services, Inc
Check	183822	0	08/09/2023	\$	(13.75)	Posted	Gayatri Rana
Check	183815	0	08/09/2023	\$	(284.90)	Posted	Aramark Refreshment Services
DD	0	30159	08/09/2023	\$	(1,971.33)	Posted	Carahsoft Technology Corporation
Check	183832	0	08/09/2023	\$	(90.00)	Posted	Lamont A. Solomon
Check	183843	0	08/09/2023	\$	(135.00)	Posted	S'ence Thomas
Check	183837	0	08/09/2023	\$	(135.00)	Posted	MyAsia Robinson
Check	183829	0	08/09/2023	\$	(187.50)	Posted	Jerris Luncheonette Inc
Check	183825	0	08/09/2023	\$	(280.82)	Posted	Jadya Herbert
Check	183828	0	08/09/2023	\$	(380.00)	Posted	Jensen Jerriel Phetchampm
Check	183841	0	08/09/2023	\$	(380.00)	Posted	Orlando Colon
Check	183833	0	08/09/2023	\$	(380.00)	Posted	Lee Crenshaw
Check	183836	0	08/09/2023	\$	(280.25)	Posted	Michael Hill
Check	183816	0	08/09/2023	\$	(359.10)	Posted	Axel Yadiel Delgado-Santana
Check	183811	0	08/09/2023	\$	(380.00)	Posted	Aalysia Herring
Check	183820	0	08/09/2023	\$	(475.00)	Posted	Emmanuel Osei Bonsu
Check	183819	0	08/09/2023	\$	(76.00)	Posted	Elaine Osei Bonsu
Check	183826	0	08/09/2023	\$	(380.00)	Posted	Jason Edge
Check	183849	0	08/09/2023	\$	(190.00)	Posted	Zy' Aasiah Moore
Check	183827	0	08/09/2023	\$	(380.00)	Posted	Jayla Hill

Check	183835	0	08/09/2023	\$	(361.00)	Posted		Michael Hall Jr
Check	183834	0	08/09/2023	\$	(475.00)	Posted		Marvin Nieves
Check	183842	0	08/09/2023	\$	(330.98)	Posted		Ricky Dawson III
Check	183813	0	08/09/2023	\$	(380.00)	Posted		Amir Jihad Lee
Check	183814	0	08/09/2023	\$	(364.23)	Posted		Angeviel Davila
Check	183818	0	08/09/2023	\$	(380.00)	Posted		David Coardes
Check	183838	0	08/09/2023	\$	(374.30)	Posted		Odalys Dianne Delgado-Santana
Check	183848	0	08/09/2023	\$	(370.50)	Posted		Zuiryliz M Osorio
Check	183810	0	08/09/2023	\$	(374.87)	Posted		Aailyan Sara Centeno
Check	183824	0	08/09/2023	\$	(374.87)	Posted		Jada-Marie Aracelis Guerrero
Check	183831	0	08/09/2023	\$	(575.00)	Posted		Karen Thomas
Check	183850	0	08/09/2023	\$	(875.87)	Posted		AMF Bowling Centers, Inc
DD	0	30164	08/09/2023	\$	(150.00)	Posted		Nan Mckay & Associates
Check	183852	0	08/09/2023	\$	(1,869.00)	Posted		W.B. Mason Company Inc
Check	183851	0	08/09/2023	\$	(2,100.00)	Posted		NHCD 4 LLC
Check	183853	0	08/09/2023	\$	(2,780.00)	Posted		Conn NAHRO
Check	183854	0	08/09/2023	\$	(88.58)	Posted		Corporate Mailing Services LLC
Check	183855	0	08/09/2023	\$	(1,719.68)	Posted		Tyco Intergrated Security, LLC
Check	183857	0	08/09/2023	\$	(128.50)	Posted		Torello Tire Inc.
Check	183856	0	08/09/2023	\$	(2,625.00)	Posted		Eagle Elevator Company, Inc.
DD	0	30166	08/09/2023	\$	(325.00)	Posted		WebHouse Inc
DD	0	30165	08/09/2023	\$	(2,976.38)	Posted		Black Rock Truck Group, Inc
Check	183859	0	08/09/2023	\$	-	Posted	08/17/2023	Cast Iron Soul, LLC
Check	183860	0	08/09/2023	\$	-	Posted	08/17/2023	Cast Iron Soul, LLC
Check	183858	0	08/09/2023	\$	(875.87)	Posted		AMF Bowling Centers, Inc
Check	183861	0	08/10/2023	\$	(11,319.00)	Posted		Reno & Cavanaugh, Plc
Check	183868	0	08/10/2023	\$	(823.34)	Posted		W.B. Mason Company Inc
Check	183864	0	08/10/2023	\$	(960.00)	Posted		G.L. Capasso, Inc
DD	0	30167	08/10/2023	\$	(886.50)	Posted		Home Services & More, LLC
Check	183862	0	08/10/2023	\$	(40.29)	Posted		Aramark Refreshment Services
Check	183865	0	08/10/2023	\$	(384.06)	Posted		Postmaster
Check	183866	0	08/10/2023	\$	(218.31)	Posted		Postmaster
Check	183867	0	08/10/2023	\$	(100.00)	Posted		Sharlene Bishop
Check	183863	0	08/10/2023	\$	(100.00)	Posted		Cetyma V Watson
Check	183869	0	08/10/2023	\$	(25,966.58)	Posted		United Illuminating
Check	183870	0	08/11/2023	\$	(36,553.69)	Posted		Crosskey Architects, LLC
Check	183871	0	08/11/2023	\$	(7,761.00)	Posted		LRC Engineering & Surveying, DPC
Check	183872	0	08/14/2023	\$	(184.00)	Posted		Afscme Local 818
Check	183873	0	08/14/2023	\$	(184.00)	Posted		Afscme Local 818
Check	183874	0	08/14/2023	\$	(184.00)	Posted		Afscme Local 818
DD	0	30168	08/14/2023	\$	(2,729.25)	Posted		Afscme Local 713/afscme Council 4
DD	0	30169	08/14/2023	\$	(2,779.15)	Posted		Afscme Local 713/afscme Council 4
DD	0	30170	08/14/2023	\$	(2,635.30)	Posted		Afscme Local 713/afscme Council 4
Check	183880	0	08/14/2023	\$	(73.58)	Posted		United Illuminating
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Check	183882	0	08/14/2023	\$	(90.54)	Posted		United Illuminating
Check	183883	0	08/14/2023	\$	(1,750.66)	Posted		United Illuminating
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Check	183876	0	08/14/2023	\$	(759.26)	Posted		Southern Connecticut Gas
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Check	183879	0	08/14/2023	\$	(3,190.00)	Posted		State Of Connecticut
DD	0	30171	08/14/2023	\$	(8.00)	Posted		AFSCME PEOPLE Committee
DD	0	30172	08/14/2023	\$	(10.00)	Posted		AFSCME PEOPLE Committee
DD	0	30173	08/14/2023	\$	(8.00)	Posted		AFSCME PEOPLE Committee

DD	0	30174	08/14/2023	\$ (44.00)	Posted		AFSCME PEOPLE Committee
DD	0	30175	08/14/2023	\$ (48.00)	Posted		AFSCME PEOPLE Committee
DD	0	30176	08/14/2023	\$ (40.00)	Posted		AFSCME PEOPLE Committee
Check	183875	0	08/14/2023	\$ (638.30)	Posted		Autoscribe Corporation
Check	183893	0	08/15/2023	\$ (3,559.94)	Posted		Cast Iron Chef Chophouse & Oyster Bar
Check	183894	0	08/15/2023	\$ (917.56)	Posted		Cast Iron Chef Chophouse & Oyster Bar
Check	183895	0	08/15/2023	\$ (1,650.00)	Posted		Nutmegger
Check	183896	0	08/16/2023	\$ (4,581.00)	Posted		Lavonta Bryant
Check	183897	0	08/16/2023	\$ (283.00)	Posted		Porsha B Brown
Check	183898	0	08/16/2023	\$ (96.33)	Posted		Shanda Ferrucci
Check	183899	0	08/16/2023	\$ (30.00)	Posted		Jocelyne M. Barszczewski
Check	183916	0	08/18/2023	\$ (1,223.68)	Posted		Marilyn Dawson
Check	183914	0	08/18/2023	\$ (437.00)	Posted		Kaleem Hough
Check	183902	0	08/18/2023	\$ (412.87)	Posted		Abdirashid Mohamed
Check	183910	0	08/18/2023	\$ (368.41)	Posted		Jadyn Herbert
Check	183913	0	08/18/2023	\$ (247.00)	Posted		Jensen Jerriel Phetchampm
Check	183921	0	08/18/2023	\$ (247.00)	Posted		Orilando Colon
Check	183915	0	08/18/2023	\$ (323.00)	Posted		Lee Crenshaw
Check	183919	0	08/18/2023	\$ (378.10)	Posted		Michael Hill
Check	183905	0	08/18/2023	\$ (366.51)	Posted		Axel Yadiel Delgado-Santana
Check	183901	0	08/18/2023	\$ (375.06)	Posted		Aalysia Herring
Check	183908	0	08/18/2023	\$ (475.00)	Posted		Emmanuel Osei Bonsu
Check	183907	0	08/18/2023	\$ (380.00)	Posted		Elaine Osei Bonsu
Check	183911	0	08/18/2023	\$ (380.00)	Posted		Jason Edge
Check	183925	0	08/18/2023	\$ (247.00)	Posted		Zy' Aasiah Moore
Check	183912	0	08/18/2023	\$ (332.50)	Posted		Jayla Hill
Check	183918	0	08/18/2023	\$ (380.00)	Posted		Michael Hall Jr
Check	183917	0	08/18/2023	\$ (470.25)	Posted		Marvin Nieves
Check	183922	0	08/18/2023	\$ (272.65)	Posted		Ricky Dawson III
Check	183923	0	08/18/2023	\$ (304.00)	Posted		Tyelin Garvin
Check	183903	0	08/18/2023	\$ (456.00)	Posted		Amir Jihad Lee
Check	183904	0	08/18/2023	\$ (422.94)	Posted		Angeviel Davila
Check	183906	0	08/18/2023	\$ (380.00)	Posted		David Coardes
Check	183920	0	08/18/2023	\$ (366.89)	Posted		Odalys Dianne Delgado-Santana
Check	183924	0	08/18/2023	\$ (368.22)	Posted		Zuiryliz M Osorio
Check	183900	0	08/18/2023	\$ (371.07)	Posted		Aaliyan Sara Centeno
Check	183909	0	08/18/2023	\$ (371.07)	Posted		Jada-Marie Aracelis Guerrero
Check	183929	0	08/18/2023	\$ (135.00)	Posted		Lamont A. Solomon
Check	183928	0	08/18/2023	\$ (270.00)	Posted		Keron Morrison Jr
Check	183930	0	08/18/2023	\$ (135.00)	Posted		MyAsia Robinson
Check	183926	0	08/18/2023	\$ (135.00)	Posted		Adrianna Larrea
Check	183931	0	08/18/2023	\$ (270.00)	Posted		Nevaeh James
Check	183927	0	08/18/2023	\$ (270.00)	Posted		Georgia Cunningham
Check	183934	0	08/18/2023	\$ (1,390.00)	Posted		Conn NAHRO
Check	183935	0	08/18/2023	\$ (133.40)	Posted		Daniel Ramos
Check	183932	0	08/18/2023	\$ (75.00)	Posted		Angelina Suggs
Check	183933	0	08/18/2023	\$ (50.00)	Posted		Christy A Pedini
Check	183939	0	08/18/2023	\$ (133.40)	Posted		Marilyn Dawson
Check	183942	0	08/18/2023	\$ (50.00)	Posted		Willie Darden Sr
Check	183940	0	08/18/2023	\$ (75.00)	Posted		Miguel Avila
Check	183941	0	08/18/2023	\$ (75.00)	Posted		Noraima Avila
Check	183937	0	08/18/2023	\$ (50.00)	Posted		Juanita Smith
Check	183938	0	08/18/2023	\$ -	Posted	08/31/2023	Kathy Moore
Check	183936	0	08/18/2023	\$ (75.00)	Posted		Heidi Bokowski
Check	183943	0	08/21/2023	\$ -	Posted	08/21/2023	City of New Haven
DD	0	30177	08/21/2023	\$ -	Posted	08/21/2023	RE Fund II NH, LLC
DD	0	30178	08/21/2023	\$ -	Posted	08/21/2023	Sunset Ridge Apartments LLC
Check	183944	0	08/21/2023	\$ -	Posted	08/21/2023	Team Real Est Management
Check	183946	0	08/21/2023	\$ (2,891.10)	Posted		City of New Haven
DD	0	30179	08/21/2023	\$ (1,248.00)	Posted		RE Fund II NH, LLC
DD	0	30180	08/21/2023	\$ (1,290.00)	Posted		Sunset Ridge Apartments LLC
Check	183947	0	08/21/2023	\$ (2,000.00)	Posted		Team Real Est Management
Check	183945	0	08/21/2023	\$ -	Posted	08/21/2023	City of New Haven

Check	183946	0	08/21/2023	\$	-	Posted	08/21/2023	Team Real Est Management
Check	183961	0	08/21/2023	\$	(200.00)	Posted		Stevie Jackson
DD	0	30182	08/21/2023	\$	(5,995.65)	Posted		Cohen Key Shop
DD	0	30188	08/21/2023	\$	(7,187.08)	Posted		Reitman Personnel Services, Inc.
Check	183962	0	08/21/2023	\$	(2,400.00)	Posted		U.S. Bank
Check	183955	0	08/21/2023	\$	(44.84)	Posted		Home Depot
Check	183957	0	08/21/2023	\$	(200.00)	Posted		Marta Laboy
Check	183960	0	08/21/2023	\$	(1,280.00)	Posted		State Of Connecticut
Check	183949	0	08/21/2023	\$	(283.20)	Posted		Aflac
Check	183952	0	08/21/2023	\$	(12,821.60)	Posted		Eagle Elevator Company, Inc.
DD	0	30184	08/21/2023	\$	(1,098.32)	Posted		Housing Authority of the City of New Haven
Check	183951	0	08/21/2023	\$	(200.00)	Posted		Christy A Pedini
Check	183953	0	08/21/2023	\$	-	Posted	08/23/2023	HD Supply Facilities Maintenance, Ltd
Check	183954	0	08/21/2023	\$	(185.76)	Posted		HD Supply Facilities Maintenance, Ltd
DD	0	30183	08/21/2023	\$	(4,300.66)	Posted		Home Services & More, LLC
DD	0	30185	08/21/2023	\$	(420.95)	Posted		LaToya Mills
DD	0	30186	08/21/2023	\$	(45.51)	Posted		LaToya Mills
Check	183958	0	08/21/2023	\$	(200.00)	Posted		Miguel Avila
DD	0	30187	08/21/2023	\$	(1,200.00)	Posted		Moore's Yard Care
Check	183959	0	08/21/2023	\$	(200.00)	Posted		Noraima Avila
Check	183950	0	08/21/2023	\$	(864.56)	Posted		Autoscribe Corporation
DD	0	30189	08/21/2023	\$	(17,116.67)	Posted		United Mechanical Resources Inc.
DD	0	30181	08/21/2023	\$	(7,875.00)	Posted		Can I Live, Inc
Check	183948	0	08/21/2023	\$	(6,882.20)	Posted		22nd Century Technologies Inc
Check	183956	0	08/21/2023	\$	(200.00)	Posted		Jennifer Malone
Check	183989	0	08/21/2023	\$	(2,710.80)	Posted		Water Pollution Control
Check	183988	0	08/21/2023	\$	(2,041.56)	Posted		W.B. Mason Company Inc
Check	183972	0	08/21/2023	\$	(859.67)	Posted		Frontier Communications of Company
Check	183973	0	08/21/2023	\$	(163.06)	Posted		Frontier Communications of Company
Check	183974	0	08/21/2023	\$	(155.18)	Posted		Frontier Communications of Company
Check	183975	0	08/21/2023	\$	(125.67)	Posted		Frontier Communications of Company
Check	183976	0	08/21/2023	\$	(185.83)	Posted		Frontier Communications of Company
Check	183977	0	08/21/2023	\$	(87.34)	Posted		Frontier Communications of Company
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Check	183979	0	08/21/2023	\$	(87.34)	Posted		Frontier Communications of Company
Check	183987	0	08/21/2023	\$	(18.29)	Posted		United Illuminating
Check	183986	0	08/21/2023	\$	(2,086.73)	Posted		Torello Tire Inc.
Check	183984	0	08/21/2023	\$	(1,719.73)	Posted		Southern Connecticut Gas
Check	183985	0	08/21/2023	\$	(3,053.73)	Posted		Southern Connecticut Gas
DD	0	30191	08/21/2023	\$	(1,614.50)	Posted		Berchem Moses PC
Check	183983	0	08/21/2023	\$	(1,214.29)	Posted		Regional Water Authority
DD	0	30193	08/21/2023	\$	(975.00)	Posted		Nan Mckay & Associates
Check	183965	0	08/21/2023	\$	(228.52)	Posted		Comcast Cable
Check	183966	0	08/21/2023	\$	(276.17)	Posted		Comcast Cable
Check	183967	0	08/21/2023	\$	(13,838.95)	Posted		Comcast Cable
Check	183968	0	08/21/2023	\$	(428.47)	Posted		Comcast Cable
Check	183969	0	08/21/2023	\$	(198.35)	Posted		Comcast Cable
Check	183970	0	08/21/2023	\$	(61.58)	Posted		Comcast Cable
DD	0	30194	08/21/2023	\$	(21,767.00)	Posted		The Glendower Group, Inc.
DD	0	30192	08/21/2023	\$	(512,952.00)	Posted		Housing Authority of the City of New Haven
Check	183982	0	08/21/2023	\$	(23.56)	Posted		Keith Manning
DD	0	30190	08/21/2023	\$	(5,130.00)	Posted		212 Exchange Street LLC
Check	183980	0	08/21/2023	\$	(4,403.97)	Posted		Johnson Controls Inc
Check	183990	0	08/21/2023	\$	(120.22)	Posted		Yesica Hernandez-Perez
Check	183971	0	08/21/2023	\$	(525.44)	Posted		F.W. Webb Company
Check	183964	0	08/21/2023	\$	(1,736.83)	Posted		Aramark Refreshment Services
DD	0	30195	08/21/2023	\$	(7,138.44)	Posted		United Mechanical Resources Inc.
Check	183981	0	08/21/2023	\$	(6,278.31)	Posted		Johnson Controls US Holdings LLC
Check	183963	0	08/21/2023	\$	(1,099.80)	Posted		22nd Century Technologies Inc.
Check	184030	0	08/21/2023	\$	(11,495.70)	Posted		Water Pollution Control
Check	183991	0	08/21/2023	\$	(87.34)	Posted		Frontier Communications of Company
Check	183992	0	08/21/2023	\$	(87.34)	Posted		Frontier Communications of Company
Check	183993	0	08/21/2023	\$	(110.33)	Posted		Frontier Communications of Company

Check	183994	0	08/21/2023	\$	(125.67)	Posted		Frontier Communications of Company
Check	184019	0	08/21/2023	\$	(192.87)	Posted		United Illuminating
Check	184020	0	08/21/2023	\$	(588.42)	Posted		United Illuminating
Check	184021	0	08/21/2023	\$	(160.56)	Posted		United Illuminating
Check	184022	0	08/21/2023	\$	(105.54)	Posted		United Illuminating
Check	184023	0	08/21/2023	\$	(161.87)	Posted		United Illuminating
Check	184024	0	08/21/2023	\$	(2,981.97)	Posted		United Illuminating
Check	184025	0	08/21/2023	\$	(10,452.00)	Posted		United Illuminating
Check	184026	0	08/21/2023	\$	(1,922.36)	Posted		United Illuminating
Check	184027	0	08/21/2023	\$	(1,838.97)	Posted		United Illuminating
Check	184028	0	08/21/2023	\$	(2,794.69)	Posted		United Illuminating
Check	184029	0	08/21/2023	\$	(2,481.34)	Posted		United Illuminating
Check	184014	0	08/21/2023	\$	(1,082.33)	Posted		Southern Connecticut Gas
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Check	184016	0	08/21/2023	\$	(23.00)	Posted		Southern Connecticut Gas
Check	184017	0	08/21/2023	\$	(581.66)	Posted		Southern Connecticut Gas
Check	184018	0	08/21/2023	\$	(1,599.82)	Posted		Southern Connecticut Gas
Check	183997	0	08/21/2023	\$	(3,103.45)	Posted		Regional Water Authority
Check	183998	0	08/21/2023	\$	(2,570.85)	Posted		Regional Water Authority
Check	183999	0	08/21/2023	\$	(3,784.08)	Posted		Regional Water Authority
Check	184000	0	08/21/2023	\$	(3,306.29)	Posted		Regional Water Authority
Check	184001	0	08/21/2023	\$	(2,401.08)	Posted		Regional Water Authority
Check	184002	0	08/21/2023	\$	(2,271.75)	Posted		Regional Water Authority
Check	184003	0	08/21/2023	\$	(278.23)	Posted		Regional Water Authority
Check	184004	0	08/21/2023	\$	(123.69)	Posted		Regional Water Authority
Check	184005	0	08/21/2023	\$	(2,033.14)	Posted		Regional Water Authority
Check	184006	0	08/21/2023	\$	(418.54)	Posted		Regional Water Authority
Check	184007	0	08/21/2023	\$	(244.66)	Posted		Regional Water Authority
Check	184008	0	08/21/2023	\$	(523.66)	Posted		Regional Water Authority
Check	184009	0	08/21/2023	\$	(2,274.37)	Posted		Regional Water Authority
Check	184010	0	08/21/2023	\$	(608.69)	Posted		Regional Water Authority
Check	184011	0	08/21/2023	\$	(1,492.13)	Posted		Regional Water Authority
Check	184012	0	08/21/2023	\$	(528.82)	Posted		Regional Water Authority
Check	183996	0	08/21/2023	\$	(1,850.00)	Posted		National Center For Housing Mgmt.
DD	0	30200	08/21/2023	\$	(125.00)	Posted		Palace Garage dba York Service Center
DD	0	30201	08/21/2023	\$	(68,536.00)	Posted		The Glendower Group, Inc
DD	0	30197	08/21/2023	\$	(840.64)	Posted		Housing Authority of the City of New Haven
DD	0	30198	08/21/2023	\$	(27,032.46)	Posted		Housing Authority of the City of New Haven
DD	0	30196	08/21/2023	\$	(291,231.00)	Posted		Housing Authority of the City of New Haven
DD	0	30199	08/21/2023	\$	(30,129.00)	Posted		Housing Authority of the City of New Haven
Check	183995	0	08/21/2023	\$	(1,239.19)	Posted		Johnson Controls Inc
Check	184013	0	08/21/2023	\$	(879.69)	Posted		Skyview Ridgefield LLC
Check	184040	0	08/21/2023	\$	(1,240.81)	Posted		Yale Termite & Pest Elimination Corp.
Check	184041	0	08/21/2023	\$	(366.75)	Posted		Yale Termite & Pest Elimination Corp.
Check	184039	0	08/21/2023	\$	(535.20)	Posted		Standard Insurance Company.
Check	184033	0	08/21/2023	\$	(81,716.73)	Posted		City of New Haven
DD	0	30207	08/21/2023	\$	(4,212.57)	Posted		Kone Inc.
Check	184032	0	08/21/2023	\$	(38,077.04)	Posted		City of New Haven
DD	0	30205	08/21/2023	\$	(1,079.50)	Posted		Crumbie Law Group, LLC
DD	0	30206	08/21/2023	\$	(136.00)	Posted		Crumbie Law Group, LLC
DD	0	30202	08/21/2023	\$	(8,550.00)	Posted		212 Exchange Street LLC
Check	184031	0	08/21/2023	\$	(104.86)	Posted		Aramark Refreshment Services
Check	184038	0	08/21/2023	\$	(54,390.21)	Posted		Oxford Health Plans, LLC
DD	0	30203	08/21/2023	\$	(4,004.41)	Posted		360 Management Group, Co.
DD	0	30204	08/21/2023	\$	(962.00)	Posted		360 Management Group, Co.
Check	184034	0	08/21/2023	\$	(2,142.36)	Posted		Delta Dental of New Jersey, Inc
Check	184035	0	08/21/2023	\$	(2,336.22)	Posted		Delta Dental of New Jersey, Inc
Check	184037	0	08/21/2023	\$	(1,250.27)	Posted		Johnson Controls US Holdings LLC
Check	184036	0	08/21/2023	\$	(2,254.00)	Posted		Emek Security LLC
DD	0	30211	08/21/2023	\$	(35,348.40)	Posted		Tri-Con Construction Manager, Llc
DD	0	30208	08/21/2023	\$	(152,321.06)	Posted		BRD Builders, LLC
DD	0	30212	08/21/2023	\$	-	Posted	08/23/2023	VASE Management LLC
DD	0	30209	08/21/2023	\$	(21,840.62)	Posted		Christopher Williams Architects, LLC

DD	0	30210	08/21/2023	\$ (12,810.93)	Posted	Lothrop Associates, LLP
Check	184042	0	08/22/2023	\$ (500.00)	Posted	Jerris Luncheonette Inc
Check	184043	0	08/22/2023	\$ (305.24)	Posted	Irina M Bravo
Check	184044	0	08/22/2023	\$ (286.23)	Posted	Nica's Market LLC
Check	184045	0	08/22/2023	\$ (140.89)	Posted	Frontier Communications of Company
Check	184046	0	08/22/2023	\$ (131.94)	Posted	Frontier Communications of Company
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Check	184074	0	08/22/2023	\$ (528.82)	Posted	United Illuminating
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Check	184076	0	08/22/2023	\$ (1,132.66)	Posted	United Illuminating
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Check	184080	0	08/22/2023	\$ (1,093.35)	Posted	United Illuminating
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Check	184069	0	08/22/2023	\$ (987.99)	Posted	Southern Connecticut Gas
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Check	184072	0	08/22/2023	\$ (308.10)	Posted	Southern Connecticut Gas
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Check	184064	0	08/22/2023	\$ (4,139.79)	Posted	Regional Water Authority
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Check	184067	0	08/22/2023	\$ (13,620.03)	Posted	Regional Water Authority
Check	184068	0	08/22/2023	\$ (780.74)	Posted	Regional Water Authority
DD	0	30213	08/22/2023	\$ (794.95)	Posted	Cohen Key Shop
DD	0	30215	08/22/2023	\$ (915.00)	Posted	Kone Inc.
DD	0	30214	08/22/2023	\$ (335.00)	Posted	Eagle Leasing Company
Check	184101	0	08/22/2023	\$ (2,075.96)	Posted	United Illuminating
Check	184102	0	08/22/2023	\$ (17,883.22)	Posted	United Illuminating
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Check	184106	0	08/22/2023	\$ (178.76)	Posted	United Illuminating
Check	184107	0	08/22/2023	\$ (2,016.72)	Posted	United Illuminating
Check	184108	0	08/22/2023	\$ (936.92)	Posted	United Illuminating
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Check	184110	0	08/22/2023	\$ (12,893.23)	Posted	United Illuminating
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Check	184090	0	08/22/2023	\$	(1,191.02)	Posted		Regional Water Authority
Check	184091	0	08/22/2023	\$	(2,389.74)	Posted		Regional Water Authority
Check	184092	0	08/22/2023	\$	(57.22)	Posted		Regional Water Authority
Check	184093	0	08/22/2023	\$	(77.25)	Posted		Regional Water Authority
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Check	184095	0	08/22/2023	\$	(9,261.31)	Posted		Regional Water Authority
Check	184096	0	08/22/2023	\$	(832.81)	Posted		Regional Water Authority
Check	184097	0	08/22/2023	\$	(184.00)	Posted		Regional Water Authority
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Check	184099	0	08/22/2023	\$	(3,099.53)	Posted		Regional Water Authority
Check	184100	0	08/22/2023	\$	(99.20)	Posted		Regional Water Authority
DD	0	30216	08/22/2023	\$	(123,656.00)	Posted		New Haven Village Suites
Check	184153	0	08/23/2023	\$	(110.33)	Posted		W.B. Mason Company Inc
DD	0	30222	08/23/2023	\$	(653.80)	Posted		Cohen Key Shop
Check	184122	0	08/23/2023	\$	(225.00)	Posted		Conn NAHRO
DD	0	30220	08/23/2023	\$	(274.40)	Posted		Alberta Witherspoon
Check	184125	0	08/23/2023	\$	(200.00)	Posted		Darius K Reid
Check	184131	0	08/23/2023	\$	(25.00)	Posted		Gary Williams
Check	184124	0	08/23/2023	\$	(25.00)	Posted		Cynthia N Rogers
DD	0	30226	08/23/2023	\$	(200.00)	Posted		Doris J Doward
DD	0	30219	08/23/2023	\$	(200.00)	Posted		Alberta W Golden
Check	184117	0	08/23/2023	\$	(200.00)	Posted		Brenda J Harris
DD	0	30233	08/23/2023	\$	(200.00)	Posted		Linda Cross
Check	184140	0	08/23/2023	\$	(25.00)	Posted		Mabel L Carroll
Check	184123	0	08/23/2023	\$	(469.92)	Posted		Corporate Mailing Services LLC
Check	184137	0	08/23/2023	\$	(200.00)	Posted		Judy Cosby
Check	184145	0	08/23/2023	\$	(3,943.84)	Posted		Quadient Finance USA, INC
DD	0	30217	08/23/2023	\$	(200.00)	Posted		Airess Johnson
Check	184150	0	08/23/2023	\$	(200.00)	Posted		Shantour Jackson
Check	184147	0	08/23/2023	\$	(200.00)	Posted		Roberto Roman-Negron
DD	0	30235	08/23/2023	\$	(200.00)	Posted		Patricia Mabry
Check	184141	0	08/23/2023	\$	(200.00)	Posted		Major Banks
DD	0	30237	08/23/2023	\$	(200.00)	Posted		Paul A Kates
DD	0	30227	08/23/2023	\$	(1,252.00)	Posted		Home Services & More, LLC
DD	0	30236	08/23/2023	\$	(200.00)	Posted		Patricia Thorpe
Check	184142	0	08/23/2023	\$	(200.00)	Posted		Maritza Baez
DD	0	30223	08/23/2023	\$	(200.00)	Posted		Deborah Hudson
Check	184118	0	08/23/2023	\$	(200.00)	Posted		Bruce Gatling
DD	0	30230	08/23/2023	\$	(200.00)	Posted		Lagreta Riles
Check	184120	0	08/23/2023	\$	-	Posted	08/24/2023	Columbus House, Inc
Check	184121	0	08/23/2023	\$	(2,500.00)	Posted		Columbus House, Inc
DD	0	30224	08/23/2023	\$	(200.00)	Posted		Dennis Nathaniel Jenkins
DD	0	30221	08/23/2023	\$	(200.00)	Posted		Alicia M Spencer
Check	184126	0	08/23/2023	\$	(200.00)	Posted		Dorothy M Smith
DD	0	30225	08/23/2023	\$	(200.00)	Posted		Donna Santiago
Check	184136	0	08/23/2023	\$	(25.00)	Posted		Juanita Furlow
DD	0	30240	08/23/2023	\$	(200.00)	Posted		Teresa Nela Caporale
DD	0	30228	08/23/2023	\$	(200.00)	Posted		Jonathan Stewart
DD	0	30239	08/23/2023	\$	(200.00)	Posted		Perry Lamar Gary
Check	184127	0	08/23/2023	\$	(200.00)	Posted		Edward Beverley
DD	0	30241	08/23/2023	\$	(200.00)	Posted		Willard E. Ford
Check	184148	0	08/23/2023	\$	(200.00)	Posted		Russell Roberson
DD	0	30218	08/23/2023	\$	(200.00)	Posted		Al Mccoy Langston
DD	0	30238	08/23/2023	\$	(200.00)	Posted		Pedro Octavio Jimenez
Check	184129	0	08/23/2023	\$	(200.00)	Posted		Eric D Jowers
Check	184132	0	08/23/2023	\$	(200.00)	Posted		Hector A Lozada-Osorio
Check	184113	0	08/23/2023	\$	(200.00)	Posted		Angela Dixon
Check	184138	0	08/23/2023	\$	(200.00)	Posted		Kelly Nichols
Check	184115	0	08/23/2023	\$	(382.63)	Posted		Aramark Refreshment Services
Check	184143	0	08/23/2023	\$	(25.00)	Posted		Michael Sydney Perkins
DD	0	30231	08/23/2023	\$	(200.00)	Posted		Lavern Davis
DD	0	30234	08/23/2023	\$	(200.00)	Posted		Luz E Torres
Check	184114	0	08/23/2023	\$	(200.00)	Posted		Annette Yancey

Check	184128	0	08/23/2023	\$ (75.52)	Posted	Elmer Rivera
Check	184144	0	08/23/2023	\$ (2,013.64)	Posted	New Reach, Inc.
DD	0	30229	08/23/2023	\$ (200.00)	Posted	Keith Davis
Check	184146	0	08/23/2023	\$ (200.00)	Posted	Ralph Berryman
Check	184116	0	08/23/2023	\$ (200.00)	Posted	Avis Grant
Check	184134	0	08/23/2023	\$ (200.00)	Posted	Janet Poole
Check	184119	0	08/23/2023	\$ (200.00)	Posted	Clenison Dickey
Check	184133	0	08/23/2023	\$ (200.00)	Posted	James Jenkins
Check	184130	0	08/23/2023	\$ (200.00)	Posted	Gail Pressley
Check	184149	0	08/23/2023	\$ (200.00)	Posted	Sean Holland
Check	184151	0	08/23/2023	\$ (200.00)	Posted	Teethenia Stroud
Check	184135	0	08/23/2023	\$ (1,495.50)	Posted	Jerris Luncheonette Inc
Check	184139	0	08/23/2023	\$ (200.00)	Posted	Lee C Moore
Check	184152	0	08/23/2023	\$ (200.00)	Posted	Todd Collins
Check	184112	0	08/23/2023	\$ (200.00)	Posted	Adalberto Rivera
DD	0	30232	08/23/2023	\$ (200.00)	Posted	Lenard Greene
Check	184154	0	08/23/2023	\$ (294,316.20)	Posted	VASE Management LLC
Check	184155	0	08/23/2023	\$ (25.00)	Posted	Paulette Branch
Check	184157	0	08/23/2023	\$ (8,407.37)	Posted	Standard Insurance Company.
Check	184156	0	08/23/2023	\$ (150.67)	Posted	Patricia Johnson
Check	184158	0	08/23/2023	\$ (11,200.00)	Posted	Payne Environmental
Check	184182	0	08/23/2023	\$ (294.98)	Posted	W.B. Mason Company Inc
Check	184164	0	08/23/2023	\$ (72.55)	Posted	Frontier Communications of Company
Check	184165	0	08/23/2023	\$ (110.33)	Posted	Frontier Communications of Company
Check	184166	0	08/23/2023	\$ (154.99)	Posted	Frontier Communications of Company
Check	184167	0	08/23/2023	\$ (72.55)	Posted	Frontier Communications of Company
Check	184168	0	08/23/2023	\$ (110.33)	Posted	Frontier Communications of Company
Check	184169	0	08/23/2023	\$ (110.33)	Posted	Frontier Communications of Company
Check	184170	0	08/23/2023	\$ (132.74)	Posted	Frontier Communications of Company
Check	184171	0	08/23/2023	\$ (118.04)	Posted	Frontier Communications of Company
Check	184172	0	08/23/2023	\$ (149.07)	Posted	Frontier Communications of Company
Check	184173	0	08/23/2023	\$ (209.24)	Posted	Frontier Communications of Company
Check	184174	0	08/23/2023	\$ (323.95)	Posted	Frontier Communications of Company
Check	184175	0	08/23/2023	\$ (260.72)	Posted	Frontier Communications of Company
Check	184176	0	08/23/2023	\$ (206.08)	Posted	Frontier Communications of Company
Check	184177	0	08/23/2023	\$ (72.55)	Posted	Frontier Communications of Company
Check	184183	0	08/23/2023	\$ (199.00)	Posted	Yale New Haven Hospital
DD	0	30246	08/23/2023	\$ (6,665.27)	Posted	Reitman Personnel Services, Inc.
Check	184162	0	08/23/2023	\$ (307.39)	Posted	Comcast Cable
Check	184179	0	08/23/2023	\$ (1,978.57)	Posted	Standard Insurance Company.
Check	184180	0	08/23/2023	\$ (400.00)	Posted	State Of Connecticut
DD	0	30247	08/23/2023	\$ (3,850.00)	Posted	The Glendower Group, Inc
DD	0	30244	08/23/2023	\$ (1,732.12)	Posted	Home Services & More, LLC
Check	184161	0	08/23/2023	\$ (99.00)	Posted	City of New Haven
Check	184159	0	08/23/2023	\$ (108.05)	Posted	Answer Plus Communications
Check	184178	0	08/23/2023	\$ (458.90)	Posted	Johnson Controls Inc
Check	184160	0	08/23/2023	\$ (555.19)	Posted	Canon Solutions America Inc.
DD	0	30245	08/23/2023	\$ (2,700.00)	Posted	Housing Development Fund, Inc.
DD	0	30242	08/23/2023	\$ (63,859.91)	Posted	360 Management Group. Co.
DD	0	30243	08/23/2023	\$ (167,182.04)	Posted	360 Management Group. Co.
Check	184181	0	08/23/2023	\$ (486.74)	Posted	Sunwealth Project Pool 14 LLC
Check	184163	0	08/23/2023	\$ (2,996.00)	Posted	Emek Security LLC
Check	184184	0	08/23/2023	\$ (450.02)	Posted	W.B. Mason Company Inc
Check	184194	0	08/23/2023	\$ (1,008.36)	Posted	W.B. Mason Company Inc
DD	0	30250	08/23/2023	\$ (2,144.93)	Posted	Infoshred, LLC
Check	184185	0	08/23/2023	\$ (116.08)	Posted	Comcast Cable
Check	184186	0	08/23/2023	\$ (198.35)	Posted	Comcast Cable
Check	184187	0	08/23/2023	\$ (298.35)	Posted	Comcast Cable
Check	184188	0	08/23/2023	\$ (298.35)	Posted	Comcast Cable
Check	184189	0	08/23/2023	\$ (298.35)	Posted	Comcast Cable
Check	184190	0	08/23/2023	\$ (349.63)	Posted	Comcast Cable
Check	184191	0	08/23/2023	\$ (298.35)	Posted	Comcast Cable
Check	184192	0	08/23/2023	\$ (116.08)	Posted	Comcast Cable



Check	184193	0	08/23/2023	\$	(1,178.48)	Posted	Home Depot
DD	0	30253	08/23/2023	\$	(31,712.10)	Posted	Otis Elevator Company
DD	0	30251	08/23/2023	\$	(1,200.00)	Posted	Moore's Yard Care
DD	0	30248	08/23/2023	\$	(29,100.87)	Posted	360 Management Group, Co.
DD	0	30249	08/23/2023	\$	(1,871.10)	Posted	Gilson Software Solutions - PHA, LLC.
DD	0	30252	08/23/2023	\$	(218.34)	Posted	Northwest Interpreters, Inc.
DD	0	30254	08/23/2023	\$	(8,000.00)	Posted	The Narrative Project, LLC
Check	184196	0	08/23/2023	\$	(200.05)	Posted	Melody Ramos
Check	184195	0	08/23/2023	\$	(200.05)	Posted	Gayatri Rana
Check	184197	0	08/24/2023	\$	(1,071.10)	Posted	HD Supply Facilities Maintenance, Ltd
Check	184198	0	08/24/2023	\$	(10,648.13)	Posted	HD Supply Facilities Maintenance, Ltd
Check	184199	0	08/24/2023	\$	(568.77)	Posted	HD Supply Facilities Maintenance, Ltd
Check	184200	0	08/24/2023	\$	(14.64)	Posted	HD Supply Facilities Maintenance, Ltd
Check	184225	0	08/24/2023	\$	(161.84)	Posted	W.B. Mason Company Inc
DD	0	30256	08/24/2023	\$	(37,922.25)	Posted	CWPM, LLC
Check	184211	0	08/24/2023	\$	(1,721.35)	Posted	Home Depot
DD	0	30258	08/24/2023	\$	(13,520.60)	Posted	U. S. Inspection Group, INC
Check	184207	0	08/24/2023	\$	(99.00)	Posted	City of New Haven
Check	184216	0	08/24/2023	\$	(3,014.87)	Posted	Johns Refuse & Recycling, LLC
Check	184217	0	08/24/2023	\$	(418.00)	Posted	Kaleem Hough
Check	184203	0	08/24/2023	\$	(429.40)	Posted	Abdirashid Mohamed
DD	0	30257	08/24/2023	\$	(1,041.00)	Posted	Hands On Moving, LLC
DD	0	30255	08/24/2023	\$	(1,978.32)	Posted	Carahsoft Technology Corporation
Check	184213	0	08/24/2023	\$	(375.82)	Posted	Jadyn Herbert
Check	184215	0	08/24/2023	\$	(304.00)	Posted	Jensen Jerriel Phetchampm
Check	184222	0	08/24/2023	\$	(304.00)	Posted	Orlando Colon
Check	184220	0	08/24/2023	\$	(380.00)	Posted	Michael Hill
Check	184206	0	08/24/2023	\$	(285.00)	Posted	Axel Yadiel Delgado-Santana
Check	184202	0	08/24/2023	\$	(380.00)	Posted	Aalysia Herring
Check	184210	0	08/24/2023	\$	(475.00)	Posted	Emmanuel Osei Bonsu
Check	184209	0	08/24/2023	\$	(380.00)	Posted	Elaine Osei Bonsu
Check	184214	0	08/24/2023	\$	(245.48)	Posted	Jason Edge
Check	184219	0	08/24/2023	\$	(323.00)	Posted	Michael Hall Jr
Check	184218	0	08/24/2023	\$	(467.02)	Posted	Marvin Nieves
Check	184223	0	08/24/2023	\$	(354.73)	Posted	Ricky Dawson III
Check	184224	0	08/24/2023	\$	(285.00)	Posted	Tyelin Garvin
Check	184204	0	08/24/2023	\$	(475.00)	Posted	Amir Jihad Lee
Check	184205	0	08/24/2023	\$	(380.00)	Posted	Angeviel Davila
Check	184208	0	08/24/2023	\$	(380.00)	Posted	David Coardes
Check	184221	0	08/24/2023	\$	(456.00)	Posted	Odalys Dianne Delgado-Santana
Check	184226	0	08/24/2023	\$	(374.30)	Posted	Zuiryliiz M Osorio
Check	184201	0	08/24/2023	\$	(356.44)	Posted	Aailyan Sara Centeno
Check	184212	0	08/24/2023	\$	(356.63)	Posted	Jada-Marie Aracelis Guerrero
Check	184227	0	08/24/2023	\$	(7,472.00)	Posted	Northeast Generator
Check	184228	0	08/24/2023	\$	(2,500.00)	Posted	Columbus House, Inc
DD	0	30265	08/24/2023	\$	(1,728.20)	Posted	LaToya Mills
Check	184249	0	08/24/2023	\$	(143.25)	Posted	Tarin Evans
Check	184248	0	08/24/2023	\$	(675.00)	Posted	CT's Delicious Dishes LLC
Check	184241	0	08/24/2023	\$	(16.84)	Posted	United Illuminating
Check	184242	0	08/24/2023	\$	(678.83)	Posted	United Illuminating
Check	184243	0	08/24/2023	\$	(502.46)	Posted	United Illuminating
Check	184244	0	08/24/2023	\$	(412.43)	Posted	United Illuminating
Check	184245	0	08/24/2023	\$	(586.25)	Posted	United Illuminating
Check	184246	0	08/24/2023	\$	(299.49)	Posted	United Illuminating
Check	184247	0	08/24/2023	\$	(799.13)	Posted	United Illuminating
Check	184238	0	08/24/2023	\$	(15.64)	Posted	Southern Connecticut Gas
Check	184239	0	08/24/2023	\$	(69.00)	Posted	Southern Connecticut Gas
Check	184240	0	08/24/2023	\$	(716.10)	Posted	Southern Connecticut Gas
Check	184236	0	08/24/2023	\$	(814.40)	Posted	Regional Water Authority
DD	0	30260	08/24/2023	\$	(375.00)	Posted	Housing Insurance Services, Inc.
Check	184237	0	08/24/2023	\$	(1,409.96)	Posted	Ricoh USA Inc
DD	0	30259	08/24/2023	\$	(1,505.00)	Posted	Emphasys Computer Solutions
DD	0	30264	08/24/2023	\$	(240.00)	Posted	Palace Garage dba York Service Center

DD	0	30263	08/24/2023	\$ (3,687.50)	Posted		Otis Elevator Company
Check	184230	0	08/24/2023	\$ (6,000.00)	Posted		Marcum LLP
Check	184231	0	08/24/2023	\$ (3,000.00)	Posted		Marcum LLP
Check	184232	0	08/24/2023	\$ (500.00)	Posted		Marcum LLP
Check	184233	0	08/24/2023	\$ (500.00)	Posted		Marcum LLP
Check	184234	0	08/24/2023	\$ (500.00)	Posted		Marcum LLP
DD	0	30262	08/24/2023	\$ (8,666.67)	Posted		NuEnergen, LLC
Check	184229	0	08/24/2023	\$ (183.84)	Posted		De Lage Landen Financial Services, Inc
DD	0	30261	08/24/2023	\$ (475.00)	Posted		Ideal Printing Co. Inc
Check	184235	0	08/24/2023	\$ (8,083.00)	Posted		Mobility Works, Inc
Check	184251	0	08/24/2023	\$ (260.00)	Posted		Nica's Market LLC
Check	184250	0	08/24/2023	\$ (163.43)	Posted		Coreen Toussaint
Check	184252	0	08/24/2023	\$ (163.43)	Posted		Suela Pergjono
Check	184253	0	08/24/2023	\$ (223.80)	Posted		HD Supply Facilities Maintenance, Ltd
Check	184254	0	08/24/2023	\$ (17,922.43)	Posted		HD Supply Facilities Maintenance, Ltd
Check	184255	0	08/24/2023	\$ (4,309.86)	Posted		HD Supply Facilities Maintenance, Ltd
Check	184256	0	08/24/2023	\$ (11,731.62)	Posted		HD Supply Facilities Maintenance, Ltd
Check	184257	0	08/25/2023	\$ (120.00)	Posted		Secretary of the State
Check	184260	0	08/25/2023	\$ (19.29)	Posted		United Illuminating
Check	184261	0	08/25/2023	\$ (245.47)	Posted		United Illuminating
Check	184262	0	08/25/2023	\$ (1,412.17)	Posted		United Illuminating
Check	184263	0	08/25/2023	\$ (1,589.54)	Posted		United Illuminating
Check	184264	0	08/25/2023	\$ (1,206.84)	Posted		United Illuminating
Check	184265	0	08/25/2023	\$ (1,755.80)	Posted		United Illuminating
Check	184266	0	08/25/2023	\$ (1,627.55)	Posted		United Illuminating
Check	184267	0	08/25/2023	\$ (939.29)	Posted		United Illuminating
Check	184268	0	08/25/2023	\$ (1,533.12)	Posted		United Illuminating
Check	184269	0	08/25/2023	\$ (503.89)	Posted		United Illuminating
Check	184270	0	08/25/2023	\$ (41.22)	Posted		United Illuminating
Check	184271	0	08/25/2023	\$ (1,336.75)	Posted		United Illuminating
Check	184272	0	08/25/2023	\$ (631.36)	Posted		United Illuminating
Check	184273	0	08/25/2023	\$ (323.63)	Posted		United Illuminating
Check	184274	0	08/25/2023	\$ (85.73)	Posted		United Illuminating
Check	184275	0	08/25/2023	\$ (975.77)	Posted		United Illuminating
Check	184276	0	08/25/2023	\$ (385.89)	Posted		United Illuminating
Check	184258	0	08/25/2023	\$ (935.87)	Posted		Regional Water Authority
Check	184259	0	08/25/2023	\$ (461.97)	Posted		Regional Water Authority
Check	184279	0	08/28/2023	\$ (136.80)	Posted		Federal Express Corp.
Check	184278	0	08/28/2023	\$ (1,960.00)	Posted		Clinton Avenue Investments, LLC
Check	184280	0	08/28/2023	\$ (50.00)	Posted		Leticia Sharice Dean
Check	184277	0	08/28/2023	\$ (1,617.00)	Posted		Bryanna Morris
Check	184282	0	08/28/2023	\$ (1,980.00)	Posted		Netz Consolidated, LLC
Check	184281	0	08/28/2023	\$ (1,850.00)	Posted		Netz Bonds New Haven V ADD DE
DD	0	30266	08/28/2023	\$ (161.64)	Posted		Carahsoft Technology Corporation
Check	184283	0	08/28/2023	\$ (902.00)	Posted		Douglas County Housing Authority
Check	184284	0	08/28/2023	\$ (24.78)	Posted		Home Depot
Check	184285	0	08/28/2023	\$ (1,131.41)	Posted		Home Depot
Check	184286	0	08/28/2023	\$ (3,314.98)	Posted		Home Depot
Check	184287	0	08/28/2023	\$ (1,969.31)	Posted		Home Depot
Check	184288	0	08/28/2023	\$ (2,324.81)	Posted		Home Depot
Check	184289	0	08/28/2023	\$ (1,237.22)	Posted		Home Depot
Check	184290	0	08/28/2023	\$ (1,574.38)	Posted		Home Depot
Check	184291	0	08/28/2023	\$ (1,114.83)	Posted		Home Depot
Check	184292	0	08/28/2023	\$ (540.00)	Posted		Conncorp LLC
DD	0	30267	08/28/2023	\$ -	Posted	08/30/2023	Ronisha Kelley
Check	184293	0	08/28/2023	\$ (300.00)	Posted		Helen Suggs
DD	0	30268	08/28/2023	\$ (170,570.75)	Posted		McCarter & English, LLP
Check	184309	0	08/29/2023	\$ (1,928.54)	Posted		United Illuminating
Check	184310	0	08/29/2023	\$ (1,408.77)	Posted		United Illuminating
Check	184311	0	08/29/2023	\$ (1,110.89)	Posted		United Illuminating
Check	184312	0	08/29/2023	\$ (21,348.42)	Posted		United Illuminating
Check	184299	0	08/29/2023	\$ (394.29)	Posted		Southern Connecticut Gas
Check	184300	0	08/29/2023	\$ (308.72)	Posted		Southern Connecticut Gas

Check	184301	0	08/29/2023	\$	(276.26)	Posted		Southern Connecticut Gas
Check	184302	0	08/29/2023	\$	(405.67)	Posted		Southern Connecticut Gas
Check	184303	0	08/29/2023	\$	(708.47)	Posted		Southern Connecticut Gas
Check	184304	0	08/29/2023	\$	-	Posted	08/29/2023	Southern Connecticut Gas
Check	184305	0	08/29/2023	\$	-	Posted	08/29/2023	Southern Connecticut Gas
Check	184306	0	08/29/2023	\$	-	Posted	08/29/2023	Southern Connecticut Gas
Check	184307	0	08/29/2023	\$	-	Posted	08/29/2023	Southern Connecticut Gas
Check	184308	0	08/29/2023	\$	(200.63)	Posted		Southern Connecticut Gas
Check	184295	0	08/29/2023	\$	(2,446.42)	Posted		Regional Water Authority
Check	184296	0	08/29/2023	\$	(2,454.88)	Posted		Regional Water Authority
Check	184297	0	08/29/2023	\$	(56.63)	Posted		Regional Water Authority
Check	184298	0	08/29/2023	\$	(100.00)	Posted		Rhonda Simone Spruill
Check	184294	0	08/29/2023	\$	(25.00)	Posted		Ashley Nicole Ray
Check	184313	0	08/29/2023	\$	(65.36)	Posted		Southern Connecticut Gas
Check	184314	0	08/29/2023	\$	(65.00)	Posted		Southern Connecticut Gas
Check	184315	0	08/29/2023	\$	(15.64)	Posted		Southern Connecticut Gas
Check	184316	0	08/29/2023	\$	(288.39)	Posted		Southern Connecticut Gas
Check	184464	0	08/29/2023	\$	(9,201.71)	Posted		United Illuminating
Check	184465	0	08/29/2023	\$	(9,429.37)	Posted		United Illuminating
Check	184461	0	08/29/2023	\$	(73.61)	Posted		Southern Connecticut Gas
Check	184462	0	08/29/2023	\$	(167.22)	Posted		Southern Connecticut Gas
Check	184454	0	08/29/2023	\$	(470.25)	Posted		Kaleem Hough
Check	184443	0	08/29/2023	\$	(419.14)	Posted		Abdirashid Mohamed
Check	184466	0	08/29/2023	\$	(406.98)	Posted		Zuiry Osorio
Check	184451	0	08/29/2023	\$	(304.00)	Posted		Jadyn Herbert
Check	184453	0	08/29/2023	\$	(418.00)	Posted		Jensen Jerriel Phetchampm
Check	184459	0	08/29/2023	\$	(418.00)	Posted		Oriando Colon
Check	184457	0	08/29/2023	\$	(406.98)	Posted		Michael Hill
Check	184446	0	08/29/2023	\$	(417.43)	Posted		Axel Yadiel Delgado-Santana
Check	184442	0	08/29/2023	\$	(418.00)	Posted		Aalyasia Herring
Check	184449	0	08/29/2023	\$	(513.00)	Posted		Emmanuel Osei Bonsu
Check	184448	0	08/29/2023	\$	(409.45)	Posted		Elaine Osei Bonsu
Check	184452	0	08/29/2023	\$	(418.00)	Posted		Jason Edge
Check	184456	0	08/29/2023	\$	(380.00)	Posted		Michael Hall Jr
Check	184455	0	08/29/2023	\$	(490.96)	Posted		Marvin Nieves
Check	184460	0	08/29/2023	\$	(203.30)	Posted		Ricky Dawson III
Check	184463	0	08/29/2023	\$	(247.00)	Posted		Tyelin Garvin
Check	184444	0	08/29/2023	\$	(510.72)	Posted		Amir Jihad Lee
Check	184445	0	08/29/2023	\$	(443.46)	Posted		Angeviel Davila
Check	184447	0	08/29/2023	\$	(418.00)	Posted		David Coardes
Check	184458	0	08/29/2023	\$	(545.68)	Posted		Odalys Dianne Delgado-Santana
Check	184441	0	08/29/2023	\$	(407.74)	Posted		Aailyan Sara Centeno
Check	184450	0	08/29/2023	\$	(406.98)	Posted		Jada-Marie Aracelis Guerrero
Check	184317	0	08/29/2023	\$	(7,820.00)	Posted		Ace Van & Storage, Inc.
DD	0	30269	08/29/2023	\$	(1,587.50)	Posted		Hands On Moving, LLC
Check	184318	0	08/29/2023	\$	(131,852.52)	Posted		Advance Security Integration LLC dba Security 101
Check	184319	0	08/29/2023	\$	(3,000.00)	Posted		Connecticut Women's Hall of Fame
Check	184436	0	08/29/2023	\$	(767.09)	Posted		Regional Water Authority
Check	184430	0	08/29/2023	\$	(11,616.42)	Posted		Anthem Blue Cross/Blue Shield
Check	184432	0	08/29/2023	\$	(225.00)	Posted		Conn NAHRO
Check	184429	0	08/29/2023	\$	(724.40)	Posted		Aflac
Check	184435	0	08/29/2023	\$	(978.55)	Posted		Legal Shield
Check	184434	0	08/29/2023	\$	(634.13)	Posted		Kramden Enterprises, Inc/dba Eli's on Whitney
Check	184437	0	08/29/2023	\$	(101.40)	Posted		Shanda Ferrucci
Check	184433	0	08/29/2023	\$	(1,000.00)	Posted		Cornell Scott - Hill Health Center Foundation Inc
Check	184431	0	08/29/2023	\$	(1,500.00)	Posted		Coach Robert Saulsbury Foundation Inc
Check	184438	0	08/29/2023	\$	(23,695.52)	Posted		Home Depot
Check	184439	0	08/29/2023	\$	(700.00)	Posted		Ronisha Kelley
Check	184440	0	08/30/2023	\$	(11,756.25)	Posted		Crosskey Architects, LLC
DD	0	30288	08/31/2023	\$	(1,750.00)	Posted		La Voz Hispana Newsprint
Check	184489	0	08/31/2023	\$	(118.14)	Posted		United Illuminating
Check	184470	0	08/31/2023	\$	(307.70)	Posted		Southern Connecticut Gas
Check	184471	0	08/31/2023	\$	(217.96)	Posted		Southern Connecticut Gas

Check	184472	0	08/31/2023	\$ (385.83)	Posted		Southern Connecticut Gas
Check	184473	0	08/31/2023	\$ (435.49)	Posted		Southern Connecticut Gas
Check	184474	0	08/31/2023	\$ (213.19)	Posted		Southern Connecticut Gas
Check	184475	0	08/31/2023	\$ (79.90)	Posted		Southern Connecticut Gas
Check	184476	0	08/31/2023	\$ (40.86)	Posted		Southern Connecticut Gas
Check	184477	0	08/31/2023	\$ (434.74)	Posted		Southern Connecticut Gas
Check	184478	0	08/31/2023	\$ (463.03)	Posted		Southern Connecticut Gas
Check	184479	0	08/31/2023	\$ (491.29)	Posted		Southern Connecticut Gas
Check	184480	0	08/31/2023	\$ (529.32)	Posted		Southern Connecticut Gas
Check	184481	0	08/31/2023	\$ (427.95)	Posted		Southern Connecticut Gas
Check	184482	0	08/31/2023	\$ (367.16)	Posted		Southern Connecticut Gas
Check	184483	0	08/31/2023	\$ (397.67)	Posted		Southern Connecticut Gas
Check	184484	0	08/31/2023	\$ (325.58)	Posted		Southern Connecticut Gas
Check	184485	0	08/31/2023	\$ (130.01)	Posted		Southern Connecticut Gas
Check	184486	0	08/31/2023	\$ (345.06)	Posted		Southern Connecticut Gas
Check	184487	0	08/31/2023	\$ (1,178.96)	Posted		Southern Connecticut Gas
Check	184488	0	08/31/2023	\$ (335.78)	Posted		Southern Connecticut Gas
DD	0	30284	08/31/2023	\$ (998.80)	Posted		Cohen Key Shop
Check	184468	0	08/31/2023	\$ (26,469.38)	Posted		Housing Authority Risk Retention Group, Inc
DD	0	30291	08/31/2023	\$ (12,038.37)	Posted		Reitman Personnel Services, Inc.
DD	0	30287	08/31/2023	\$ (50.00)	Posted		Infoshred, LLC
DD	0	30290	08/31/2023	\$ (5,352.26)	Posted		Otis Elevator Company
DD	0	30286	08/31/2023	\$ (7,449.87)	Posted		Home Services & More, LLC
DD	0	30282	08/31/2023	\$ (3,420.00)	Posted		212 Exchange Street LLC
DD	0	30285	08/31/2023	\$ (45,658.40)	Posted		EccoVia, Inc
DD	0	30289	08/31/2023	\$ (1,200.00)	Posted		Moore's Yard Care
Check	184467	0	08/31/2023	\$ (125.02)	Posted		Aramark Refreshment Services
DD	0	30283	08/31/2023	\$ (974.15)	Posted		Carahsoft Technology Corporation
Check	184469	0	08/31/2023	\$ (1,600.00)	Posted		NREG-ADM LLC
Check	184493	0	08/31/2023	\$ -	Posted	09/05/2023	ABCD Homes DE, LLC
Check	184494	0	08/31/2023	\$ -	Posted	09/05/2023	PRINT SOURCE, LTD

**Total payments Issued \$ (4,375,702.94)**

## **President's Report**

To: ECC/HANH Board of Commissioners

From: Karen DuBois-Walton, Ph.D., President

Date: September 19, 2023

**RE: President's September 2023 Report**

### **I. Administrative**

Our team continues to work toward our strategic pillars:

- House more families (more quickly) in the highest quality housing in communities of their choice
- Support residents' ability to live their best life and achieve goals that move them toward greater housing and life choices
- Cost effective and cost-efficient delivery of services in ways that maximize impact in our community (jobs, contracting, economic development) and
- Spark policy change that creates growth in housing market especially for families in need of affordable housing

In very exciting news, we received word that our grant application under the Choice Neighborhoods Planning Grant for Robert T. Wolfe Transformation was selected. This exciting opportunity to receive planning dollars will support our convening of the community-based Transformation Team that will shape the vision for this important redevelopment. This may also lay the foundation for application for the CNI Implementation Grant in future funding rounds. Congratulations to the Glendower Team and all who assisted in this successful application.

On August 22, 2023 we hosted the Principal Deputy Assistant Secretary of US HUD, Richard Monocchio, Regional Administrator Juana Matias, Senior Advisor Richard Cho, Hartford Director Suzanne Piacentini and CT PIH Director Jennifer Gottlieb for a visit to ECC. During our day of discussion, engagement and tour of our properties we demonstrated the impact of MTW here in New Haven particularly as it relates to resident services and housing investments. Thank you to our Chair Kilpatrick and Vice Chair Keene and Commissioner Witherspoon for joining for the day. Additionally, Mayor Justin Elicker joined for parts of the day. By all accounts, HUD was very impressed with the work that this team does each and every day.

We are deeply engaged in our all-team initiative to improve customer service with all staff attending Exceptional Customer Service trainings on August 23 and 24<sup>th</sup>. Some members of our team were involved in the user acceptance testing that precedes the roll out of our new customer care phone center that is soon to launch.

On August 24<sup>th</sup> we joined our colleagues at Beacon Communities for the ribbon cutting at Edith B. Johnson. It was wonderful to be on hand to celebrate with residents on long awaited improvements at this site.

[https://www.newhavenindependent.org/article/upgrades\\_unveiled\\_for\\_edith\\_johnson\\_apartments](https://www.newhavenindependent.org/article/upgrades_unveiled_for_edith_johnson_apartments)

Also on the housing development front, there was much interest in the action approved by the Board to enter into a letter of interest to purchase the Clock Factory property and samples of media coverage are included here:

<https://www.nhregister.com/news/article/new-haven-clock-factory-affordable-housing-plan-18302762.php>

<https://yaledailynews.com/blog/2023/08/31/housing-authority-votes-to-repurpose-historic-clock-factory/>

Today, we are excited to preview for you some work that our VP of Talent and Administration, Iris Collazo has been leading as we strengthen our talent management functions and align all effort to our desire to in all ways “walk the talk” of our four values: we care, we create opportunity, we are community and we innovate. During today’s meeting, Iris will share with you some work that we have done to update and modernize our Employee Handbook to better align with our stated values. We launch this during what is admittedly a time of stress as we undertake the next round of repositionings related to workforce reductions in our public housing management division. As we have reduced units with the redevelopment of RAD Groups 3 and 4, Valley and soon to be McConaughy Terrace, it is necessary that we eliminate staff positions related to the maintenance of these developments. There are open positions in other areas of the agency and in 360 Management Group and we have made many efforts to have staff impacted consider these positions.

The budget that is before you today reflects these staffing changes, represents conservative budgeting reflective of the uncertainties of federal funding levels and represents the innovation and creativity of this team who is always looking for the highest impactful and cost effective solutions to the crisis of housing affordability and inadequate family resources. The consolidated budget before you reflects the HANH, Glendower Group and 360 MGT budgets totally approximately \$147 million. Thank you and acknowledgements go to Jack, Natalia, Anyikor and the entire Finance Team and all who support the creation of the agency’s comprehensive budget.

We continue to track the CHRO case involving a former employee. Legal counsel has been assigned by our insurer and the case is pending. Mediation proved unsuccessful and the case advances.

### **Time Extension Granted per Resolution #02-25/10-R**

- No Cost Time Extension with AM PM Door Repair Services Repair Services from August 31, 2023, to September 30, 2023 (PO# 21154-13104) in order to process new vendor contract.
- No Cost Time Extension with Nobe Construction for Board-Up Services from August 31, 2023, to September 30, 2023 (PO# 22419-13816) in order to process new vendor contract.
- No Cost Time Extension with Chen’s Key Shop for Key and Lock Services August 1, 2023, to October 1, 2023 (PO# 21540-13325)
- No Cost Time Extension with Hartford Truck & Equipment for Snow Removal Equipment off State of Ct. contract # 17PSX0118 August 31, 2023, to March 31, 2024. (PO# 21814-13464)
- No Cost time extension with Stanley Convergent Solutions for Door Access Controls Cooperative Purchasing Agreement from September 30 , 2023, to October 1, 2024. (PO# 22327-13769)
- No Cost time extension of time with CSC for pay per use laundry services from February 28, 2023, to September 30, 2023 (PO# 21814-13128)
- No Cost time extension with Stanton Equipment for Snow Removal Equipment from September 1, 2023, to June 1, 2024. (PO# 21183-13464)
- No Cost time extension with Home Depot Pro Institution for inventory warehouse management September 30, 2023, to October 1, 2024. (PO# 22329-13790)
- No Cost time extension for the two (2) year option to renew with Hooker & Holcomb Investment Advisors, Inc for Broker / Agent of Record / Consultant Services for HANH’s Pension plan services for a period beginning on October 14, 2023, and ending on October 13, 2025.

- No Cost time extension for the two (2) year option to renew with Corporate Benefits Consultants for Broker / Agent of Record / Consultant Services for HANH's Medical, Prescription Drug Coverage, Vision Care, and Dental Care, Life Insurance, STD, LTD and AD & D plan services for a period beginning on October 14, 2023 and ending on October 13, 2025.

**No Cost Time Extension to the contract of Talent Management with KJR Consulting which expires on July 31, 2023. Extension effective August 1, 2023 thru July 31, 2024.**

## **II. Finance**

### **JULY 2023 YTD Financials**

The financial report covers ten months (October 1 through July 31) of data. Total Revenues are \$101,271,905 and Total Expenses are \$89,600,385 (including depreciation expense of \$1,982,996). The excess of revenue over expenses is reduced by \$(10,325,376) capitalized expenditures. Depreciation expense add-back is \$1,982,996. The HANH Net Surplus of \$3,329,141 was as follows:

#### MTW Programs

- Low Income Public Housing

Net surplus is \$2,434,972 versus a budget net deficit of \$(727,660) for an overall favorable variance of \$3,162,632

- Section 8 Housing Choice Voucher

Net deficit is \$(2,028,559) versus a budget deficit of \$(643,459). The unfavorable variance is \$1,385,099.

#### Non-MTW Programs

- Business Activities showed deficit of \$(957,183) compared with a budgeted deficit of \$(674,219), resulting in a unfavorable variance of \$(282,963).
- Central Office Cost Center shows a net surplus of \$3,879,911 compared to a budgeted surplus of \$2,045,338 resulting in a favorable variance of \$1,834,572.

July 2023																	
	MTW Budget	MTW Actual	Variance	NON-MTW Budget	NON-MTW Actual	Variance	ELIMS Budget	ELIMS Actual	Variance	Total Budget	Total Actual	Total Variance					
70500 TENANT REVENUE	1,041,165	1,741,357	700,192	80,000	-	(80,000)	-	-	-	1,121,165	1,741,357	620,192					
70600 HUD REVENUE	94,549,561	86,488,146	(8,061,415)	222,220	222,434	214	-	-	-	94,771,781	86,710,579	(8,061,201)					
70000 OTHER REVENUE	666,667	1,352,978	686,311	16,788,565	18,094,823	1,306,258	(8,703,522)	(8,350,889)	352,633	8,751,710	11,096,912	2,345,202					
71600 GAIN/LOSS ON SALE OF CAPITAL ASSETS	-	1,723,058	1,723,058	-	-	-	-	-	-	-	1,723,058	1,723,058					
<b>70000 TOTAL REVENUE</b>	<b>96,257,393</b>	<b>91,305,538</b>	<b>(4,951,854)</b>	<b>17,090,785</b>	<b>18,317,256</b>	<b>1,226,472</b>	<b>(8,703,522)</b>	<b>(8,350,889)</b>	<b>352,633</b>	<b>104,644,656</b>	<b>101,271,905</b>	<b>(3,372,750)</b>					
91000 OPERATING ADMINISTRATIVE	12,133,949	11,465,220	(668,729)	6,990,910	6,494,823	(496,087)	(8,703,522)	(8,350,889)	352,633	10,421,337	9,609,154	(812,183)					
92500 TENANTS SERVICES	191,863	43,922	(147,941)	2,115,586	1,595,783	(519,802)	-	-	-	2,307,449	1,639,706	(667,743)					
93000 UTILITIES	1,519,241	1,625,465	106,224	335,839	360,890	25,050	-	-	-	1,855,080	1,986,354	131,274					
94000 MAINTENANCE	3,199,022	4,419,505	1,220,483	680,582	575,011	(105,571)	-	-	-	3,879,604	4,994,516	1,114,912					
95000 PROTECTIVE SERVICES	163,845	159,977	(3,868)	24,139	6,695	(17,443)	-	-	-	187,984	166,672	(21,311)					
96000 GENERAL EXPENSE	1,584,514	49,518	(1,534,996)	356,515	362,706	6,191	-	-	-	1,941,029	412,224	(1,528,805)					
96100 INSURANCE PREMIUMS	657,608	740,845	83,236	4,032	-	(4,032)	-	-	-	661,641	740,845	79,204					
96200 OTHER	-	1,650,350	1,650,350	-	-	-	-	-	-	-	1,650,350	1,650,350					
96800 SEVERANCE EXPENSE	-	-	-	7,104,167	8,031,747	927,580	-	-	-	7,104,167	8,031,747	927,580					
<b>96900 TOTAL OPERATING EXPENSES</b>	<b>19,450,043</b>	<b>20,154,801</b>	<b>704,759</b>	<b>17,611,770</b>	<b>17,427,656</b>	<b>(184,114)</b>	<b>(8,703,522)</b>	<b>(8,350,889)</b>	<b>352,633</b>	<b>28,358,291</b>	<b>29,231,568</b>	<b>873,277</b>					
97100 EXTRAORDINARY MAINTENANCE	1,267,470	161,288	(1,106,182)	27,013	-	(27,013)	-	-	-	1,294,483	161,288	(1,133,196)					
97200 CASUALTY LOSSES - NON CAPITALIZED	-	157,225	157,225	-	-	-	-	-	-	-	157,225	157,225					
97300 HAP EXPENSE	62,866,383	58,067,308	(4,799,075)	-	-	-	-	-	-	62,866,383	58,067,308	(4,799,075)					
97400 DEPRECIATION EXPENSE	2,616,529	1,369,768	(1,246,762)	261,297	613,229	351,932	-	-	-	2,877,826	1,982,996	(894,830)					
<b>90000 OTHER EXPENSES</b>	<b>66,750,383</b>	<b>59,755,588</b>	<b>(6,994,794)</b>	<b>288,310</b>	<b>613,229</b>	<b>324,918</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>67,038,693</b>	<b>60,368,817</b>	<b>(6,669,876)</b>					
<b>TOTAL EXPENSES</b>	<b>86,200,425</b>	<b>79,910,390</b>	<b>(6,290,035)</b>	<b>17,900,080</b>	<b>18,040,884</b>	<b>140,804</b>	<b>(8,703,522)</b>	<b>(8,350,889)</b>	<b>352,633</b>	<b>95,396,984</b>	<b>89,600,385</b>	<b>(5,796,599)</b>					
RAD/DEV - MTW Fund Expenditures	(6,263,188)	(7,332,080)	(1,068,892)	(5,862,311)	(2,993,296)	2,869,015	-	-	-	(12,125,498)	(10,325,376)	1,800,123					
Investment in the financing of affordable housing Dev	-	-	-	-	-	-	-	-	-	-	-	-					
Reserve for interest on N/R	-	-	-	-	-	-	-	-	-	-	-	-					
10010 Operating Transfer In	1,752,551	755,651	(996,900)	7,781,428	5,026,423	(2,755,005)	-	-	-	9,533,979	5,782,074	(3,751,905)					
10020 Operating Transfer Out	(9,533,979)	(5,782,074)	3,751,905	-	-	-	-	-	-	(9,533,979)	(5,782,074)	3,751,905					
10000 EXCESS OF REVENUE OVER (UNDER) EXPENSES	(3,987,648)	(963,355)	(3,024,294)	1,109,822	2,309,499	1,199,677	-	-	-	(2,877,826)	1,346,145	(4,223,971)					
ADJ FOR DEPREICATION EXPENSE	2,616,529	1,369,768	(1,246,762)	261,297	613,229	351,932	-	-	-	2,877,826	1,982,996	(894,830)					
<b>350 SURPLUS / (DEFICIT)</b>	<b>(1,371,119)</b>	<b>406,413</b>	<b>1,777,532</b>	<b>1,371,119</b>	<b>2,922,728</b>	<b>1,551,609</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(0)</b>	<b>3,329,141</b>	<b>3,329,141</b>					

### III. Operations

#### A. Vacancy Rate

HANH's current occupancy rate for the month for August 2023 is 97.44%. The agency goal is 96.00%. Attainment of this goal remains the primary objective for the Operations Department.

#### B. Rent Collection

**Rent Collection** – HANH's rent collection for the year to date ending the month of August 2023 is 65.63%. The agency goal is 95%. After many months of successfully reducing the TAR from a high in 2014, HANH saw the TAR reduced by over 75% prior to the COVID-19 pandemic. Rent collection has been poor over the past year and a half, however, staff is working with residents to get into compliance and to obtain rent relief resources through the city and state.

#### Total Collected

	CY 2022	CY 2023	Variance
January	65.57%	64.54%	-1.03
February	65.59%	69.55%	3.96
March	63.10%	65.13%	2.03
April	53.41%	66.46	13.05
May	67.34%	66.33	-1.01
June	60.22%	66.65	6.43
July	59.09%	67.50	8.41



<b>August</b>	58.41%	65.63	7.22
<b>September</b>	59.0%		
<b>October</b>	59.0%		
<b>November</b>	60.0%		
<b>December</b>	61.77%		
<b>Average</b>	61.04%	66.47%	5.43

#### IV. Community and Economic Development (CED) Monthly Report

##### CARES/FSS Program Highlights

- **K. W** - graduated from the CARES program this month. She attended several CAHS, FSS webinars and completed her 8 hr course with NHS. Although she was not able to pursue homeownership, she is renting an apartment in Hamden, CT. She plans to continue her work with FEC in hopes that in the near future homeownership will be a goal she will be able to obtain. She is currently employed with Yale Hospital part time & as a C.N.A full time with Caring agency. Escrow \$17,718.00
- **M. M** – has been hired by Harford Health Care as a patient coordinator after losing her job in 2020 as a result of COVID-19. She recently completed her three-month probationary period and has been recruited permanently on an F/T basis at an hourly rate of \$18.50.
- **L. D** - has been promoted as Director of Development & Community Engagement at “Music Haven.” Resident indicated is eager to promote youth education and to continue forming relationships with the community. She is currently earning over \$50,000.
- **N. B**- pay raise & adult son employed PT as Mechanic
  - **A. D**- new full time as a C.N.A
  - **J. B**- new full time as a driver for Piggyback Transportation
  - **A. M**-new job as RN for Cornell Scott- per diem
  - **S. R**- new job PCA maker & increase hrs to 40
  - **C. S**- more hrs.- now full time
  - **K. H**- New full time Program Supervisor for Opportunity Center in Hamden, CT

##### ECC Believes Program Highlights

- Two (2) STEP Students hired this month - **N. E** will be in Operations and **L. B** will be in CED.
- Thirty (30) Earn as You Learn Youth participated in a number of workshops and field trips this month, including Dress for Success Day at TJ Maxx and CONN CAT tour.
- STEP and EAL Youth (31) attended a team building event at Bowlmor
- RSYVP Program celebrated with an end of session event at The Shack. In this program youth (8) were employed and received supervision and guidance from Alder Honda Smith. Projects included painting, clearing trails, planting at the police substation, cutting grass, cleaning paths and workshops such as financial literacy, social media the effects on youth, and knowing who you are and about opportunity lead by Senator Gary Winfield.
- Bridges of Hope held two-week long summer camp sessions for youth at St. Anthony 1 and 2 (14 youth attended) and Mill River Crossing (25 youth attended).

- Bridges of Hope hosted a Community Days at Mill River and St. Anthony 1 & 2 with free haircuts for youth, backpacks and lunch for 90 families.
- Urban Community Alliance launched teen basketball and mentoring program at Eastview Terrace
- STEP and EAL students participated in Dining Etiquette Training (29) were trained in place setting, business conversations, napkins holding, proper tipping. Following the training, the youth who participated in the training was invited to test their skills with lunch at Cast Iron Chef restaurant (32).
- Young Life Skills and Drills program launched at Eastview Terrace. A total of 15 youth participated grades 5-8. Celebrated with ECC Believes swag and end of session event that included a celebratory dinner with families, certificates and each youth took home their own basketball.

## **V.Planning and Modernization**

### **HUD Emergency Safety and Security Grants:**

P&M applied to HUD for 2022 funding to address security upgrades at Robert T. Wolfe and George Crawford Manor. The grant would enable our high-rise Elderly and Disabled communities to have the extra layer of security necessary to exclude the influx of an uninvited element. The maximum award per HA annually is \$250,000. Application was submitted June 15, 2022, and the full amount was awarded, October 3, 2022. Contracts for the two (2) camera systems were submitted for BOC approval in May 2023, and funds were obligated on time. ECC has until 9/25/2024 to expend the funds. Construction is underway at both developments.

P&M applied to HUD for 2023 funding to address security upgrades at Essex Townhouses, a family development with 35 apartments. If awarded, funding will go to replacement of antiquated camera system and damaged access control gates repair and replacement. Application was submitted prior to due date of 6/28/2023.

### ***Lead-Based Paint Capital Fund Program—Lead Grant Funding Years 2017 and 2020***

#### **HUD Housing Related Hazards 2020**

- P&M responded to the HUD NOFA for the Housing Related Hazards for Fiscal Year 2020, due May 25, 2021. On September 29, 2021, ECC was awarded \$3,999,993 to address the following Hazards at Scattered Sites, Essex, Crawford Manor, Wolfe: Smoke and Carbon monoxide, Radon, Mold and Vermin (high-rise buildings). Work will include inspections, testing, installation of equipment, treatments and post-abatement testing, as required. The grant covers abatements in buildings encompassing 402 units. Scheduling/testing has begun with CO & smoke detectors (HUD stated priority), Radon testing and mitigation. Mold is being addressed in conjunction with Lead abatement projects as well as separately. Inspections for the Vermin (Bedbugs, rodents and cockroaches) portion of the grant has begun. A 3<sup>rd</sup> Quarterly benchmark report has been sent to the HUD Washington and our Regional offices. We worked directly with the HUD Washington LBP and Housing Related Hazards Team and our Field Office regarding applicability of coverage for the grants as we progress through the construction and ongoing abatement design and procurement of contractors. Current obligation of funds is at 52% and expenditure of funds at 25%.

**HUD Lead Grant 2020--ECC applied and was awarded \$3,700,000, in May 2021.**

#### **What we have completed to date:**

- Obligated and expended all \$986,260 of the 2017 LBP Grant funding.
- Tested all (299) LIPH family property units at risk for Lead Based Paint (Built before 1978).

- Units testing positive for lead were organized by priority in order of importance to address-- Amalgamated Prioritization Chart. Highest priority, units with children under the age of 6 years and actionable levels of lead.
- We are addressing units even if there are no children, now, as these could be rented in the future to a family with young children.
- ECC met with State of Connecticut and HUD Washington Lead Teams to align goals and verify plan of action.
- Applied for six-month extension for obligation deadline on the HUD LBP 2020 Grant; pending response from HUD. Continuing work to obligate remaining lead monies in anticipation of receipt of extension approval.
- **Immediate action--Completed:**
  - Trained in-house staff to perform Interim Controls and to Follow Lead Safe Renovating practices
  - **Interim Controls:** Targeted highest priority units, temporarily removing lead dust while design and solicitation process was in progress
    - Highest priority Scattered site properties (**10 houses-17 units**)
    - McConaughy Terrace exterior source of lead dust--our largest Family development (**201 units**).
  - Removed Lead painted doors and friction components at McConaughy Terrace...no lead painted doors left at McConaughy Terrace (**201 units**).
- **Design, Abatement and Construction Complete** for Lead Abatement in the following properties:
  - Lead Groups 1, 2 and 3: 10 houses (**17 units lead safe**) in our Scattered Sites West Portfolio. Lead, encapsulated, including replacement of peeling porch components and encapsulation of some siding. These came first as they were highest on our Amalgamated Prioritization Chart. Essex Townhouses (**34 units Lead Free, and 1 unit Lead Safe**) ...all known lead components have been removed from 34 units, not just encapsulated. The remaining has lead which is not damaged or a friction or biting surface. A lead management plan will be provided.
  - McConaughy (201 units moved to redevelopment effort...however, units all had Interim Controls performed; More permanent Abatement to accompany redevelopment.
- **Redesign:** Upon receipt of the 2<sup>nd</sup> Lead Based Paint grant, design of remaining units were upgraded to remove instead of just encapsulate certain components, keeping to the priorities established by the testing. This was made possible due to the additional HUD funding and provides residents and ECC a more permanent and lasting solution to the Lead. With the obligation of Group D houses (21), only one 2-family house of the original 299 properties remains to be addressed by Planning and Modernization: 759 Quinnipiac Avenue, identified as Group A. The cost of construction for Group A came in significantly above the TDC for the 2 units. Project currently under reconsideration.
- **Other Housing Related Hazards:** ECC added elimination of other Housing Related Hazards upon receipt of a 3<sup>rd</sup> HUD grant \$3,999,993, where inspections identified significant mold, CO and Smoke detectors, vermin and Radon to mitigate or remove. Work on the multiple hazards started:
- All units with identified Radon, throughout the LIPH portfolio have been mitigated with installed piping and exhaust fan systems and confirmation testing. All properties have been inspected for needed CO and Smoke detectors and designs for more reliable hardwired systems is in process. Vermin are being addressed in conjunction with other construction projects. Mold is being addressed largely in the scattered sites AMPs, and at Essex Townhouses and with some properties with Lead Abatement work, others, separately. CO and Smoke detector project was put out for solicitation and received no bids. A smaller project went out for Solicitation as a pilot. No responses. 57 Mountaintop went out for solicitation for mold abatement. Responses were over threshold.

#### **Solicitations Awarded:**

- **Group B: 3 Single-Family Houses** in the Scattered Site West portfolio (**Construction start, September 2, 2022; 100% Completed**)
- **Group C: 8 Units in 4 houses** in the Scattered Site East portfolio--**Solicitations went out for Bid, July 2022: Construction Completion by September 21, 2023:**
- **Group A: 1 house, Scattered Sites East portfolio,** Lead, mold and asbestos abatement with site safety and historic preservation requirements; Solicitation out for Bid September 2022, originally going to the October Board, for construction start in Spring, 2023; 2 Bids were received. Contractor with lowest responsible Bid was awarded the contract in December, 2022. The Contractor withdrew and the project is resolicited, bids due March 17, 2023. Two (2) viable bids were received, however, no contract was awarded due to cost for bids being too high. Scope removal plans and re-solicitation scheduled in July. Project under reconsideration.
- **Group D: 21 houses** in the Scattered Sites East portfolio (houses currently without children under the age of 6 years but needing lead abatement for future family rentals). 3 bids received, for solicitation in February, 2023, including some mold abatement, bids due March 20, 2023. Rebid solicited with 3 bids received. Contract for BOC approval, May, 2023. Contract awarded. Construction started in 3 houses. 2 units completed. On schedule.

**Testing results** are shared with residents and explained, if needed. State of CT Lead education packet is shared and consultants are available for any technical clarification. Prior to Covid, Lead education packets were available in our lobby. We will be starting to make these available, again. Ongoing Lead Management Plans are being developed for completed Construction projects, as required by HUD regulations.

### ***P&M Projects 2020-2023***

- **Crawford Manor: ADA Entrance and Access Improvements and Fire Panel and Fire Pump Replacement:** ECC rescinded previously awarded contract due to COVID considerations. Project was repackaged to perform PH1- ADA entry and fire pump renovations. PH 2, Fire Panel replacement work which requires entry into resident units in an Elderly development, was postponed until deemed safe to proceed, due to COVID. Seven (7) bids were received for Phase 1 vestibule and fire pump replacement. In March 2021, Board approved contract award. ADA entry vestibule is completed, and in use. The fire pump is installed. Fire Marshal required a change in electrical panels, a change order which added time. A portion of the work has been paid for by CARES funding. Work extended to March 31, 2022, to accommodate the Fire Department Fire Watch schedule. PH 2, was re-bid, for the Fire Panel and addressable fire alarm system and Life Health and Safety Upgrades. Resolution was brought to the Board of Commissioners, in April, 2022. Time extended due to long lead times on equipment. Installation of Fire Alarm Panel 100% complete as of June, 2023. Booster pump system for Domestic Water replaced for 15 story building. Final contract items, replacement of Main Electrical Power Distribution Panel and Firefighters' communication system (BDA) to be completed by November 2023.
- **437 M&N Eastern Street:** P&M solicited A&E and environmental design services for a vacancy rehabilitation project. 437 M&N Eastern Street sustained significant structural and cosmetic damage due to a fire. Solicitation received several bids; contract awarded. Roofing condition requires corrective structural fortification. Project was out for bid with bids due before Thanksgiving. Due to receiving only one bid, ECC resolicited the project and bids were due January 4, 2023. Contract awarded and NOA provided. Construction to be completed September 2023.
- **57 Mountaintop:** Scattered Sites East single-family home with extensive mold, requiring relocation of the household residents. Joint project between Operations Department and Planning & Modernization (P&M). Operations to address immediate mold abatement and miscellaneous housing upgrades to allow resident to return to the house. P&M has contracted with an Architect

and Environmental consultant to design a remedy for long term remediation of the moisture source(s) which fed the mold and miscellaneous building and site upgrades. Operations has performed much of the needed immediate work. A solicitation went out to perform the mold preventative and restorative work needed. Responses above procurement threshold.

- **George Crawford Structural Evaluation:** ECC is conducting a structural evaluation of 90 Park Street, which is on the National Register of Historic Places. This structural evaluation will not only provide information on the condition of the structure of the building for current life safety, but will also provide information valuable to any future plans for the building. A contract was finalized with a structural engineering firm, and a final report has been submitted. A design for report recommendations are part of corrective work in advance of and in coordination with future development plans.
- **546 Woodward Avenue:** Contractor completed the roof work and contract closed out.

## **VI. The Glendower Group**

### **• Farnam Courts Phase II**

- For the purpose of Financing Glendower bifurcated the redevelopment of Phase II into two phases – 4% and 9%.
- Glendower Farnam Courts 4%, LLC (closest to Farnam 1), consists of 45 units and Glendower Farnam Courts 9%, LLC consists of 66 units including 52 affordable, a community building, and a park.
- 100% drawing completed on January 24, 2020.
- Haynes Construction has been selected to be the General Contractor for Phase II.
- **Farnam Courts Phase II 4%**
  - Successfully closed on July 7, 2020.
  - Notice to proceed issued to begin work on July 13, 2020.
  - Construction completed and keys turned over on 10/13/21.
  - Closeout process ongoing. Waiting on Environmental closeout reports and updated O&M Manuals with survey.
  - Conversion to permanent completed on February 28, 2023.
- **Farnam Courts Phase II 9%**
  - Successfully closed on December 17, 2020
  - Notice to proceed issued to begin vertical and demolition work on December 18, 2020.
  - Demolition of former Farnam buildings completed.
  - Phase 2b building construction was completed in May 2022. Fencing and the playground installation began 9-12-22.
  - HTCC application submitted on June 1, 2021, for additional funding in the amount of \$500,000 due to offset the cost of the sharp increase in lumber pricing across construction nationally caused by the Covid pandemic. Awarded the full amount on October 8, 2021.
  - Conversion targeted for the 3rd quarter of 2023.
- **Westville Manor**
  - The Authority submitted a 9% LIHTC application in November 2016 to complete the offsite component on the Rockview Phase II site and was awarded. - Contract closing for Rockview Phase 2 occurred on June 20, 2019.
  - The Authority issued an RFQ for a Master Planner for Westville Manor and selected a team composed of Ken Boroson Architects and Torti Gallas Planners.

- The planning team has begun scheduling the necessary steps to prepare for the first application for on-site redevelopment with a target of January 2022. This application will address the first phase of Westville Manor consisting of 50 total units and will include the 21 unit 3-story main building.
- It is anticipated that funding for the final Westville Manor on-site phase consisting of 59 units will be submitted under the 9% LIHTC CHFA round in 2022 or 2023.
- The master Planning Team held a series of meetings and charrettes in September 2018 and will completed a final recommendation to stakeholders in January 2019. The Authority submitted a RAD application for Westville Manor and was awarded.
- It was determined that a Planned Development District (PDD) was the best approach to the redevelopment of the site. A PDD application was submitted to the City of New Haven in January 2019 that will include the redevelopment of 109 units on site of which 80% will be RAD replacement units and 20% unrestricted. The Board of Alders approved the PDD in April 2019.
- Submitted a 9% LIHTC application for on-site Phase 1 on January 12, 2022. This application was not awarded. The application will be resubmitted under the CHFA 2023 9% LIHTC round (due January 11, 2023).
- Anticipated closing in 4h quarter of 2024.

▪ **RAD Portfolio Award**

- The Authority received a portfolio award, inclusive of 13 developments, detailed herein. They have been grouped as follows:
  - **Group I: Motley, Bush, Harvey and Newhall Garden**
    - Development completed and leased.
  - **Group IIA: Waverly and Stanley Justice and Fulton Park**
    - Development completed and leased.
  - **Group IIB: Valley Townhomes**
    - Submitted financing template to the Resource desk on November 2, 2021
    - HUD concept call completed on October 7, 2021.
    - Closing anticipated to be the December 2022. Targeting October 2022 CHFA board approval.
    - Closing completed on December 23,2022.
    - Demolition of existing buildings began on January 6, 2023.
    - Demolition of all buildings was completed in March 2023
    - Construction of the new buildings began in May 2023. The first 5 buildings are expected to be complete in December 2023 with the final 5 completed in March 2024.
    - Final construction completion is expected in March 2024
  - **Group III: McQueeney, and Celentano**
    - Closed February 27, 2020.
    - Construction began on March 9, 2020.
    - Construction activities are **COVID delay of 8 weeks**. State and nationwide slowdowns and shutdowns are being monitored for possible schedule overruns.
    - Final completion for McQueeney October 31, 2021
    - Final completion for Celentano October 31, 2021
    - Conversion to permanent financing anticipated to be completed by June 1, 2022.
  - **Group IV: Ruoppolo and Fairmont,**
    - Closed on March 11, 2021.

- Construction began March 15, 2021
- Final completion for Fairmont Heights May 31, 2022
- Final completion for Ruoppolo Manor May 31, 2022.
- Glendower is working on adding elevator code upgrades to Fairmont scope.
- Conversion targeted for 3rd quarter 2023.

▪ **McConaughy Terrace**

- For the purpose of Financing Glendower bifurcated the redevelopment into two phases – 4% and 9% Low Income Housing Tax Credit applications.
- Glendower McConaughy Terrace 4%, LLC will consist of 92 affordable units and Glendower McConaughy Terrace 9%, LLC will consist of 104 affordable and 26 market rate units.
- 90% drawing completed on October 31, 2021 for the 9% phase.
- LaRosa Building Group, LLC has been selected to be the General Contractor for the Development.

▪ **McConaughy Terrace 4%**

- Submitted a LIHTC application to CHFA on November 12, 2021. Application awarded in conjunction with the 9% award identified below.
- Closing anticipated to be in 1<sup>st</sup> quarter of 2022.
- 92 total units, 66 rehab 26 new construction.
- Closing targeted for the 4<sup>th</sup> quarter of 2023

▪ **McConaughy Terrace 9%**

- Submitted a LIHTC application to CHFA on November 12, 2021.
- Application was awarded under the 2021 competitive LIHTC round. The 9% LIHTC award also included approval of the 4% award.
- Closing anticipated to be on the 1<sup>st</sup> quarter of 2023.
- Phase includes the rehab of 130 units, 104 RAD units, and 26 to be market rate.
- Closing targeted for the 4<sup>th</sup> quarter of 2023

▪ **Scattered Sites**

- Scattered site is multifamily redevelopment which includes 88 units located in various part of the city. The developments are: 23 Chamberlain Street, 54 Kingswood Drive, 63 Fulton Street, 425 Eastern Street, 437 Easter Street, 1361 Quinnipiac Ave, 1368 Quinnipiac Ave, 1370 Quinnipiac Ave, 1376 Quinnipiac Ave, 1378 Quinnipiac Ave, 1381 Quinnipiac Ave, and 1435 Quinnipiac Ave.
- Submitted a 9% LIHTC application on January 12, 2022. Project was not awarded.
- Application will be resubmitted under the DOH DEP round.
- Anticipated closing in 4th quarter of 2024.

▪ **34 Level Street/The Heights at Westrock**

- Submitted a HUD Section 202 Supportive Housing for the Elderly application to HUD in January, 2023.
- Closing anticipated to be on the 4th quarter of 2024.
- The development includes 50 supportive housing units

- DECD Brownfields award of \$999,000 received in June 2023 to assist in clean up and removal of former nursing home.
  
- **St Luke's Apartments, Whalley Ave.**
  - Submitted a CIF application on June 30, 2023.
  - State DOH engagement pre-application submitted May, 2023.
  - The development includes up to 54 housing units, including 8 market units
  - Architectural Plans being reviewed to identify cost-saving methods..



MEMORANDUM

**To: Board of Commissioners**

**Date: September 19, 2023**

**From: Karen DuBois-Walton, President**

**RE: Resolution Ratifying Change Order Number 2 in the amount of \$425,000 to the Contract with McCarter & English, LLP and its joint venture (Berchem Moses PC, Reno & Cavanaugh, PLLC, and Pullman & Comley, LLC) for Outside Legal Services resulting in an Amount Not to Exceed of \$4,447,332**

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**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-66/23-R

**TIMING:** Immediately

**BACKGROUND/  
DISCUSSION:**

In October 2020, the Board of Commissioners approved Resolution #10-101/20/R resulting in the award of a three (3) year contract, with two (2) one (1) year options to renew to McCarter & English, LLP and its joint venture (Berchem Moses PC, Reno & Cavanaugh, PLLC, and Pullman & Comley, LLC) for outside legal services. This resolution provided services for the entirety of Elm City Communities (“ECC”), including the Housing Authority of the City of New Haven (“HANH”), The Glendower Group, Inc. and its various affiliates, and 360 Management Group Company, has an ongoing need of outside legal services, which cover four primary areas – General Counsel, Labor Counsel, Fraud & Litigation, and Real Estate Development Legal Services.

In July 2022, the Board of Commissioners approved Resolution #07-36/22-R approving Change Order #1 which provided an additional \$800,000 for legal services through October 31, 2023.

ECC/HANH is now requesting ratification of Change Order #2 which will provide an additional \$425,000 for legal services through October 31, 2023 resulting in a not to exceed amount of \$4,447,332.

In accordance with resolution 10-129/18-R for the Revised Procurement Policy, approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution.

ECC staff requests for Board approval to execute Change Order #2 in the amount of \$425,000 to the Contract with McCarter & English, LLP and its joint venture (Berchem Moses PC, Reno & Cavanaugh, PLLC, and Pullman & Comley, LLC) for legal services in all four areas – General Counsel, Labor Counsel, Fraud & Litigation, and Real Estate Development Legal Services. This will result in a not to exceed contract value of \$4,447,332.

FISCAL IMPACT: \$425,000 Operating Budgets and Development Projects Budgets

STAFF: John Rafferty, Sr VP of Finance, I.T. & Administration

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION # 09-66/23-R**

**Resolution Ratifying Change Order Number 1 in the amount of \$425,000 to the Contract with McCarter & English, LLP and its joint venture (Berchem Moses PC, Reno & Cavanaugh, PLLC, and Pullman & Comley, LLC) for Outside Legal Services resulting in an Amount Not to Exceed of \$4,447,332**

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WHEREAS, Elm City Communities ("ECC"), including the Housing Authority of the City of New Haven ("HANH"), The Glendower Group, Inc. and its various affiliates, and 360 Management Group Company, has an on-going need of legal services including General Counsel, Labor Counsel, Fraud and Litigation, and Real Estate Development Legal Services; and

WHEREAS, On October 20, 2020, the Board of Commissioners approved the award of a contract in the amount not to exceed \$3,222,332 to McCarter & English, LLP and its joint venture (Berchem Moses, PC, Reno & Cavanaugh, PLLC, and Pullman & Comley, LLC) for outside legal services for a period of three (3) years commencing on November 1, 2020 and terminating on October 31, 2023, with two (2) one (1) year options to renew.; and

WHEREAS, On July 19, 2022, the Board of Commissioners approved Change Order #1, which provided an additional \$800,000 for outside legal services to McCarter & English, LLP and its joint venture (Berchem Moses, PC, Reno & Cavanaugh, PLLC, and Pullman & Comley, LLC). This resulted in a not to exceed contract value of \$4,022,332; and

WHEREAS, ECC staff recommends that the Board of Commissioners ratify Change Order #2 to the Contract with McCarter & English, LLP and its joint venture (Berchem Moses, PC, Reno & Cavanaugh, PLLC, and Pullman & Comley, LLC) in the amount of \$425,000. This will result in a not to exceed contract value of \$4,447,332; and

WHEREAS, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT:

1. The ratification of change order #2 to the Contract for legal services, including General Counsel, Labor Counsel, Fraud and Litigation, and Real Estate Development Legal Services in the amount of \$425,000 with McCarter & English, LLP and its joint venture (Berchem Moses PC, Reno

& Cavanaugh, PLLC, and Pullman & Comley, LLC). This will result in a not to exceed contract value of \$4,447,332; and

2. The President be and hereby is authorized, empowered and directed to act on behalf of ECC HANH to take all such actions as are necessary or appropriate to cause to be prepared, executed and delivered the agreement contemplated hereby and to expend such sums as set forth hereinabove in connection herewith; and
3. This resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on September 19, 2023.

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Karen DuBois-Walton  
Secretary/President

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Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

Contract Name	Contract Number	Effective Date
Legal Services with McCarter& English JTV with Berhem Moses, Reno & Cavanaugh and Pullman & Comley	AD-20-C-368	11/1/2020

Resolution Number	Original Contract Amount	Change Orders
10-101/20-R	\$ 3,222,332.00	\$ -
07-36/22-R		\$ 800,000.00
		\$ 425,000.00

End Date	Number of Options	Purchase Order Number
10/31/2023	2	21642- McCarter   21826- Berchem   21827- Reno   21828- Pullman

Options Used Amount	New Contract Amount
\$ -	\$ 3,222,332.00
\$ -	\$ 4,022,332.00
	\$ 4,447,332.00

## MEMORANDUM

**TO:** Board of Commissioners

**DATE:** September 19, 2023

**FROM:** Karen DuBois-Walton, President

**RE:** Approving the FY2024 (October 1, 2023 – September 30, 2024)  
Elm City Communities Agency-Wide Budget

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**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-67/23-R

**TIMING:** Immediately

**DISCUSSION:** Elm City Communities (ECC) performs a budget process each year. The ECC Budget includes anticipated spending for both the Moving to Work (MTW) block grant and non-MTW programs as follows:

MTW includes Low Income Public Housing Program (LIPH), Housing Choice Voucher (HCV) program and Veterans Affairs Supportive Housing (VASH) Voucher Program and Capital Fund Program (CFP).

Non-MTW includes Family Self-Sufficiency (FSS), Business Activities and the Central Office Cost Center (COCC).

ECC's Budget also includes two discretely presented component units – Glendower and 360 Management. However, it does not include the tax credit and redeveloped sites, in which ECC has a negligible to no ownership. The tax credit properties, such as Eastview Terrace, Fair Haven, RAD Group I, etc. are separate legal entities from ECC and have separate budgets, different approval process, and are on a different budget cycle than ECC.

The ECC Budget Summary for FY2024 is as follows:

**FY 2024 Budgeted Revenues**

HANH	LIPH	\$13,120,847
	HCV	\$103,845,430
	CFP	\$8,123,788
	Non-MTW	\$23,546,353
	Mgmt Fees / Expenses	(\$11,423,909)
<b>HANH</b>	<b>Subtotal</b>	<b>\$137,212,509</b>
<b>Glendower</b>	<b>Operating</b>	<b>\$5,233,680</b>
<b>360 Management</b>	<b>Operating</b>	<b>\$5,151,669</b>
Mgmt Fees/Expenses for Glendower & 360 Mgmt		(991,702)
<b>Grand Total</b>		<b>\$146,606,157</b>

The FY 2024 Budgets for the Housing Authority of New Haven (HANH) are show a surplus of \$3,775,594 (an excess of revenues over expenses). Included in the budgeted expenses are the following assumptions:

1. Total of 241 RAD units are planned to be converted from public housing to project-based vouchers program as follows:

McConaughy	201
Valley	40

- Public Housing will have a remaining inventory of 496 units and 307 public housing units managed by the third parties for a total of 803 units.
  - Including 1,131 units that had already been converted to RAD, the above conversions will bring a total RAD unit to 1,372.
  - 360 Mgmt is operating 1,407 units after the transfer of McConaughy, and Valley.
  - A total of 342 RAD units is managed by Third Parties.
2. The Low-Income Public Housing (LIPH) operating subsidies of \$11,323,707 are calculated based on 803 units (excluding 17 units of Val Macri) with the assumption of 92.0% proration factor. As required by the U.S. Department of Housing and Urban Development (HUD), project-based budgets by the Asset Management Projects (AMPs) are included in the FY 2024 Budget detail.
  3. Housing Choice Vouchers (HCV)’s revenue is estimated in the amount of \$103,845,430 with the assumption of 95.0% proration factor – HAP of \$94,603,187



- and Administrative Fee of \$9,242,243. This funding also reflects the RAD conversion subsidized by HUD for the project-based vouchers. The budget includes HCV lease up projections by months. Housing Assistance Payments expenditures are projected to be \$74,371,068 for FY 2024 for an average of 5,987 units in FY2024 (5,938 funded by HCV and 49 units funded by LIPH for conversion). The average of 5,987 units funded by HCV is projected to meet HUD's 90% targeted lease-up recommendation.
4. Capital Fund Program is budgeted for \$8,123,788, which includes debt service payment and capital improvements for various public housing sites.
  5. A total of \$12,257,271 is funded from the MTW HCV Funds for the following development activities:
    - a) \$1,532,022 of Valley development costs
    - b) \$2,864,947 for McConaughy 4% & 9% development costs
    - c) \$4,500,000 for the clock factory purchase
    - d) \$ 500 000 for St. Lukes development costs
    - e) \$737,610 for 34 Level Street development costs
    - f) \$500,000 for Scattered Sites pre-development costs
    - g) \$ 800,000 for EVT Capital needs
  6. Central Office Cost Center (COCC) includes the Executive Office, Legal, Asset Management, Finance, Human Resources, Information Technology, Planning & Development, Central Operations for public housing and Community Economic Development.
    - COCC has a total revenue of \$13,832,362, which includes the earned management fee from various programs estimating \$12,407,540.
    - The COCC receives a transfer in from HCV totaling \$1,896,347 to cover the cost of CED expenses.
    - Total operating expenses are \$13,880,091 (including depreciation expense of \$575,071) yielding a projected surplus of \$2,423,688 after adding back depreciation expense.
  7. The above Agency-Wide budgets include two discretely presented component units – Glendower and 360 Management.
    - Glendower is projected with a total revenue of \$5,233,680, which includes the developer's fees of \$4,908,368 in FY 2024; total expenses are \$3,043,978 which yields a net surplus of \$2,189,702.
    - Included in FY 2024 Budgets are \$12,257,271 development costs which will be covered by HANH's MTW funds.
    - 360 Management submitted a balanced budget with expenses and revenues both totaling \$5,151,669.

**FISCAL IMPACT:** \$146,606,157 for the FY 2024 Operating Budgets

**STAFF:** John Rafferty, Sr VP of Finance, I.T. & Administration

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION # 09-67/23-R**

**RESOLUTION AUTHORIZING THE APPROVAL OF  
THE ELM CITY COMMUNITIES AGENCY-WIDE BUDGET FOR 2024**

**WHEREAS**, the Housing Authority of the City of New Haven (HANH) prepared a budget for fiscal year 2024 (October 1, 2023 – September 30, 2024); and

**WHEREAS**, this budget projects revenues of \$146,606,157 including HANH for \$137,212,509 and two discretely presented component units (Glendower and 360 Management) for \$9,393,647; and

**WHEREAS**, the HANH budgets are presented showing a surplus of \$3,775,594, which includes the project-based Asset Management Projects (AMPs) in the Low Income Public Housing Program revenues of \$13,120,847; and

**WHEREAS**, this budget covers \$12,257,271 to leverage the RAD and development projects; and

**WHEREAS**, these items result in a surplus of \$3,775,594 for HANH in FY 2024 and yield a projected surplus of \$2,189,702 for Glendower.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT**

- 1) The Fiscal Year 2024 Annual Budget for the year ending September 30, 2024 is hereby approved.
- 2) The President be and hereby is authorized, empowered and directed to execute and deliver and agreement and expend the authorized funds.
- 3) The President be and hereby authorized, empowered and directed to take any and all such ancillary action necessary and appropriate to fulfill the intent of the foregoing.
- 4) The resolution shall take effect

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on September 19, 2023.

\_\_\_\_\_  
Karen DuBois-Walton  
Secretary/President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

MEMORANDUM

**TO:** Board of Commissioners  
**DATE:** September 19, 2023  
**FROM:** Karen DuBois-Walton, President  
**RE:** Resolution ratifying a memorandum of understanding regarding cooperation in connection with an application by the Connecticut Department of Housing for Housing Mobility-Related Services Funding

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-68/23-R

**TIMING:** Immediately

**DISCUSSION:** On August 30, 2023, Elm City Communities/Housing Authority of New Haven (ECC/HANH) created and entered the Memorandum of Understanding (MOU) to serve as a facilitating document toward establishing connection by and between the State of Connecticut, acting through its Department of Housing (DOH). DOH and ECC have a joint interest in facilitating expanded housing choices for families with children utilizing federally funded Housing Choice Vouchers in the New Haven, Connecticut region.

As such, an application was jointly submitted in response to HUD's FY 2023 Housing Mobility-Related Services Notice of Funding Offering, Funding Opportunity Number FR-6700-N-87, to implement a collaborative housing mobility counseling program to assist very low-income families to lease decent, safe and sanitary housing that is affordable in the private housing market.

The authority has determined that it is in its best interests and in the interests of those it seeks to serve to work with the Connecticut Department of Housing to ensure efficient and maximum utilization of vouchers and housing choice. The Memorandum of Understanding attached hereto as Exhibit A sets forth the terms and conditions pursuant to which ECC/HANH will work with the Connecticut Department of Housing to utilize the funding if awarded.

**FISCAL IMPACT:** None

**SOURCE OF FUNDS:** N/A

**STAFF:** Coreen Toussaint, Vice President of Housing Choice Voucher

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**  
**RESOLUTION # 09-68/23-R**

**Resolution ratifying a memorandum of understanding regarding cooperation in connection with an application by the Connecticut Department of Housing for Housing Mobility-Related Services Funding**

**WHEREAS**, on August 30, 2023, Elm City Communities/Housing Authority of New Haven (ECC/HANH) created and entered the Memorandum of Understanding (MOU) to serve as a facilitating document toward establishing connection by and between the State of Connecticut, acting through its Department of Housing (DOH); and

**WHEREAS**, DOH and ECC have a joint interest in facilitating expanded housing choices for families with children utilizing federally funded Housing Choice Vouchers in the New Haven, Connecticut region.; and

**WHEREAS**, an application was jointly submitted in response to HUD's FY 2023 Housing Mobility-Related Services Notice of Funding Offering, Funding Opportunity Number FR-6700-N-87, to implement a collaborative housing mobility counseling program to assist very low-income families to lease decent, safe and sanitary housing that is affordable in the private housing market; and

**WHEREAS**, the Authority has determined that it is in its best interests and in the interests of those it seeks to serve to work with the Connecticut Department of Housing to ensure efficient and maximum utilization of vouchers and housing choice; and

**WHEREAS**, the Memorandum of Understanding attached hereto as Exhibit A sets forth the terms and conditions pursuant to which ECC/HANH will work with the Connecticut Department of Housing to utilize the funding if awarded.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN:**

1. The Memorandum of Understanding with Connecticut Department of Housing, including all actions undertaken by the Authority thereunder, including expenditure of funds, be and hereby is authorized and directed; and
2. The President be and hereby is authorized, empowered, and directed to execute and deliver the Memorandum and such instruments and documents necessary and appropriate in connection herewith, upon such terms and conditions as set forth in Exhibit A, and upon such additional terms and conditions the President, in consultation with the Chairman of the Board of Commissioners, determine reasonable and in the best interests of the Authority; and
3. The President be and hereby is authorized, empowered, and directed to take any and all such ancillary action necessary and appropriate to fulfill the intent of foregoing.
4. This resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present on September 19, 2023.

---

Karen DuBois-Walton

Secretary/ President

---

Date

REVIEWED:

MCCARTER & ENGLISH LLP

GENERAL COUNSEL

By: \_\_\_\_\_

Rolan Joni Young, Esq.

A Partner

**MEMORANDUM OF UNDERSTANDING  
REGARDING COOPERATION IN CONNECTION WITH  
AN APPLICATION BY THE CONNECTICUT DEPARTMENT OF HOUSING  
FOR HOUSING MOBILITY-RELATED SERVICES FUNDING**

This Memorandum of Understanding regarding Cooperation in Connection with an Application by the Connecticut Department of Housing for Housing Mobility-Related Services Funding (the "MOU") created and entered into as of this 30<sup>th</sup> day of August, 2023, serves as a facilitating document toward establishing cooperation by and between the State of Connecticut, acting by and through its Department of Housing, with an office located at 505 Hudson Street, Hartford, Connecticut 06516 ("DOH") and the Housing Authority of the City of New Haven (d/b/a Elm City Communities), a public body corporate and politic organized and existing pursuant to Chapter 128 of the Connecticut General Statutes, with a chief executive office located at 360 Orange Street, New Haven, Connecticut 06511 ("ECC").

This MOU supports DOH's application to the United States Department of Housing and Urban Development ("HUD") for Housing Mobility-Related Services funds.

**RECITALS:**

**WHEREAS**, DOH and ECC (collectively, the "**Parties**") have a joint interest in facilitating expanded housing choices for families with children utilizing federally funded Housing Choice Vouchers in the New Haven, Connecticut region; and

**WHEREAS**, DOH strives to make safe and sanitary dwelling accommodations available to families of low income at rentals they can afford, and DOH has been implementing that mission; and

**WHEREAS**, the DOH Commissioner is authorized under Section 8-37u of the Connecticut General Statutes ("CGS") to work with housing authorities and other appropriate agencies for the purpose of coordinating housing policy and housing activities;

**WHEREAS**, DOH plans to apply for funding in response to HUD's FY 2023 Housing Mobility-Related Services Notice of Funding Offering, Funding Opportunity Number FR-6700-N-87 (the "**NOFO**") to implement a joint housing mobility counseling program with ECC in connection therewith so that the Parties can assist very low-income families to lease decent, safe and sanitary housing that is affordable in the private housing market; and

**WHEREAS**, the Parties wish to take measures with respect to the administration of their respective HCV programs to maximize the success of the joint housing mobility-related services/counseling program, including streamlining the system of Voucher portability to make it easier for families with children holding HCVs administered by ECC to move to lower-poverty areas, both inside and outside the City of New Haven, and for ECC to maintain contact with such families to provide continuing support; and

**WHEREAS**, the Parties desire to enter into this MOU in order to facilitate the cooperation and ease of implementation of a successful joint regional housing mobility-related services/counseling program in the State of Connecticut and the New Haven, Connecticut region.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Application for Funding for Housing Mobility-Related Services (the “**Program**”).

- a. DOH shall be the applicant in response to the NOFO. The Parties acknowledge and accept that for the purposes of any award of grant funding under the NOFO, HUD’s relationship shall be solely with DOH as the applicant and funds shall be disbursed from HUD to DOH only.
- b. In the event that DOH is successful in obtaining funding under the NOFO, the Parties agree to work closely and cooperatively together during the planning period and the implementation period as set forth in the application for the NOFO and further detailed in **Exhibit A**, attached hereto and incorporated herein, which may be updated by the Parties from time to time.
- c. For budgeting purposes, the Parties agree that funds advanced by HUD shall be allocated as set forth in the application for the NOFO or as the Parties shall otherwise agree to in writing.

2. Modification of Relevant Policies.

The Parties hereby agree that, upon notification that DOH has been awarded funding under the NOFO, the Parties shall modify their respective administrative plans for the HCV program and other relevant policies as necessary relating to Payment Standards, Portability, Voucher Issuance, Recertifications and Inspections as set forth in the application and further detailed in **Exhibit A**.

3. Financial Assistance for Tenants and Landlords.

As part of the Program, the Parties shall provide financial assistance to tenants and may provide financial incentives to landlords participating in the Program as set forth in the application and further detailed in **Exhibit A**.

4. Planning and Implementation of the Program.

The planning period and implementation period of the Program shall be conducted as set forth in the application and further detailed in **Exhibit A**.

5. The Parties may, by mutual written agreement, revise **Exhibit A** from time to time as appropriate, provided however, in each case such change or changes shall be approved in accordance with this MOU.
6. **Miscellaneous**
  - a. The performance of both Parties of the commitment of time, resources and responsibilities set forth and agreed to in this MOU are contingent upon an award of funds to DOH under the NOFO.
  - b. The term of this MOU shall be from August 30, 2023 through June 30, 2028.
  - c. This MOU shall not be modified in any manner, except in writing executed by the Parties hereto.
  - d. An additional Public Housing Authority (each a “**PHA**”) may be added to this MOU by written agreement of the existing Parties, which agreement will not be unreasonably withheld.
    - i. Any entering PHA must: (i) agree to implement a regional housing mobility program acceptable to the existing parties; (ii) subscribe to the principles contained in the MOU; and (iii) agree to become subject to HUD’s oversight as described in the NOFO.
    - ii. An entering PHA shall be added to this MOU by an amendment executed by the Parties and the entering PHA.
  - e. Either Party may terminate this MOU with sixty (60) days’ written notice of the termination. In the event one Party gives notice of termination, the remaining Parties shall cooperate in the transfer of Program functions to the remaining party or parties as set forth in **Exhibit A**.
  - f. This MOU may be executed in multiple counterparts, each of which shall be deemed an original.

**IN WITNESS WHEREOF**, the Parties have caused this MOU to be executed by their duly authorized representatives, effective as of the date first written above.



**STATE OF CONNECTICUT, acting by and through its Department of Housing**

By: \_\_\_\_\_

Seila Mosquera-Bruno  
Commissioner

Date: \_\_\_\_\_

HOUSING AUTHORITY OF THE CITY OF NEW HAVEN, d/b/a Elm City Communities

By: \_\_\_\_\_  
Karen DuBois-Walton  
President

Date: \_\_\_\_\_

EXHIBIT A

TO MEMORANDUM OF UNDERSTANDING  
REGARDING COOPERATION IN CONNECTION WITH  
AN APPLICATION BY THE CONNECTICUT DEPARTMENT OF HOUSING  
FOR HOUSING MOBILITY-RELATED SERVICES FUNDING

1. Administrative plan and other policy changes to facilitate opportunity moves and mobility counseling

If the Parties receive the grant award, the Parties agree to work together collaboratively during the grants' Planning Phase to design and implement the following modifications to the Parties' respective administrative plans and related policies and procedures:

A. Payment standards: To facilitate opportunity placements the Parties either have or will set exception payment standards based on SAFMRs set at a uniform rate of 120% of the regional FMR in identified opportunity census tracts and subject to further adjustment as needed to allow full access to specific communities and neighborhoods.

B. Portability:

1. DOH agrees to accept "in-porting" of HCV vouchers issued by ECC/HANH for locations outside the City of New Haven but within an identified opportunity census tract. DOH further agrees to bill for (rather than absorb) such vouchers.

2. The Parties agree to work together collaboratively to streamline their inter-Party portability procedures to maximize the effectiveness of these vouchers. More specifically, procedures for mutual collaborative effort include:

- Promptly issuing and processing portability requests
  - promptly issuing invoices for and payment of vouchers
  - to the degree possible accepting one another's screening and income certification data so as to avoid duplicating effort
- minimizing HQS inspection schedules
- search term (voucher issuance): the Parties will establish a minimum 90-day initial search periods as the norm, with one or more exceptions allowable up to 180 days
- family re-examination notification: the Parties will increase initial notification to 150 days in advance of the recertification effective date.

3. DOH understands that ECC/HANH, as part of the regional housing mobility program, will maintain regular contact with families holding ECC/HANH vouchers ported to DOH, for purposes of post-move mobility services, and DOH agrees to share administrative data regarding these families with ECC/HANH for purposes of effectively tracking progress and reporting to HUD. This agreement to share data shall last at a minimum until the end of the Grant term.

2. Expected financial assistance to tenants and incentives to landlords participating in the Program

If the Parties receive the grant award, the Parties agree to work together collaboratively during the grants' Planning Phase to design and implement the following programmatic incentives:

- A. Client security deposit assistance: all families who move to a designated opportunity area will be offered a 1:1 match of 1) a grant in the amount of up to one month's rent and 2) a guaranty under the state's Security Deposit Guarantee program in the amount of up to one month's rent. Accordingly, DOH agrees to make available up to 300 security deposit guarantees (under its Security Deposit Guarantee program) for moves to identified opportunity areas. DOH further agrees to make regulatory and administrative changes necessary or desirable to maximize the effectiveness of the guarantees for opportunity moves.
- B. Client flexible assistance: up to \$300 per client in reimbursements for necessary application fees, transportation etc.
- C. Landlord: for landlords in designated opportunity areas new to the HCV program, on an as-needed basis, up to one month's rent as a "holding/reservation" fee to compensate them for the additional processing time required by the HCV program.

3. Operation of the Program relationship

- A. The parties' representatives shall be the HCV program director and the mobility counseling director for each Party unless otherwise designated in writing by the Commissioner of DOH or the Executive Director of ECC/HANH. The four representatives (the Representatives Group) shall meet regularly during the planning period to complete the development of the housing mobility plan outlined in the parties' NOFO application dated August 30, 2023. Thereafter, the representatives group shall meet as needed upon the request of any one of the representatives.
- B. During the program's operation the activities of the Parties shall be as described in the housing mobility plan completed during the planning phase of the Program. In general, responsible parties for program functions are as follows:

Program function	Responsible party
Development of housing mobility plan	Representatives group
Updating opportunity map	Representatives group
HCV client engagement	Each party's HCV and mobility program
Client recruitment/marketing activities	Each party's HCV and mobility program
Enrollment, orientation, individual counseling, credit pulls, etc.	Each party's mobility program
Client workshop	Representatives group (to minimize duplicate effort) or each party's mobility program
Neighborhood tours	Each party's mobility program (or representatives group if demand suggests group touring)
Search assistance	Each party's mobility program
Provision of security deposit and other client assistance	Each party's mobility program
Referrals to external services	Each party's mobility program
Landlord recruitment	Representatives group (to minimize duplicate effort) or each party's HCV and mobility program
HAP administration liaison	Each party's mobility program
Post-move services	Each party's mobility program
Data analysis - definition of data to be collected and evaluated	Representatives group
Data analysis - collection	Each party's HCV and mobility program
Program oversight	Each member of representatives group, then representatives group
Program evaluation	Each member of representatives group, then representatives group
Staff hiring	Each member of representatives group
Reporting (by each program)	Each member of representatives group
Reporting (to HUD)	Commissioner, DOH

4. Cooperation of the Parties upon withdrawal of one of the Parties

It is the intent of the Parties that the Expanded Choice Program shall be carried out as planned for the full 60-month period. Therefore, to the degree feasible, the withdrawing Party shall consent to and cooperate in the transfer of its mobility program functions to the remaining Party or Parties.

**MEMORANDUM**

**TO:** Board of Commissioners

**DATE:** September 19, 2023

**FROM:** Karen DuBois-Walton, Ph.D., President

**RE:** RESOLUTION AUTHORIZING CHANGES TO THE FLAT RENT SCHEDULE AS OUTLINED IN HUD NOTICE PIH 2022-33 TO ESTABLISH FLAT RENTS AT 100% FAIR MARKET RENT

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-69/23-R

**TIMING:** Immediately

**DISCUSSION:** Public Housing Authorities (PHAs) are required with HUD Notice PIH 2022-33 to establish flat rents based on the market rent of comparable units in the private, unassisted rental market. Flat rents must be set at no less than 80% of the applicable Fair Market Rent (FMR) as determined under 24 CFR part 888. ECC/HANH's ACOP indicates that the flat rent schedule is to be reviewed every year. If the FMR is higher than the previous year, ECC/HANH will offer the new flat rent at regular reexamination.

ECC/HANH performed the task of compiling market rate rents for all developments by bedroom size and compared to the current flat rent schedule. The changes were deemed to be significant which requires the PHA to hold a public hearing before changes to the ACOP can be made.

A public hearing was held August 28, 2023. There were no public comments to the changes in the flat rent schedule.

ECC/HANH staff is recommending that the Board of Commissioners approves the changes to the 2023 Flat Rent schedule at 100% Fair Market Rent as described by HUD FY 2023 New Haven -Meriden CT HUD Metro FMR Area FMR's for All Bedroom sizes.

**FISCAL IMPACT:** None

**STAFF:** Gary B. Hogan Vice President of Operations

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION #09-69/23-R**

**RESOLUTION AUTHORIZING CHANGES TO THE 2023 FLAT RENT SCHEDULE AS OUTLINED  
IN HUD NOTICE PIH 2-22-33 TO ESTABLISH FLAT RENTS AT 100% FAIR MARKET RENTS**

**WHEREAS**, Public Housing Authorities (PHA) are required with HUD Notice PIH-2022-33 to establish flat rents based on the market rent of comparable units in the private, unassisted rental market. Flat rents must be set at no less than 80% of the applicable Fair Market Rent (FMR) as determined under 24 CFR part 888; and

**WHEREAS**, HANH's ACOP indicates that the flat rent schedule is to be reviewed every year. If the FMR is higher than the previous year, ECC/HANH will offer the new flat rent at regular reexamination; and

**WHEREAS**, ECC/HANH is recommending the flat rent be established at 100% of Fair Market Rent as described by HUD FY 2023 New Haven -Meriden CT HUD Metro FMR Area FMR's for All Bedroom sizes; and

**WHEREAS**, HANH performed the task of compiling market rate rents for all developments by bedroom size and compared to the current flat rent schedule. The changes were deemed to be significant which requires the PHA to hold a public hearing before changes to the ACOP can be made; and

**WHEREAS**, A public hearing was held August 28, 2023. There were no public comments to the changes in the flat rent schedule; and

**WHEREAS**, the Agency reviewed the fair market rents through analysis determined that the 100% FMR are affordable for our LIPH Flat Rent families.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT:**

1. The Amendment to the New Haven Housing Authority Admission and Continued Occupancy Policy (ACOP) relating to Flat Rent is hereby authorized and adopted; and
2. The President is hereby authorized to take any and all steps necessary to effectuate the provisions of the Resolution, including but not limited to, amending the agency's Moving to Work Annual Plan; and
3. This Resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on September 19, 2023.

\_\_\_\_\_  
Karen DuBois-Walton  
President

\_\_\_\_\_  
Date

REVIEWED:  
McCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner



**NOTICE OF PUBLIC HEARING FOR THE ELM CITY COMMUNITIES/HOUSING  
AUTHORITY OF NEW HAVEN (ECC/HANH) - FLAT RENT SCHEDULE 2023**

According to (24 CFR 960.253(b) Notice PIH 2021-27, and Section 6 III (D) - Flat Rent of ECC/HANH's Admissions & Continued Occupancy Policy (ACOP) ECC/HANH must establish a schedule of flat rents annually give a family of a choice of flat rent or income-based rent and provide families with the information on how to choose the rent.

The thirty (30) days comment period begins on Monday, **July 31, 2023** and ends on Tuesday, August 29, 2023 and copies of the Flat Rent schedule will be made available on the agency website [www.elmcitycommunities.org](http://www.elmcitycommunities.org) or via Twitter, [www.twitter.com/ECCCommunities](https://www.twitter.com/ECCCommunities) or via Facebook [www.facebook.com/ElmCityCommunities](https://www.facebook.com/ElmCityCommunities) and all Property Management offices.

You are invited to provide written comments to: ECC/HANH Flat Rent, Attn: Gary Hogan, P.O. Box 1912, New Haven, CT 06509-1912.

A public hearing where public comments will also be accepted and recorded is scheduled for Monday, **August 28, 2023 at 4:00 PM via:**

**RingCentral's video conference line** Meeting ID 723640478

**Or by phone** (650) 419-1505.

Anyone who requires a reasonable accommodation to participate in the hearing may call the Reasonable Accommodation Manager at (203) 498-8800 ext. 1507 or TDD (203) 497-8434.

**AVISO DE AUDIENCIA PÚBLICA PARA LAS COMUNIDADES DE ELM CITY / AUTORIDAD  
DE VIVIENDA DE NEW HAVEN (ECC / HANH) - HORARIO DE ALQUILER PLANO 2023**

De acuerdo con (24 CFR 960.253(b) Aviso PIH 2021-27, y la Sección 6 III (D) - Alquiler fijo de la Política de Admisión y Ocupación Continuada (ACOP) de ECC/HANH, ECC/HANH debe establecer un calendario de alquileres fijos anualmente para dar una familia de una opción de alquiler fijo o alquiler basado en los ingresos y proporcionar a las familias la información sobre cómo elegir el alquiler.

El período de comentarios de treinta (30) días comienza el **martes, 29 de agosto de 2023** y finaliza el martes 29 de agosto de 2023 y las copias del cronograma de Flat Rent estarán disponibles en el sitio web de la agencia [www.elmcitycommunities.org](http://www.elmcitycommunities.org) o a través de Twitter, [www.twitter.com/ECCCommunities](https://www.twitter.com/ECCCommunities) o a través de Facebook [www.facebook.com/ElmCityCommunities](https://www.facebook.com/ElmCityCommunities) y todas las oficinas de administración de propiedades.

Lo invitamos a enviar comentarios por escrito a: ECC/HANH Flat Rent, Attn: Gary Hogan, P.O. Box 1912, New Haven, CT 06509-1912.

Una audiencia pública donde también se aceptarán y grabarán comentarios públicos está programada para el **Lunes 28 de Agosto de 2023 a las 4:00 PM a través de:**

Línea de videoconferencia de **RingCentral ID de reunión 723640478** O por teléfono **(650) 419-1505**.

Cualquier persona que requiera una adaptación razonable para participar en la audiencia puede llamar al Gerente de Adaptación Razonable al (203) 498-8800 ext. 1507 o TDD (203) 497-8434.



Housing Authority of the City of New Haven/Elm City Communities  
Public Hearing: LIPH Flat Rent Schedule 2023  
Monday, August 28, 2023, 4:00pm  
360 Orange Street, New Haven, CT 06511  
(Via RingCentral teleconference)

Those present included:

Evelise Ribeiro, ECC/HANH  
Catherine Hawthorne  
Frank Rivera  
Ed LaChance  
Yesica Hernandez-Perez  
Karen DuBois-Walton  
Shenae Draughn

The public hearing was called to order at 4:01 p.m. by Evelise Ribeiro, Director of Compliance and Moving to Work Initiatives.

Ms. Ribeiro read the legal notice aloud which stated the reason the public hearing was being called. She noted that the notice was in English and Spanish and both versions would be submitted for the record.

NOTICE OF PUBLIC HEARING FOR THE ELM CITY COMMUNITIES/HOUSING AUTHORITY OF  
NEW HAVEN (ECC/HANH) - FLAT RENT SCHEDULE 2023

According to (24 CFR 960.253(b) Notice PIH 2021-27, and Section 6 III (D) - Flat Rent of ECC/HANH's Admissions & Continued Occupancy Policy (ACOP) ECC/HANH must establish a schedule of flat rents annually give a family of a choice of flat rent or income-based rent and provide families with the information on how to choose the rent.

The thirty (30) days comment period begins on Monday, July 31, 2023 and ends on Tuesday, August 29, 2023 and copies of the Flat Rent schedule will be made available on the agency website [www.elmcitycommunities.org](http://www.elmcitycommunities.org) or via Twitter, [www.twitter.com/ECCCommunities](https://twitter.com/ECCCommunities) or via Facebook [www.facebook.com/ElmCityCommunities](https://www.facebook.com/ElmCityCommunities) and all Property Management offices.

You are invited to provide written comments to: ECC/HANH Flat Rent, Attn: Gary Hogan, P.O. Box 1912, New Haven, CT 06509-1912.

A public hearing where public comments will also be accepted and recorded is scheduled for Monday, August 28, 2023 at 4:00 PM via: RingCentral's video conference line Meeting ID 723640478 Or by phone (650) 419-1505. Anyone who requires a reasonable accommodation to participate in the hearing may call the Reasonable Accommodation Manager at (203) 498-8800 ext. 1507 or TDD (203) 497-8434.

AVISO DE AUDIENCIA PÚBLICA PARA LAS COMUNIDADES DE ELM CITY / AUTORIDAD DE VIVIENDA DE NEW HAVEN (ECC / HANH) - HORARIO DE ALQUILER PLANO 2023

De acuerdo con (24 CFR 960.253(b) Aviso PIH 2021-27, y la Sección 6 III (D) - Alquiler fijo de la Política de Admisión y Ocupación Continuada (ACOP) de ECC/HANH, ECC/HANH debe establecer un calendario de alquileres fijos anualmente para dar una familia de una opción de alquiler fijo o alquiler basado en los ingresos y proporcionar a las familias la información sobre cómo elegir el alquiler.

El período de comentarios de treinta (30) días comienza el martes, 29 de agosto de 2023 y finaliza el martes 29 de agosto de 2023 y las copias del cronograma de Flat Rent estarán disponibles en el sitio web de la agencia [www.elmcitycommunities.org](http://www.elmcitycommunities.org) o a través de Twitter, [www.twitter.com/ECCommunities](https://www.twitter.com/ECCommunities) o a través de Facebook [www.facebook.com/ElmCityCommunities](https://www.facebook.com/ElmCityCommunities) y todas las oficinas de administración de propiedades.

Lo invitamos a enviar comentarios por escrito a: ECC/HANH Flat Rent, Attn: Gary Hogan, P.O. Box 1912, New Haven, CT 06509-1912.

Una audiencia pública donde también se aceptarán y grabarán comentarios públicos está programada para el Lunes 28 de Agosto de 2023 a las 4:00 PM a través de: Línea de videoconferencia de RingCentral ID de reunión 723640478 O por teléfono (650) 419-1505.

Cualquier persona que requiera una adaptación razonable para participar en la audiencia puede llamar al Gerente de Adaptación Razonable al (203) 498-8800 ext. 1507 o TDD (203) 497-8434.

**Public Comments**

At 4:06 pm., the meeting was opened to take public comments.

At 4:10 pm, there was a second call for public comments.

At 4:14 pm, there was a third call for public comments.

The names of attendees were read for the record.

**Adjournment:**

Ms. Ribeiro thanked the participants, and the public hearing was adjourned at 4:15pm.

<u>Address</u>	<u>Bedroom</u>	<u>FMR (based on RR Test)</u>	<u>80% of FMR. 2020 Flat Rent</u>	<u>HUD FMR Rate 2020</u>	<u>2021 UA</u>	<u>HUD FMR Rate 2021</u>	<u>Flat Rent from HUD 2020</u>	<u>Flat Rent from HUD 2021</u>	<u>Current Flat Rent</u>
<b><u>George Crawford Manor</u></b>									
90 Park St	0	\$ 1,385.00	\$ 1,108.00	\$1,042.00	\$0.00	\$1,055.00	\$833.60	\$844.00	\$844.00
90 Park St	1	\$ 1,375.00	\$ 1,100.00	\$1,162.00	\$0.00	\$1,181.00	\$929.60	\$944.80	\$945.00
90 Park St	2	\$ 1,972.00	\$ 1,577.60	\$1,407.00	\$0.00	\$1,438.00	\$1,125.60	\$1,150.40	\$1,150.00
<b><u>Robert Wolfe</u></b>									
49 Union Ave	0	\$ 1,363.00	\$ 1,090.40	\$1,042.00	\$0.00	\$1,055.00	\$833.60	\$844.00	\$844.00
49 Union Ave	1	\$ 1,816.00	\$ 1,452.80	\$1,162.00	\$0.00	\$1,181.00	\$929.60	\$944.80	\$945.00
<b><u>McConaughy Terrace</u></b>									
63 South Genesee St	2	\$ 1,382.00	\$ 1,105.60	\$1,407.00	\$106.00	\$1,438.00	\$1,125.60	\$1,150.40	\$1,150.00
63 South Genesee St	3	\$ 1,662.00	\$ 1,329.60	\$1,775.00	\$132.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
63 South Genesee St	4	\$ 2,001.00	\$ 1,600.80	\$2,008.00	\$159.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
<b><u>Westville Manor</u></b>									
2-77 Lodge St.	2	\$ 1,352.67	\$ 1,082.14	\$1,407.00	\$106.00	\$1,438.00	\$1,125.60	\$1,150.40	\$1,150.00
19-77 Level St.	3	\$ 1,531.00	\$ 1,224.80	\$1,775.00	\$132.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
1-110 Wayfarer St.	4	\$ 1,721.67	\$ 1,377.34	\$2,008.00	\$159.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
2-77 Lodge St.	5	\$ 2,469.33	\$ 1,975.46		\$185.00	\$2,292.00	\$0.00	\$1,833.60	\$1,834.00
<b><u>Scattered Sites West</u></b>									
108 Blake Street	3	\$ 1,280.00	\$ 1,024.00	\$1,775.00	\$228.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
116 Lawncrest Rd	4	\$ 1,270.00	\$ 1,016.00	\$1,407.00	\$355.00	\$1,993.00	\$1,125.60	\$1,594.40	\$1,239.40
123 County Street	3	\$ 1,671.67	\$ 1,337.34	\$1,775.00	\$0.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
125 County Street	3	\$ 1,671.67	\$ 1,337.34	\$1,775.00	\$0.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
127 County St A	3	\$ 1,296.00	\$ 1,036.80	\$1,775.00	\$0.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
127 County St B	2	\$ 1,010.00	\$ 808.00	\$1,407.00	\$0.00	\$1,438.00	\$1,125.60	\$1,150.40	\$1,150.00
145 West Park	4	\$ 2,266.67	\$ 1,813.34	\$2,008.00	\$264.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
148 Ray Rd	4	\$ 2,048.00	\$ 1,638.40	\$2,008.00	\$358.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
21 Longhill Terrace	4	\$ 2,048.00	\$ 1,638.40	\$2,008.00	\$320.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
25 Westerliegh Rd	3	\$ 1,721.67	\$ 1,377.34	\$1,775.00	\$325.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
35 Westbrook Lane	3	\$ 1,788.33	\$ 1,430.66	\$1,775.00	\$331.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
555 Fountain St	3	\$ 1,680.00	\$ 1,344.00	\$1,775.00	\$241.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
565 Central Ave	2	\$ 1,366.00	\$ 1,092.80	\$1,407.00	\$180.00	\$1,438.00	\$1,125.60	\$1,150.40	\$1,150.00

571 Central Ave 3rd floor	1	\$	1,037.00	\$	829.60	\$1,162.00	\$66.00	\$1,181.00	\$929.60	\$944.80	\$945.00
571 Central Ave 1st and 2r	2	\$	1,366.00	\$	1,092.80	\$1,407.00	\$180.00	\$1,438.00	\$1,125.60	\$1,150.40	\$1,150.00
594 Central Ave	4	\$	2,266.67	\$	1,813.34	\$2,008.00	\$373.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
65 County St A	3	\$	1,429.67	\$	1,143.74	\$1,775.00	\$0.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
65 County St B	4	\$	1,429.67	\$	1,143.74	\$2,008.00	\$0.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
80 Whitter Rd	3	\$	1,875.00	\$	1,500.00	\$1,775.00	\$320.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
91 Longhill Terrace	4	\$	1,990.00	\$	1,592.00	\$2,008.00	\$387.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
<b>Essex Townhouses</b>											
1134 Quinnpic Ave	2	\$	1,534.00	\$	1,227.20	\$1,407.00	\$0.00	\$1,438.00	\$1,125.60	\$1,150.40	\$1,150.00
1134 Quinnpic Ave	3	\$	1,604.00	\$	1,283.20	\$1,775.00	\$0.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
1134 Quinnpic Ave	4	\$	2,089.00	\$	1,671.20	\$2,008.00	\$0.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
<b>Scattered Site Mult-Family</b>											
1361 Quinnpic Ave	3	\$	1,348.00	\$	1,078.40	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
1363 Quinnpic Ave	3	\$	1,348.00	\$	1,078.40	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
425 Eastern St	3	\$	1,382.00	\$	1,105.60	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
437 Eastern St	3	\$	1,237.00	\$	989.60	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
1368-1378 Quinnpic Ave	3	\$	1,680.00	\$	1,344.00	\$1,775.00	\$241.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
14 Chamberlain St	3	\$	1,261.00	\$	1,008.80	\$1,775.00	\$241.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
23 Chamberlain St	3	\$	1,740.33	\$	1,392.26	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
26 Chamberlain St	4	\$	1,728.00	\$	1,382.40	\$2,008.00	\$249.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,595.00
30-B Chamberlain St	3	\$	1,936.00	\$	1,548.80	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
32 A Chamberlain St	3	\$	1,765.33	\$	1,412.26	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
32 B Chamberlain St	3	\$	1,740.33	\$	1,392.26	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
34 A Chamberlain St	3	\$	1,936.00	\$	1,548.80	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
34 B Chamberlain St	3	\$	1,946.00	\$	1,556.80	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
44 Chamberlain St	3	\$	1,946.00	\$	1,556.80	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
54-63 Kingswood	3	\$	1,708.33	\$	1,366.66	\$1,775.00	\$241.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
63-75 Fulton St	3	\$	2,013.00	\$	1,610.40	\$1,775.00	\$219.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
76 Glen Haven Rd	3	\$	1,477.00	\$	1,181.60	\$1,775.00	\$241.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
<b>Scattered Sites East</b>											
10 Terrace St	3	\$	1,975.00	\$	1,580.00	\$1,775.00	\$289.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
102 Kenny Drive	3	\$	1,620.67	\$	1,296.54	\$1,775.00	\$241.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
1042 Townsend Ave	3	\$	1,940.67	\$	1,552.54	\$1,775.00	\$241.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
1091 Townsend Ave	2	\$	1,293.00	\$	1,034.40	\$1,407.00	\$180.00	\$1,438.00	\$1,125.60	\$1,150.40	\$1,150.00
121 Stuyvesant Ave	5	\$	2,545.00	\$	2,036.00		\$360.00	\$2,291.95	\$0.00	\$1,833.56	\$1,834.00
1332 Quinnpic Ave	3	\$	1,537.00	\$	1,229.60	\$1,775.00	\$263.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
140 Harrington Ave	4	\$	1,940.00	\$	1,552.00	\$2,008.00	\$280.00	\$1,993.00	\$1,606.40	\$1,594.40	\$1,959.00
147 Burwell St	5	\$	2,535.00	\$	2,028.00		\$442.00	\$2,291.95	\$0.00	\$1,833.56	\$1,834.00
16 Eastern St	3	\$	1,708.00	\$	1,366.40	\$1,775.00	\$331.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00
169 Weybossett St	3	\$	1,497.00	\$	1,197.60	\$1,775.00	\$331.00	\$1,793.00	\$1,420.00	\$1,434.40	\$1,434.00













<u>2006 Flat Rent</u>	<u>HUD FMR RATE 2023 (100%)</u>	<u>FLAT RENT 2023 (FMR 80%)</u>	<u>HUD FMR RATE 2023 (90%)</u>	<u>2023 UA</u>	<u>HUD FMR-UA (tenant rent) 80%</u>	<u>HUD-FMR-UA (tenant rent) 90%</u>	<u>Difference between HUD 2021 to HUD 2023 80%</u>	<u>Difference between HUD 2021-2023 90%</u>	<u>% increase to HUD 2023 80%</u>
\$622.00	\$1,200	\$960	\$1,080	\$0	\$960	\$1,080	\$145	\$356	14%
\$706.00	\$1,334	\$1,067	\$1,201	\$0	\$1,067	\$1,201	\$153	\$389	13%
\$852.00	\$1,629	\$1,303	\$1,466	\$0	\$1,303	\$1,466	\$191	\$479	13%
\$622.00	\$1,200	\$960	\$1,080	\$0	\$960	\$1,080	\$145	\$356	14%
\$706.00	\$1,334	\$1,067	\$1,200	\$0	\$1,067	\$1,200	\$153	\$389	13%
\$852.00	\$1,629	\$1,303	\$1,466	\$109	\$1,194	\$1,357	\$191	\$479	13%
\$1,020.00	\$2,001	\$1,601	\$1,801	\$137	\$1,464	\$1,664	\$208	\$567	12%
\$1,166.00	\$2,258	\$1,806	\$2,032	\$165	\$1,641	\$1,867	\$265	\$663	13%
\$852.00	\$1,629	\$1,303	\$1,466	\$109	\$1,194	\$1,357	\$191	\$479	13%
\$1,020.00	\$2,001	\$1,601	\$1,801	\$137	\$1,464	\$1,664	\$208	\$567	12%
\$1,166.00	\$2,258	\$1,806	\$2,032	\$165	\$1,641	\$1,867	\$265	\$663	13%
\$1,166.00	\$2,597	\$2,078	\$2,337	\$192	\$1,886	\$2,145	\$305	\$763	13%
\$852.00	\$2,001	\$1,601	\$1,801	\$270	\$1,331	\$1,531	\$208	\$567	12%
\$852.00	\$2,258	\$1,806	\$2,032	\$415	\$1,391	\$1,617	\$265	\$1,019	13%
\$1,020.00	\$2,001	\$1,601	\$1,801	\$0	\$1,601	\$1,801	\$208	\$567	12%
\$1,020.00	\$2,001	\$1,601	\$1,801	\$0	\$1,601	\$1,801	\$208	\$567	12%
\$1,020.00	\$2,001	\$1,601	\$1,801	\$0	\$1,601	\$1,801	\$208	\$567	12%
\$852.00	\$1,629	\$1,303	\$1,466	\$0	\$1,303	\$1,466	\$191	\$479	13%
\$1,166.00	\$2,258	\$1,806	\$2,032	\$230	\$1,576	\$1,802	\$265	\$663	13%
\$1,166.00	\$2,258	\$1,806	\$2,032	\$415	\$1,391	\$1,617	\$265	\$663	13%
\$1,166.00	\$2,258	\$1,806	\$2,032	\$436	\$1,370	\$1,596	\$265	\$663	13%
\$1,020.00	\$2,001	\$1,601	\$1,801	\$382	\$1,219	\$1,419	\$208	\$567	12%
\$1,020.00	\$2,001	\$1,601	\$1,801	\$375	\$1,226	\$1,426	\$208	\$567	12%
\$1,020.00	\$2,001	\$1,601	\$1,801	\$270	\$1,331	\$1,531	\$208	\$567	12%
\$852.00	\$1,629	\$1,303	\$1,466	\$205	\$1,098	\$1,261	\$191	\$479	13%

\$706.00		\$1,334	\$1,067	\$1,201	\$68	\$999	\$1,133	\$153	\$389	13%
\$852.00		\$1,629	\$1,303	\$1,466	\$205	\$1,098	\$1,261	\$191	\$479	13%
\$1,166.00		\$2,258	\$1,806	\$2,032	\$428	\$1,378	\$1,604	\$265	\$663	13%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$0	\$1,601	\$1,801	\$208	\$567	12%
\$1,166.00		\$2,258	\$1,806	\$2,032	\$0	\$1,806	\$2,032	\$265	\$663	13%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$375	\$1,226	\$1,426	\$208	\$567	12%
\$1,166.00		\$2,258	\$1,806	\$2,032	\$436	\$1,370	\$1,596	\$265	\$663	13%
\$852.00		\$1,629	\$1,303	\$1,466	\$0	\$1,303	\$1,466	-\$191	\$479	-13%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$0	\$1,601	\$1,801	-\$208	\$567	-12%
\$1,166.00		\$2,258	\$1,806	\$2,032	\$0	\$1,806	\$2,032	-\$265	\$663	-13%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$270	\$1,331	\$1,531	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$270	\$1,331	\$1,531	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,166.00		\$2,258	\$1,806	\$2,032	\$245	\$1,561	\$1,787	\$265	\$663	13%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$270	\$1,331	\$1,531	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$245	\$1,356	\$1,556	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$270	\$1,331	\$1,531	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$338	\$1,263	\$1,463	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$270	\$1,331	\$1,531	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$270	\$1,331	\$1,531	\$208	\$567	12%
\$852.00		\$1,629	\$1,303	\$1,466	\$205	\$1,098	\$1,261	\$191	\$479	13%
\$1,166.00		\$2,597	\$2,077	\$2,337	\$358	\$1,719	\$1,979	\$305	\$763	13%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$300	\$1,301	\$1,501	\$208	\$567	12%
\$1,166.00		\$2,258	\$1,806	\$2,032	\$314	\$1,492	\$1,718	\$265	\$299	13%
\$1,166.00		\$2,597	\$2,077	\$2,337	\$497	\$1,580	\$1,840	\$305	\$763	13%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$375	\$1,226	\$1,426	\$208	\$567	12%
\$1,020.00		\$2,001	\$1,601	\$1,801	\$375	\$1,226	\$1,426	\$208	\$567	12%













**MEMORANDUM**

**To: Board of Commissioners**

**From: Karen DuBois-Walton, Ph.D., President**

**Date: September 19, 2023**

**RE: Resolution Ratifying Change Order Number Two (2) to the Contract with EMEK Security LLC, for Unarmed Uniformed Security Guard Services in the Amount of \$27,776.00 bringing the Total Contract Value Not to Exceed Amount From \$149,000.00 to \$176,776.00**

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**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-70/23-R

**TIMING:** Immediately

**DISCUSSION:** ECC/HANH had determined a need for unarmed uniformed Security Guard Services for the following developments, Prescott Bush, McQueeney Towers, Ruoppolo Manor and RT Wolfe. This is a shared contract between HANH LIPH and 360 Management Group. Each entity respectfully billing their prospective site operating budgets.

In November 2022 ECC/HANH solicited quotes for unarmed uniformed security guards and received quotes from GIS Security LLC and EMEK Security. EMEK Security was determined the most responsive vendor. On December 7, 2023, a contract was executed for \$98,000.00.

On July 14, 2023, Change Order number 1 was executed for an amount of \$51,000.00 bringing the total contract value from \$98,000.00 to \$149,000.00.

ECC/HANH staff is now seeking approval to ratify Change Order Number Two (2) adding additional funds in the amount of \$27,776.00 to pay outstanding bills bringing the total contract not to exceed value from \$149,000.00 to \$176,776.00.

In accordance with resolution 07-54/01-R approved by the Board of Commissioners on July 24, 2001, all contracts greater than \$50,00.00 and all change orders in excess of 10% of the contract value must be approved by the Board of Commissioners prior to execution. HANH staff is recommending that the Board of Commissioners approve Change Order Number Two (2) to the contract with EMEK Security for unarmed uniformed security guard services for a total not to exceed contract amount from \$149,000.00 to \$176,776.00.

**FISCAL IMPACT:** \$12,922.00 Available Operating Funds (LIPH)  
\$14,854.00 Available Operating Funds (360 Mgmt Group – Tax Credit)

**STAFF:** Gary Hogan, VP of Operations

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**Resolution # 09-70/23-R**

**Resolution Ratifying Change Order Number Two (2) to the Contract with EMEK Security LLC, for Unarmed Uniformed Security Guard Services in the Amount of \$27,776.00 bringing the Total Contract Not to Exceed Amount From \$149,000.00 to \$176,776.00**

---

**WHEREAS**, ECC/HANH has determined a need for unarmed uniformed Security Guard Services at the following developments, Prescott Bush, McQueeney Towers, Ruoppolo Manor and RT Wolfe; and

**WHEREAS**, On November 2022, ECC/HANH solicited quotes for unarmed security services. EMEK Security LLC was determined to be the most responsive vendor and awarded a total contract in the amount of \$98,000.00; and

**WHEREAS**, On July 14, 2023 Change Order Number 1 in was executed in the amount of \$51,000.00 bringing the total contract value from \$98,000.00 to \$149,000.00 ; and

**WHEREAS**, ECC/HANH staff is now seeking to ratify Change Order Number Two (2) adding additional funds in the amount of \$27,776.00 to pay outstanding bills bringing the total contract not to exceed value from \$149,000.00 to \$176,776.00; and

**WHEREAS**, In accordance with resolution 07-54/01-R approved by the Board of Commissioners on July 24, 2001 all contracts greater than \$50,000.00 and all change orders in excess of 10% of the contract value must be approved by the Board of Commissioners prior to the execution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN** that,

- 1). Change Order Number Two (2) adding additional funds in the amount of \$27,776.00 for the remainder of the contract bringing the total contract not to exceed value from \$149,000.00 to \$176,776.00 is hereby ratified and approved.
- 2). The President be and hereby is authorized, empowered and directed to deliver an agreement and expend the authorized funds.
- 3). The President be and hereby is authorized, empowered and directed to take any and all such ancillary actions necessary and appropriate to fulfill the intent of the foregoing.
- 4). The resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at meeting duly called at which a quorum was present on September 19, 2023.

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Karen DuBois-Walton, Ph.D.  
Secretary/Executive Director

---

Date

REVIEWED:  
McCarter and English LLC  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**CHANGE ORDER LOG: EMEK Security Log**

**CONTRACT NUMBER**

**Contract Begin Date: December 7 2022**

22597-13895

**Contract Amount: \$98,000**

**\$98,000.00**

<b>Change Order</b>	<b>Change Order #</b>	<b>Reason</b>	<b>Amount</b>
Original Contract \$98,000.00			<b>\$98,000.00</b>
Funds added in the amount of \$51,000.00	1	Add funds	<b>\$51,000.00</b>
Funds added to pay outstanding invoices in the amount of \$28,000	2	funds needed to pay invoices	<b>\$28,000.00</b>

=====

**MEMORANDUM**

**TO:** Board of Commissioners

**DATE:** September 19, 2023

**FROM:** Karen DuBois-Walton, Ph.D., President

**RE:** Resolution Authorizing Contract Award to Anthem Blue Cross and Blue Shield for Dental Insurance Coverage

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution 09-71/23-R

**TIMING:** Immediately

**DISCUSSION:** HANH's Broker / Agent of Record / Consultant, CBC Kane Partners, Inc. conducted a competitive procurement to identify a contractor to provide comprehensive Dental Insurance services for HANH employees. They received three (3) responses and upon completion of the review and evaluations of proposals, it was deemed by CBC Kane Partners, Inc. and concurred by HANH that Anthem Blue Cross and Blue Shield had submitted the most responsive proposals for HANH's Dental Insurance Coverage.

Anthem quoted the Dental coverage in the amount of \$135,376.00 per year with a two-year rate guarantee from October 1, 2023 and ending on September 30, 2025 for a total contract amount of \$270,752.00.

The purpose of this resolution is to approve a contract with Anthem Blue Cross and Blue Shield for the dental coverage commencing on October 1, 2023 and ending on September 30, 2025 for a total contract not-to-exceed amount of \$270,752.00.

**FISCAL IMPACT:** \$270,752.00 funds available.

**STAFF:** Iris M. Collazo, Vice President of Talent & Administration

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**Resolution # 09-71/23-R**

**RESOLUTION AUTHORIZING CONTRACT AWARD TO ANTHEM BLUE CROSS AND BLUE SHIELD FOR HANH'S DENTAL INSURANCE COVERAGE FOR A PERIOD OF OCTOBER 1, 2023 AND ENDING ON SEPTEMBER 30, 2025 IN AN AMOUNT NOT TO EXCEED \$270,752.00.**

WHEREAS, HANH's Broker / Agent of Record / Consultant, CBC Kane Partners, Inc., conducted a competitive procurement to identify a contractor to provide comprehensive Dental Insurance Coverage; and

WHEREAS, CBC Kane Partners, Inc. received three (3) responses to this solicitation; and

WHEREAS, upon completion of the review and evaluations of proposals, it was deemed by CBC Kane Partners, Inc. that Anthem Blue Cross and Blue Shield had submitted the most responsive proposal for HANH's Dental Insurance Coverage; and

WHEREAS, Anthem Blue Cross and Blue Shield quoted HANH's Dental coverage in the amount of \$135,376.00 per year with a two-year rate guarantee from October 1, 2023 and ending on September 30, 2025; and

WHEREAS, This resolution is asking for Board approval to enter into a contract with Anthem Blue Cross and Blue Shield for a total contract not-to-exceed amount of \$270,752.00.

WHEREAS, ECC/HANH seeks to enter into a contract with Anthem Blue Cross and Blue Shield to provide Dental Insurance Coverage for its employees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT:

1. The contract with Anthem Blue Cross and Blue Shield for comprehensive Dental insurance coverage commencing on October 1, 2023 and ending on September 30, 2025 for a total contract not-to-exceed amount of \$270,752.00 be and hereby is authorized.
2. The President be and hereby is authorized, empowered, and directed to execute and deliver the agreement, in substantially the form as attached hereto, and to take any and all such actions as are necessary or appropriate or ancillary thereto.
3. This resolution shall take place immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on September 19, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph. D.  
Secretary/President

\_\_\_\_\_  
Date



REVIEWED:  
MCCARTER & ENGLISH LLP  
GENERAL COUNSEL

By: \_\_\_\_\_,  
Rolan Joni Young, Esq.  
A Partner



August 23, 2023

Iris Rodriguez  
Vice President of Administration  
Housing Authority of New Haven  
360 Orange Street  
New Haven, CT 06510

Re: Dental and Vision Renewal October 1<sup>st</sup>, 2023, through September 30<sup>th</sup> 2025

Dear Ms. Rodriguez:

The following is a summary of the HANH dental and vision renewal from Anthem.

Anthem has sent the renewals for the dental plan the vision plan is entering the second year of a two-year guaranteed plan. The initial renewal requested a **6.99%** premium increase with a **one-year rate guarantee**. After requesting claims data, we prepared our underwriting analysis. Our review determined that the 6.99% increase was not justified after reviewing the claims for the past year. We were able to negotiate a **5% increase with a TWO-year rate guarantee**.

We sent the current Anthem plan information out for a market check, and we received responses back from Delta Dental and Cigna Ct Partnership Plan.

Delta Dental Declined to Quote (DTQ) for lack of competitiveness and the Anthem two-year rate guarantee. The Ct Partnership Dental plan with Cigna was competitive cost wise but was not similar benefits wise and had limitations on annual maximums.

The current Anthem vision plan is going into its second year of a two-year rate guarantee, with no plan changes and no rate increase.

[Type here]



Unless there are concerns with the current Anthem dental and vision plans, it is our recommendation to remain with the Anthem plans for the October 2023-2025 renewal.

Please feel free to contact me with any questions.

Thank you,  
Fred Leone  
Corporate Benefit Consultants  
914 469 9440

[Type here]

## HOUSING AUTHORITY OF NEW HAVEN DENTAL COMPARISON

	Current Anthem	Delta Dental	Cigna Option 1: DPPO Plan 1 with or without DHMO	Cigna Option 2: DPPO Plan 2 with or without DHMO	Cigna Option 3: Offer Current State Plans		
Plan Name	New Haven	Column1	Plan 1	Plan 2	Basic	Enhanced	DHMO
<b>Network</b>	Any dentist	Declined to Quote	Any dentist	Any dentist	Any dentist	State of CT DPPO	State of CT DHMO
<b>Out of Network Coverage</b>	Yes		Yes	Yes	Yes	Yes, low reimbursement (MAC)	No
<b>Annual deductible</b>	0/0	Declined to Quote	\$25/individual, \$75/family Preventive, Perio Cleaning & Orthodontia	None	None	\$25/individual, \$75/family	None
<b>Deductible waived for Annual maximum per person</b>	n/a Unlimited	Declined to Quote	\$1,000	not applicable \$1,500	not applicable Unlimited	Preventive & Orthodontia \$3,000	not applicable Unlimited
<b>Periodontal Care Maximum per person</b>	\$500	Declined to Quote	Annual Max applies, No annual max for Periodontal cleanings, Scaling & Root Planing	Annual Max applies, No annual max for Periodontal cleanings, Scaling & Root Planing	\$500 Annual Max except Periodontal cleanings, Scaling & Root Planing	Annual Max Applies	None
<b>Implant Maximum (per calendar year)</b>	n/a	Declined to Quote	Not covered	Not Covered	Not Covered	\$500	No dollar annual max, frequency max applies
<b>Lifetime Maximum per person</b>	n/a	Declined to Quote	\$1,500	\$1,500	\$1,500	\$1,500	None
<b>Preventative</b>		Declined to Quote					
X-Ray 4 Bitewing X-Rays Adult	100%	Declined to Quote	100%	100%	100%	100%	covered
Cleanings	100%	Declined to Quote	100%	100%	100%	100%	covered
Oral Exam	100%	Declined to Quote	100%	100%	100%	100%	covered
Fluoride	100%	Declined to Quote	80%	100%	80%	100%	covered
Sealants	not covered	Declined to Quote	100%	100%	80%	100%	covered
<b>Basic</b>		Declined to Quote					
Fillings	100%	Declined to Quote	80%	80%	80%	80%	copay applies
Emergency Care	100%	Declined to Quote	80%	80%	80%	80%	covered
Endodontics	not covered	Declined to Quote	80%	80%	80%	80%	copay applies
Periodontal Cleaning	100%	Declined to Quote	80%	80%	100%	100%	copay applies
Periodontal : All Other	50%	Declined to Quote	50%	80%	50%	80%	copay applies
Denture, Bridge, Crown Repair	100%	Declined to Quote	80%	80%	80%	80%	copay applies
Simple Extractions	100%	Declined to Quote	80%	80%	80%	80%	copay applies
General Anesthetics	not covered	Declined to Quote	not covered	80%	not covered	80%	copay applies
<b>Major</b>		Declined to Quote					
Crown/Inlay/Onlay	50%	Declined to Quote	50%	67%	67%	67%	copay applies
Dentures	covered	Declined to Quote	not covered	67%	not covered	50%	copay applies
Bridges	covered	Declined to Quote	not covered	67%	not covered	50%	copay applies
Space Maintainers	50%	Declined to Quote	50%	100%	67%	80%	copay applies
Oral Surgery (non Simple Extractions)	50%	Declined to Quote	50%	80%	67%	80%	copay applies
Implants	not covered	Declined to Quote	not covered	not covered	not covered	50%	copay applies
<b>Orthodontia</b>		Declined to Quote					
Child Braces	covered	Declined to Quote	50%	50%	Not covered	50%	copay applies
Child Ortho	covered	Declined to Quote	Yes	Child only	Not covered	Yes	Yes

Rates	Current / Renewal							
Employee 29	\$47.03 / <b>\$50.32</b>	N/A	\$38.28	\$48.56	\$46.69	\$39.47	\$28.36	
Employee + 1 39	\$110.87 / <b>\$118.63</b>	N/A	\$73.43	\$94.31	\$102.71	\$86.82	\$62.39	
Employee + Family 36	\$134.88 / <b>\$144.32</b>	N/A	\$118.68	\$153.79	\$158.64	\$134.17	\$76.57	

<b>MONTHLY TOTAL</b>	\$10,543.48 / \$11,281.37	\$8,246	\$10623	\$11,071	\$9,361	\$6,012
<b>ANNUAL RENEWAL TOTAL</b>	\$135,376	\$98,956	\$127,473	\$132,849	\$112,329	\$72,146
<b>% CHANGE</b>	7.00%					
	Valid Thru 9/30/2025	Valid Thru 6/30/2024	Valid Thru 6/30/2024	Valid Thru 6/30/2024	Valid Thru 6/30/2024	Valid Thru 6/30/2024

Current Anthem Renewal rate guaranteed for two years

**MEMORANDUM**

**To: Board of Commissioners**

**From: Karen DuBois-Walton, Ph.D., President**

**Date: September 19, 2023**

**RE: Resolution approving the Lactation/Chest/Breast Feeding Policy**

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-72/23-R

**TIMING:** Immediately

**BACKGROUND:** Elm City Communities including HANH, The Glendower Group, Inc, and 360 Management Group Co. strives to be a leader in the promotion of wellness programs and progressive workforce policies. In support of Section 4207 of the Patient Protection and Affordable Care Act, Pub. L. 111-148, Section 7 of the Fair Labor Standards Act of 1938 (FLSA) requiring employers to provide employees with Lactation/Breastfeeding accommodations in the workplace this policy has been created.

We recognize that Lactation/chest/breastfeeding has many benefits for new parents and their children. Our agency wants to support our employees whenever they need it. As part of our family-friendly work life benefits the agency supports lactation/chest/breastfeeding employees by providing accommodations to employees who need to express breast milk during the workday and applies to all lactation/chest/breastfeeding employees in our company regardless of rank, status and position.

This resolution requests Board Approval for the ECC/HANH Lactation/Chest/Breast Feeding Policy.

**FISCAL IMPACT:** \$0

**STAFF:** Iris M. Collazo, Vice President of Talent & Administration

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**Resolution # 09-72/23-R**

**RESOLUTION AUTHORIZING A POLICY FOR NURSING/LACTATING PARENTS IN ORDER TO LACTATE/CHEST/BREASTFEED THEIR INFANT OR EXPRESS HUMAN MILK AT WORK.**

WHEREAS, Elm City Communities including HANH, The Glendower Group, Inc, and 360 Management Group Co. strives to be a leader in the promotion of wellness programs and progressive workforce policies; and

WHEREAS, in support of Section 4207 of the Patient Protection and Affordable Care Act, Pub. L. 111-148, Section 7 of the Fair Labor Standards Act of 1938 (FLSA) requiring employers to provide employees with Lactation/Breastfeeding accommodations in the workplace this policy has been created; and

WHEREAS, we recognize that Lactation/chest/breastfeeding has many benefits for new parents and their children. Our agency wants to support our employees whenever they need it; and

WHEREAS, as part of our family-friendly work life benefits the agency supports lactation/chest/breastfeeding employees by providing accommodations to employees who need to express breast milk during the workday and applies to all lactation/chest/breastfeeding employees in our company regardless of rank, status and position; and

WHEREAS, this resolution requests Board Approval for the ECC/HANH Lactation/Chest/Breast Feeding Policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT:**

1. Resolution Authorizing the Lactation/Chest/Breast Feeding Policy is authorized.
2. The President be and hereby is authorized, empowered, and directed to take any and all such action ancillary, related and or/necessary action to fulfill the foregoing purposes and the purposes of this resolution.
3. This resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on September 19, 2023.

---

Karen DuBois-Walton, Ph. D.  
Secretary/President

---

Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**ELM CITY COMMUNITIES, (HANH)**

<b>TOPIC:</b> <b>LACTATION/CHEST/BREAST FEEDING</b>	<b>SOP #</b>	<b>Page 1 of</b>
<b>DEPARTMENT:</b> <b>TALENT AND ADMINISTRATION</b>	<b>APPLICABILITY:</b> <b>ALL HANH, GLENDOWER &amp; 360 MGMT EMPLOYEES</b>	
<b>PRESIDENT:</b> <b>Karen DuBois-Walton, Ph. D</b>	<b>EFFECTIVE DATE:</b> <b><u>OCTOBER 1, 2023</u></b>	<b>REFERENCES:</b>

	<b>SECTION</b>	<b>PGS</b>
<b>I</b>	<b>POLICY</b>	<b>1</b>
<b>II</b>	<b>PURPOSE</b>	<b>1-2</b>
<b>III</b>	<b>COMPANY RESPONSIBILITIES</b>	<b>2</b>
<b>IV</b>	<b>BREAK TIMES</b>	<b>2</b>
<b>V</b>	<b>PLACE FOR MOTHERS TO EXPRESS MILK</b>	<b>3</b>
<b>VI</b>	<b>GENERAL RULES</b>	<b>3</b>
<b>VII</b>	<b>PROCEDURES</b>	<b>3</b>
<b>VIII</b>	<b>EMPLOYEE RESPONSIBILITIES</b>	<b>4</b>
<b>IX</b>	<b>CONCERNS</b>	<b>4</b>

**POLICY**

To provide reasonable break time to nursing/lactating employees in order to chest/breastfeed their infant or express human milk.

**PURPOSE**

Elm City Communities including HANH, The Glendower Group, Inc, and 360 Management Group Co. strives to be a leader in the promotion of wellness programs and progressive workforce policies. In support of Section 4207 of the Patient Protection and Affordable Care Act, Pub. L. 111-148, Section 7 of the Fair Labor Standards Act of 1938 (FLSA) requiring employers to provide employees with Lactation/Breastfeeding accommodations in the workplace this policy has been created.



We recognize that chest/breastfeeding has many benefits for new parents and their children. Our agency wants to support our employees whenever they need it. As part of our family-friendly work life benefits the agency supports chest/breastfeeding employees by providing accommodations to employees who need to express breast milk during the workday.

This policy applies to all chest/breastfeeding employees in our company regardless of rank, status and position.

## **COMPANY RESPONSIBILITIES**

1. **Milk Expression Breaks:** Employees can use normal break and mealtimes for the purpose of chest/breastfeeding or to express milk. For time that may be needed beyond the usual break times, employees may use personal leave, make up the time, or other reasonable accommodations as negotiated with their supervisor. The frequency and duration of breaks will likely vary, depending on the needs of the individual.
2. **A Place to Express Milk:** A private space (not a bathroom) shall be available for employees to chest/breastfeed or express milk. Employees within the main building or at off-site locations who are not able to logistically utilize the Lactation Room may also chest/breastfeed or express milk in their own private office, or in other comfortable locations agreed upon in consultation with the employee's supervisor. Any space designated or utilized for milk expression will be private and sanitary, located near a sink with running water for hand washing and rinsing pump parts, and have an electrical outlet.
3. **Milk Storage:** Expressed milk can be stored in company refrigerators or in employee's personal cooler.

## **BREAK TIMES**

Chest/breast feeding employees can pump/express milk or breastfeed their babies in the workplace for the duration of the nursing period. They can take reasonable unpaid breaks whenever there's need. A general provision for these breaks is 15 minutes. But employees are allowed to take as much reasonable additional time as they need.

Currently, collective bargaining employees are given compensated breaks of 15 minutes in the morning and 15 minutes in the afternoon which employees can use for any purpose.

The agency will provide a reasonable amount of break time to express milk as frequently as needed by the chest/breastfeeding employee. The frequency of breaks to express milk as well as the duration of each break will likely vary, according to the needs of the individual.

Managers will be required to use their best judgement on what is considered reasonable.

## **PLACE FOR CHEST/BREASTFEEDING EMPLOYEES TO EXPRESS MILK**

For this purpose, we have also planned for a lactation room. This room will be:

- Separate from bathrooms and meeting rooms.
- Shielded from view by the public and coworkers.
- Equipped with comfortable chairs, electric plugs, a table and a sink nearby.
- Cleaned and sanitized regularly.
- The room will lock from the inside
- The agency will install a fridge where employees can store their milk.

## **GENERAL RULES**

- Employees can use this policy's provisions for the duration of their chest/breastfeeding period.
- Chest/breastfeeding employees should not be disturbed with work issues when using the lactation room.
- If employees use their paid breaks to pump/express milk, they will be compensated as usual. Employees can use their lunch breaks for this purpose too.
- Employees should inform their supervisors when they want to use the lactation room.
- Supervisors aren't allowed to prohibit employees to use break time for chest/breastfeeding and pumping/expressing milk.
- Employees should not take break time when it's not needed or be consistently late to return.
- Supervisors and the HR department are obliged to communicate this policy to employees.
- This policy is not intended to replace chest/breastfeeding employees use of their maternity leave/family medical leave.
- All employees should support chest/breastfeeding employees. We will not tolerate comments, disturbance or victimization of our employees.

## **PROCEDURE**

Employees are required to record their lactation breaks through a timekeeping system or through communication with their manager. In this case, both manager and employee are responsible for recording break times.

In order to provide privacy, the system of booking the lactation room will be established. Multiple employees can use the room simultaneously only after mutual consent. Supervisors and managers are responsible for alerting employees to the agency's worksite lactation resources prior to the employee taking leave and upon return to work.

## **EMPLOYEE RESPONSIBILITIES**

1. **Communication with Supervisors:** Employees who wish to chest/breastfeeding or express milk during the work period shall keep supervisors and managers informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the company. It is recommended that this be discussed prior to returning to work in order to have a plan in place, recognizing that needs will likely change over time.
2. **Maintenance of Milk Expression Areas:** Employees utilizing the space are responsible for keeping milk expression areas clean. Employees are also responsible for keeping the general lactation room clean for the next user. This responsibility extends to both designated milk expression areas and other areas where milk may be expressed.
3. **Milk Storage:** Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of their milk using either a company refrigerator or in employee's personal cooler.
4. **Use of Break Times to Express Milk:** When more than one employee needs to use the designated lactation room, employees can use the shared lactation calendar in the shared drive to negotiate milk expression times that are most convenient or best meet their needs.

## **CONCERNS**

Employees who have complaints about the process, the room or their coworkers' behavior can report their concerns to their immediate supervisor and the Human Resources department. All legitimate complaints will be investigated and resolved.

**MEMORANDUM**

**TO:** Board of Commissioners  
**FROM:** Karen DuBois-Walton, Ph. D, President  
**DATE:** September 19, 2023  
**RE:** Resolution approving a contract with Ultimate Kronos Group (UKG) for HR Data Management & Payroll Processing Services.

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-73/23-R

**TIMING:** Immediately

**BACKGROUND:** On April 24, 2023 HANH conducted a competitive procurement to identify a contractor to provide HR Data Management & Payroll Processing Services. Bids were due back to HANH on May 23, 2023 and two (2) responses were received. Upon completion of the review and evaluations of proposals, it was deemed that Ultimate Kronos Group (UKG) had submitted the most responsive proposal for HANH's HR Data Management & Payroll Processing Services.

Ultimate Kronos Group (UKG) quoted HANH's HR Data Management & Payroll Processing Services at \$35,121.50 per year for a term of five (5) years beginning on October 1, 2023 and ending on September 30, 2028.

This resolution is asking for board approval to enter into a contract with Ultimate Kronos Group (UKG) for a period of five (5) years beginning on October 1, 2023 and ending on September 30, 2028 at an amount not to exceed \$175,608.00.

In accordance with resolution 10-129/18-R for the Revised Procurement Policy, approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution. ECC/HANH staff is recommending that the Board of Commissioners authorize a Contract with Ultimate Kronos Group, (UKG) for HR Data Management & Payroll Processing Services. for five (5) years for a total not to exceed contract amount of \$175,608.00 for the period beginning October 1, 2023 and ending September 30, 2028.

**FISCAL IMPACT:** \$175,608.00 HANH Operating Budgets

**STAFF:** Iris M. Collazo, Vice President of Talent & Administration

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**Resolution # 09-73/23-R**

**RESOLUTION APPROVING A CONTRACT WITH ULTIMATE KRONOS GROUP (UKG) FOR HR DATA MANAGEMENT & PAYROLL PROCESSING SERVICES FOR FIVE (5) YEARS FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$175,608.00 FOR THE PERIOD BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2028**

WHEREAS, HANH has a recurring need for payroll processing and human data management services and solicited for these services on April 24, 2023; and

WHEREAS, Bids were due back to HANH on May 23, 2023 and two (2) responses were received and upon completion of the review and evaluations of proposals, it was deemed that Ultimate Kronos Group (UKG) had submitted the most responsive proposal for HANH's HR Data Management & Payroll Processing Services ; and

WHEREAS, Ultimate Kronos Group (UKG) quoted HANH's HR Data Management & Payroll Processing Services at \$35,121.50 per year for a term of five (5) years beginning on October 1, 2023 and ending on September 30, 2028; and

WHEREAS, This resolution is asking for board approval to enter into a contract with Ultimate Kronos Group (UKG) for a period of five (5) years beginning on October 1, 2023 and ending on September 30, 2028 at an amount not to exceed \$175,608.00.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN THAT:**

1. Resolution Authorizing a Contract with Ultimate Kronos Group, (UKG) for HR Data Management & Payroll Processing Services. for five (5) years for a total not to exceed contract amount of \$175,608.00 for the period beginning on October 1, 2023 and ending on September 30, 2028 is authorized.
2. The President be and hereby is authorized, empowered, and directed to take any and all such action ancillary, related and or/necessary action to fulfill the foregoing purposes and the purposes of this resolution.
3. This resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on September 19, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph. D.  
Secretary/President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

<b>Solicitation Name</b>	Payroll Services and HR Management Systems
<b>Solicitation Number</b>	Ad-23-RFP-772
<b>Release Date</b>	4/24/2023
<b>Pre-Proposal Date</b>	5/9/2023
<b>Question Due Date</b>	5/11/2023
<b>Due Date</b>	5/23/2023
<b># of addendums issued</b>	0
<b>Proposals Rec'd</b>	2
	<i>UKG ( Kronos)</i>
	<i>Paylocity</i>
<b>Evaluation Committee Meeting Date</b>	5/30/2023
<b>Interviews Conduct Date</b>	6/28/2023
<b>Highest Ranked Proposal</b>	UKG ( Kronos )
<b>Neg. Meeting Held Date</b>	N/A
<b>Best and Final Due Date</b>	N/A- Proposal Cost lower than ICE and inline with current pricing
<b>Due Diligence Conducted</b>	8/31/2023
<b># of previous times services solicited</b>	1
<b>Advertisements</b>	
	<i>New Haven Register</i> Y
	<i>LaVoz</i> Y
	<i>Inner City News</i> Y
<b>Current Vendor/ Supplier</b>	
	Yes Y
	No

**MEMORANDUM**

**To: Board of Commissioners**

**Date: September 19, 2023**

**From: Karen DuBois-Walton, Executive Director**

**Re: Resolution Authorizing the ECC/HANH Vehicle Policy**

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-74/23-R

**TIMING:** Immediately

**DISCUSSION:** Elm City Communities/HANH has established defined standards and guidelines regarding the use of vehicles owned by ECC/HANH which are assigned to individual employees with a demonstrated need for such equipment to perform essential ECC/HANH business. This includes every executive leader, employee, temporary worker, and authorized agent.

Vehicles include vans, pickup trucks, rack body trucks, specialized vehicles (bucket truck), SUV's and passenger bus which provide ECC, HANH and its employees efficient response to daily work related tasks.

It is ECC/HANH's intent through this policy to monitor, control and maintain its vehicle fleet. The policy is created to ensure safety and well being of the HANH employees and minimize liability to ECC/HANH and to establish standard requirement and procedures that drive a motor vehicle in the course of ECC/HANH business.

The revisions made to the Vehicle Policy:

- 1) Added language: Some vehicles may be authorized by the President to be driven home if the employee's job function requires that they be available to respond to HANH emergencies. Said employee must identify the address which the HANH vehicle will be parked overnight for response to those said emergencies.

This resolution requests Board Approval for the ECC/HANH Vehicle Policy.

**FISCAL IMPACT:** \$0 Operating funds

**STAFF:** Iris M. Rodriguez, Vice President of Talent and Administration  
Gary Hogan, Vice President of Operations

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**Resolution # 09-74/23-R**

**RESOLUTION AUTHORIZING THE VEHICLE POLICY**

**WHEREAS**, Elm City Communities/HANH has established defined standards and guidelines regarding the use of vehicles owned by ECC, HANH which are assigned to individual employees with a demonstrated need for such motor vehicle to perform essential ECC/HANH business; and

**WHEREAS**, this includes every employee, temporary worker, authorized agent; and

**WHEREAS**, vehicles include vans (cargo/passenger), pickup trucks, rack body trucks, specialized vehicles (bucket truck), SUV's and passenger bus which provide ECC/ HANH and its employees efficient response to daily work related tasks; and

**WHEREAS**, it is ECC/HANH's intent through this policy to monitor, control and maintain its vehicle fleet. The policy is created to ensure safety and well being of the HANH employees and minimize liability to ECC/HANH and to establish standard requirement and procedures that drive a motor vehicle in the course of ECC/HANH business;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN** that the Vehicle Policy be approved and the Executive Director be and hereby is authorized, empowered and directed to act on behalf of HANH to take all such actions as are necessary or appropriate to cause to be prepared, execute and finalize, upon such terms as the Executive Director deems necessary and appropriate and in the best interest of HANH, the agreement contemplated hereby.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present on September 15,2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph. D.  
Secretary/Executive Director

\_\_\_\_\_  
Date

REVIEWED:  
McCarter and English LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner



## MEMORANDUM

**To: Board of Commissioners**

**Date: September 19, 2023**

**From: Karen DuBois-Walton, Ph.D., President**

**RE: Resolution Authorizing Change Order Number Three (3) to the contract with F.W. Webb Company (Contract # 15PSX0193) through the State of Connecticut, the Department of Administrative Services for plumbing & heating parts and equipment set to expire on December 31, 2023 for an additional amount of \$98,000.00 bringing the total not to exceed contract amount from \$147,711.00 to \$245,111.00**

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**ACTION:** Recommend that the Board of Commissioners adopt Resolution # **09-75/23-R**

**TIMING:** Immediately

**DISCUSSION:** HANH has determined a need for plumbing & heating parts and equipment agency wide. The F.W. Webb Company administers statewide Commodity Contracts for use by State Department and Local Governments. Statewide Commodity Contracts are a type of Leverage Procurement Agreements (LPA) used as one of the State's, main procurement vehicles for leveraging its buying power. This objective is accomplished by competitively soliciting quality products by a single lead public agency and making the resulting Contract available to other public agencies.

The State of Connecticut, through the Department of Administrative Services, has a contract with F.W. Webb Company (Contract # 15PSX0193) for plumbing & heating parts and equipment set to expire on December 31, 2023.

On January 2022, HANH approved PO-22219-13719 with F.W. Webb Company for plumbing & heating parts and equipment in the amount of \$45,000.00

On September 14, 2022, HANH approved of Change Order Number One (1) PO-22456-3574 with F.W. Webb Company for plumbing & heating parts and equipment in the amount of \$44,711.00.

On February 23, 2023, the Board approved Resolution Number #02-14/23-R for Change Order Number Two (2) to the contract with F.W. Webb Wholesale Company for plumbing and heating parts and equipment for an additional amount of \$58,000.00 bringing the total not to exceed contract amount from \$89,711.00 to \$147,711.00

HANH is now seeking approval of Change Order Number Three (3) to the contract with F.W. Webb Company (Contract # 15PSX0193) through the State of Connecticut, the Department of Administrative Services for plumbing & heating parts and equipment set to expire on December 31, 2023 for an additional amount of \$98,000.00 bringing the total not to exceed contract amount from \$147,711.00 to \$245,111.00

In accordance with resolution 10-129/18-R for the Revised Procurement Policy, approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution. HANH is now seeking approval of Change Order Number Three (3) to the contract with F.W. Webb Company (Contract # 15PSX0193) through the State of Connecticut, the Department of Administrative Services for plumbing & heating parts and equipment set to expire on December 31, 2023 for an additional amount of \$98,000.00 bringing the total not to exceed contract amount from \$147,711.00 to \$245,111.00

FISCAL IMPACT: \$18,000.00 Operating funds budgeted FY 2023  
\$80,000.00 Operating funds budgeted FY 2024

STAFF: Lee Purvis, Central Operations Manager

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**Resolution # 09-75/23-R**

**Resolution Authorizing Change Order Number Three (3) to the contract with F.W. Webb Company (Contract # 15PSX0193) through the State of Connecticut, the Department of Administrative Services for plumbing & heating parts and equipment set to expire on December 31, 2023 for an additional amount of \$98,000.00 bringing the total not to exceed contract amount from \$147,711.00 to \$245,111.00.**

---

WHEREAS, the Housing Authority of the City of New Haven has a recurring need for plumbing & heating parts and equipment agency wide;and

WHEREAS, the F.W. Webb Company administers statewide Commodity Contracts for use by State Department and Local Governments making the resulting Contract available to other public agencies; and

WHEREAS, the State of Connecticut, through the Department of Administrative Services, has a Contract with F.W. Webb Company (Contract # 15PSX0193) for plumbing & heating parts and equipment set to expire on December 31, 2023; and

WHEREAS, justification for procurements with City or State agencies are noted in the A) HUD Procurement Hand Book 7460.8 Rev-1, Section 8 (Cooperative Purchasing Agreements); B) Federal Procurement Regulation SFR 85.6 (page 527); and C) HANH Procurement Policy (Page 14) Cooperative Purchasing which states “HANH may enter into State and Local Intergovernmental Agreements to purchase or use common goods and services; and

WHEREAS, On January 2022, HANH approved PO-22219-13719 with F.W. Webb Company for plumbing & heating parts and equipment in the amount of \$45,000.00;and

WHEREAS, On September 14, 2022, HANH approved Change Order Number One (1) PO-22456-3574 with F.W. Webb Company for plumbing & heating parts and equipment in the amount of \$44,711.00; and

WHEREAS, On February 23, 2023, the Board approved Resolution Number #02-14/23-R for Change Order Number Two (2) to the contract with F.W. Webb Wholesale Company for plumbing and heating parts and equipment for an additional amount of \$58,000.00 bringing the total not to exceed contract amount from \$89,711.00 to \$147,711.00; and

WHEREAS, HANH is now seeking approval of Change Order Number Three (3) to the contract with F.W. Webb Company (Contract # 15PSX0193) through the State of Connecticut, the Department of Administrative Services for plumbing & heating parts and equipment set to expire on December 31, 2023 for an additional amount of \$98,000.00 bringing the total not to exceed contract amount from \$147,711.00 to \$245,111.00; and

WHEREAS, in accordance with resolution 10-129/18-R for the Revised Procurement Policy, approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN that:**

1. Resolution Authorizing Change Order Number Three (3) to the contract with F.W. Webb Company (Contract # 15PSX0193) through the State of Connecticut, the Department of Administrative Services for plumbing & heating parts and equipment set to expire on December 31, 2023 for an additional amount of \$98,000.00 bringing the total not to exceed contract amount from \$147,711.00 to \$245,111.00 is approved.
2. The President be and hereby is authorized, empowered and directed to take any and all such action ancillary, related and or/necessary action to fulfill the foregoing purposes and the purposes of this resolution.
3. The resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on September 19, 2023.

\_\_\_\_\_  
Karen DuBois-Walton, Ph. D.  
Secretary/President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**F. W. Webb Plumbing & Heating Wholesale and Supplier Change order Log**

**Date: 09/06/23**

**Vendor: F. W. Webb Plumbing & Heating Wholesale and Supplier**

**Intital Contract Term: 1-1-22 to 12/31/ 23**  
**State Contract # 15PSX0193**

<b>Original Contract amount:</b>		<b>\$45,000.00</b>
<b>Change Order #1</b>		<b>\$44,711.00</b>
<b>Change Order #2</b>		<b>\$58,000.00</b>
<b>Change Order #3</b>		<b>\$98,000.00</b>
<b>Total Contract Value:</b>		<b>\$245,711.00</b>

## MEMORANDUM

**To:** Board of Commissioners

**Date:** September 19, 2023

**From:** Karen DuBois-Walton Ph.D., President

**RE:** Resolution Authorizing Change Order Number Two (2) to the contract with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for equipment for an additional amount of \$60,000.00 bringing the total not to exceed contract amount from \$440,000.00 to \$500,000.00

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**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-76/23-R

**TIMING:** Immediately

**DISCUSSION:** The Authority has a recurring need for automotive gasoline, sand, salt and bulk trash removal. The City of New Haven competitively purchases these materials and services, and the Authority is authorized to enter into agreements with the City. The contract is ongoing until terminated by either party.

Justification for procurements with city agencies are noted in the A) HUD Procurement Hand Book 7460.8 Rev-1, Section 8 (Cooperative Purchasing Agreements); B) Federal Procurement Regulation CFR 85.36 (Page 527); and C) HANH Procurement Policy (Page 14) Cooperative Purchasing which states "HANH may enter into state and local intergovernmental agreements to purchase or use common goods and services.

On April 20, 2020, the Board approved Resolution Number #04-33/20-R the Board of Commissioners approved an agreement with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for five (5) years for the period beginning May 1, 2020 ending April 30, 2025 in an not to exceed \$400,000.00.

On September 5, 2023, ECC/HANH approved change order Number One (1) in order to increase the contract amount by \$40,000.00 for a 10% of the contract to the Contract with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for equipment bringing the total not to exceed contract amount from \$400,000.00 to \$440,000.00.

HANH is now seeking approval of Change Order Number Two (2) to the contract with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for equipment for an additional amount of \$60,000.00 bringing the total not to exceed contract amount from \$440,000.00 to \$500,000.00.

In accordance with resolution 10-129/18-R for the Revised Procurement Policy approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution. HANH is now seeking approval of Change Order Number Two (2) to the contract with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for equipment for an additional amount of \$60,000.00 bringing the total not to exceed contract amount from \$440,000.00 to \$500,000.00.

FISCAL IMPACT: FY 2024 \$60,000.00

STAFF: Lee Purvis, Central Operations Manager

|

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**Resolution # 09-76/23-R**

**Resolution Authorizing Change Order Number Two (2) to the contract with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for equipment for an additional amount of \$60,000.00 bringing the total not to exceed contract amount from \$440,000.00 to \$500,000.00**

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WHEREAS, HANH has a recurring need for automotive gasoline, sand, salt and bulk trash removal. The City of New Haven competitively purchases these materials and services and the Authority is authorized to enter into agreements with the City. The contract is ongoing until terminated by either party. HANH has a recurring need for gasoline, salt and sand, bulk trash removal, and other materials and supplies; and

WHEREAS, justification for procurements with city agencies are noted in the A) HUD Procurement Hand Book 7460.8 Rev-1, Section 8 (Cooperative Purchasing Agreements); B) Federal Procurement Regulation CFR 85.36 (Page 527); and C) HANH Procurement Policy (Page 14) Cooperative Purchasing which states “HANH may enter into state and local intergovernmental agreements to purchase or use common goods and services; and

WHEREAS, On April 20, 2020, the Board approved Resolution Number #04-33/20-R the Board of Commissioners approved an agreement with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for five (5) years for the period beginning May 1, 2020 ending April 30, 2025 in an not to exceed \$400,000.00; and

WHEREAS, On September 5, 2023, ECC/HANH approved change order Number One (1) in order to increase the contract amount by \$40,000.00 for a 10% of the contract to the Contract with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for equipment bringing the total not to exceed contract amount from \$400,000.00 to \$440,000.00; and



WHEREAS, HANH is now seeking approval of Change Order Number Two (2) to the contract with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for equipment for an additional amount of \$60,000.00 bringing the total not to exceed contract amount from \$440,000.00 to \$500,000.00; and

WHEREAS, in accordance with resolution 10-129/18-R for the Revised Procurement Policy approved by the Board of Commissioners on October 16, 2018, all Contracts greater than \$150,000.00 inclusive of all optional years and all Change Orders and amendments in excess of 10% or \$50,000.00 (whichever is higher) and which results in a total contract greater than \$150,000.00 must be approved by the Board of Commissioners prior to execution; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN that:**

1. Resolution approving Change Order Number Two (2) to the contract with the City of New Haven Department of Public Works for a Memorandum of Understanding (MOU) for cooperative purchasing of supplies and materials including but not limited to automotive gasoline, sand and salt, bulk trash disposal services for driveways and parking area for equipment for an additional amount of \$60,000.00 bringing the total not exceed contract amount from \$440,000.00 to \$500,000.00 is approved.
2. The President be and hereby is authorized, empowered and directed to take any and all such action ancillary, related and or/necessary action to fulfill the foregoing purposes and the purposes of this resolution.
3. The resolution shall take effect immediately.

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on September 19, 2023.

---

Karen DuBois-Walton, Ph. D.  
Secretary/President

---

Date

REVIEWED:  
MCCARTER & ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

**City of New Haven Department of Public Works (MOU) Change Order Log**

**Date: 09/06/23**

**Vendor: City of New Haven Department of Public Works**

**Intital Contract Term: 4-30-20 to 4/30/ 25**  
**Memorandum of Understanding with New Public Works for gas, salt and sand and bulk waste**

<b>Original Contract amount:</b>		
<b>for (5) years</b>		<b>\$400,000.00</b>
<b>Change Order #1</b>	10% of total contract amount	<b>\$40,000.00</b>
<b>Change Order #2</b>		<b>\$160,000.00</b>
<b>Total Contract Value:</b>		<b>\$600,000.00</b>

## MEMORANDUM

**TO:** Board of Commissioners

**DATE:** September 19, 2023

**FROM:** Karen DuBois-Walton, Ph.D., President

**RE:** Resolution authorizing the revision of the ECC/HANH Admission and Continued Occupancy Plan (ACOP)

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-77/23-R

**TIMING:** Immediately

**DISCUSSION:** On June 19, 2018, the Board of Commissioners authorized resolution # **06-63/18-S**, approving the revision of the Admissions and Occupancy Policy (ACOP).

On January 21, 2020, the Board of Commissioners authorized resolution # **01-02/20-S**, approving the revision of the Admissions and Occupancy Policy (ACOP).

On June 16, 2020, the Board of Commissioners authorized resolution # **03-22/20-S**, approving an additional revision of the Admissions and Occupancy Policy (ACOP).

On July 21, 2020, the Board of Commissioners authorized resolution # **07-61-20-R**, approving an additional revision of the Admissions and Occupancy Policy (ACOP).

On October 20, 2020, the Board of Commissioners authorized resolution # **10-96/20-R**, approving an additional revision of the Admissions and Occupancy Policy (ACOP).

On February 16, 2021, the Board of Commissioners authorized resolution # **02-07/21-R**, approving an additional revision of the Admissions and Occupancy Policy (ACOP).

On December 21, 2021, the Board of Commissioners authorized resolution # **12-102/21-R**, approving an additional revision of the Admissions and Occupancy Policy (ACOP).

On June 21, 2022, the Board of Commissioners authorized resolution # **06-24/22R**, approving an additional revision of the Admissions and Occupancy Policy (ACOP).

The ACOP is required by HUD. The purpose of the ACOP is to establish policies for carrying out the Low-Income Public Housing (LIPH) program in a manner consistent with HUD requirements and local goals and objectives contained in ECC/HANH's MTW plan. The ACOP is a supporting document to the ECC/HANH MTW plan and is available for public review as required by CFR 24 Part 903.

The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for Low Income Public Housing (LIPH) program funding.

ECC/HANH is responsible for complying with all changes in HUD regulations pertaining to the LIPH program. If such changes conflict with this plan, HUD regulations will have precedence.

HUD regulations contain a list of what must be included in the ACOP.

The revisions are updates to the following chapters.

- **Chapter 4 - Applications, Waiting List and Tenant Selection**
  - Managing the Waiting List
  - Organization of the Waiting List
  - Opening and Closing of the Waiting List
  - Reporting Changes in Family Circumstances
  - Purging the Waiting List
  - Removal from the Waiting List
  - Organization of ECC/HANH's Site Based Waiting Lists
  - The Application Interview
  - Selection Method
    - **Non-Public Housing Over-Income Family (HOTMA provision)**  
An over income (OI) family who has remained in the unit and is now paying the alternative non-public housing rent and who have again become income eligible. A family who has vacated the unit is not eligible for this preference.
  - Preferences
    - **Non-Public Housing Over-Income Family (HOTMA Provision)**  
An over income (OI) family who has remained in the unit and is paying the alternative no-public housing rent and who have again become income eligible. A family who has vacated the unit is not eligible for this preference.
  - VAWA Applicant Waitlist and Transfer Waitlist Preference
- **Chapter 5 – Occupancy Standards and Unit Offers**
  - Number of Offers
- **Chapter 6 – Income and Rent Determinations**
  - Anticipating Annual Income
  - Flat Rents/Family Choice in Rent
- **Chapter 8 – Leasing and Inspections**
  - Leasing
  - Execution of Lease
  - Security Deposit
  - Payments Under the Lease

- Late Fees and Non-Payment
- Excess Utility Charges
- Lease Terminations
- **Chapter 10 – Pets**
  - Approval of Service, Assistant and Support Animals
  - Care and Handling
  - Standards for Pets
- **Chapter 11 – Community Service**
  - Community Service Requirement
  - Determination of Exemption Status and Compliance
- **Chapter 12 – Transfer**
  - Emergency Transfer Procedures
  - Types of ECC/HANH Required Transfers
  - Transfer Processing/Transfer List
- **Chapter 13 – Lease**
  - Lease Terminations
  - Public Housing Over Income Limit under the Housing Opportunity Through Modernization Act (HOTMA) of 2016; [FR-5976-N-07]; [PIH-2019-11 (HA)]; Section 103
- **Chapter 14 – Grievance and Appeals**
  - Reasonable Accommodations for Persons with Disabilities
  - United States Citizenship and Immigration Services Appeal Process
  - Grievance Procedures for Public Housing Residents
  - Applicability
  - Informal Settlement of Grievance
  - Procedures Governing the Hearing
- **Chapter 16 – Program Administration**
  - Flat Rents
- **Glossary**

A 30-day comment period occurred from August 1, 2023, to August 30, 2023. A public hearing for comments was held on August 28, 2023. There were XXX public comments.

**FISCAL IMPACT:** None

**SOURCE OF FUNDS:** N/A

**STAFF:** Evelise Ribeiro, Director of Compliance and MTW Initiatives

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION # 09-77/23-R**

**RESOLUTION AUTHORIZING THE REVISION OF THE ECC/HANH ADMISSION  
AND CONTINUED OCCUPANCY PLAN (ACOP)**

**WHEREAS**, On June 19, 2018, the Board of Commissioners authorized resolution # **06-63/18-S**, approving the revision of the Admissions and Occupancy Policy (ACOP); and

**WHEREAS**, On January 21, 2020, the Board of Commissioners authorized resolution # **01-02/20-S** approving the revision of the Admissions and Occupancy Policy (ACOP); and

**WHEREAS**, On June 16, 2020, the Board of Commissioners authorized resolution # **03-22/20-S**, approving an additional revision of the Admissions and Occupancy Policy (ACOP); and

**WHEREAS**, On July 21, 2020, the Board of Commissioners authorized resolution # **07-61-20-R** approving an additional revision of the Admissions and Occupancy Policy (ACOP); and

**WHEREAS**, On October 20, 2020, the Board of Commissioners authorized resolution # **10-96/20-R**, approving an additional revision of the Admissions and Occupancy Policy (ACOP); and

**WHEREAS**, On February 16, 2021, the Board of Commissioners authorized resolution # **02-07/21-R**, approving an additional revision of the Admissions and Occupancy Policy (ACOP); and

**WHEREAS**, On December 21, 2021, the Board of Commissioners authorized resolution # **12-102/21-R**, approving an additional revision of the Admissions and Occupancy Policy (ACOP); and

**WHEREAS**, On June 21, 2022, the Board of Commissioners authorized resolution # **12-102/21-R**, approving an additional revision of the Admissions and Occupancy Policy (ACOP); and

**WHEREAS** The ACOP is required by HUD and the purpose of the ACOP is to establish policies for carrying out the Low-Income Public Housing (LIPH) program in a manner consistent with HUD requirements and local goals and objectives contained in ECC/HANH's MTW plan; and

**WHEREAS**, The revisions are updates to the following chapters:

- Chapter 4-Applications, Waiting List and Tenant Selection to include Non-Public Housing Over-Income Family (HOTMA provision);
- Chapter 5–Occupancy Standards and Unit Offers;
- Chapter 6–Income and Rent Determinations;
- Chapter 8–Leasing and Inspections;
- Chapter 10–Pets;
- Chapter 11–Community Service;
- Chapter 12–Transfer;
- Chapter 13–Lease;

- Chapter 14– Grievance and Appeals;
- Chapter 16 – Program Administration and
- Glossary

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN** and the President be And hereby is authorized, empowered and directed to act on behalf of ECC/HANH to take all such actions as are necessary or appropriate to cause to be prepared, execute and finalize, upon such terms as the President deems necessary and appropriate and in the best interest of ECC/HANH, the agreement contemplated and hereby to take all necessary actions to revise the ECC/HANH Admissions and Continued Occupancy Policy (ACOP) to include updates to:

- Chapter 4-Applications, Waiting List and Tenant Selection to include Non-Public Housing Over-Income Family (HOTMA provision);
- Chapter 5–Occupancy Standards and Unit Offers;
- Chapter 6–Income and Rent Determinations;
- Chapter 8–Leasing and Inspections;
- Chapter 10–Pets;
- Chapter 11–Community Service;
- Chapter 12–Transfer;
- Chapter 13–Lease;
- Chapter 14– Grievance and Appeals;
- Chapter 16 – Program Administration and
- Glossary

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on September 19, 2023.

\_\_\_\_\_  
Karen DuBois-Walton  
Secretary/ President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER AND ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner

## MEMORANDUM

**TO:** Board of Commissioners

**DATE:** September 19, 2023

**FROM:** Karen DuBois-Walton, Ph.D., President

**RE:** Resolution authorizing the revision of the ECC/HANH Housing Choice Voucher Administrative Plan (Admin Plan)

---

**ACTION:** Recommend that the Board of Commissioners adopt Resolution # 09-78/23-R

**TIMING:** Immediately

**DISCUSSION:** On June 19, 2018, the Board of Commissioners authorized resolution #06-63/18-S, approving the revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

On June 16, 2020, the Board of Commissioners authorized resolution #03-23/20-S, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

On July 21, 2020, the Board of Commissioners authorized resolution # 07-62/20, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

On October 20, 2020, the Board of Commissioners authorized resolution # 10-97/20-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

On February 16, 2021, the Board of Commissioners authorized resolution # 02-08/21-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

On December 21, 2021, the Board of Commissioners authorized resolution # 12-103/21-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

On June 21, 2022, the Board of Commissioners authorized resolution # 06-25/22-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

On September 20, 2022, the Board of Commissioners authorized resolution # 09-49/22-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

On November 15, 2022, the Board of Commissioners authorized resolution # 11-71/22, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).



The Administrative Plan is required by HUD. The purpose of the Administrative Plan is to establish policies for carrying out the Housing Choice Voucher program in a manner consistent with HUD requirements and local goals and objectives contained in ECC/HANH's MTW plan. The Administrative Plan is a supporting document to the ECC/HANH MTW plan and is available for public review as required by CFR 24 Part 903.

The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for Housing Choice Voucher (HCV) program funding.

ECC/HANH is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

HUD regulations contain a list of what must be included in the Administrative Plan.

The revisions are updates to the following chapters.

- **Chapter 4 - Applications, Waiting List and Tenant Selection**
  - Opening and Closing of the Waiting List
  - Selection Method
    - Preferences
  - Transfers for Current ECC Residents Approved for VAWA Protections to Another ECC/HANH Owner Site
  - Effort to End Homelessness – Homeless Preference/Waiting List Set-Asides
- **Chapter 8 – Housing Quality Standards and Rent Reasonableness Determinations**
  - Inspection Results and Reinspections for Units Under HAP Contract
- **Chapter 9 – Leasing**
  - Lease and Tenancy Addendum
- **Chapter 19 – Mixed Finance Developments Including Rental Assistance Demonstration/Project-Based Voucher (RAD/PBV)**
  - Opening and Closing of the Waiting List
  - Preferences
  - Site Based Waiting Lists
  - Notification of Selection

A 30-day comment period occurred from August 1, 2023, to August 30, 2023. A public hearing for comments was held on August 28, 2023. There were XXX public comments.

**FISCAL IMPACT:** None

**SOURCE OF FUNDS:** N/A

**STAFF:** Evelise Ribeiro, Director of Compliance and MTW Initiatives

**ELM CITY COMMUNITIES**  
**Housing Authority of the City of New Haven**

**RESOLUTION # 09-78/23-R**

**RESOLUTION AUTHORIZING THE REVISION OF THE ECC/HANH  
HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN (ADMIN PLAN)**

**WHEREAS**, On June 19, 2018, the Board of Commissioners authorized resolution # 06-63/18-S approving the revision of the Housing Choice Voucher Administrative Plan (Admin Plan); and

**WHEREAS**, On June 16, 2020, the Board of Commissioners authorized resolution #03-23/20-S, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan); and

**WHEREAS**, On July 21, 2020, the Board of Commissioners authorized resolution # 07-62/20, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan); and

**WHEREAS**, On October 20, 2020, the Board of Commissioners authorized resolution # 10-97/20-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan); and

**WHEREAS**, On February 16, 2021, the Board of Commissioners authorized resolution # 02-08/21-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan); and

**WHEREAS**, On December 21, 2021, the Board of Commissioners authorized resolution # 12-103/21-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan); and

**WHEREAS**, On June 21, 2022, the Board of Commissioners authorized resolution #06-25/22-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan); and

**WHEREAS**, On September 20, 2022, the Board of Commissioners authorized resolution #09-49/22-R, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

**WHEREAS**, On November 15, 2022, the Board of Commissioners authorized resolution #11-71/22, approving an additional revision of the Housing Choice Voucher Administrative Plan (Admin Plan).

**WHEREAS**, The Administrative Plan is required by HUD. The purpose of the Administrative Plan is to establish policies for carrying out the Housing Choice Voucher program in a manner consistent with HUD requirements and local goals and objectives contained in ECC/HANH's MTW plan; and

**WHEREAS**, The revisions are updates to:

- Chapter 4– Applications, Waiting List and Tenant;
- Chapter 8 – Housing Quality Standards and Rent Reasonableness Determinations;
- Chapter 9 – Leasing; and
- Chapter 19 – Mixed Finance Developments Including Rental Assistance Demonstration/Project-Based Voucher (RAD/PBV).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF NEW HAVEN** and the President be and hereby is authorized, empowered and directed to act on behalf of ECC/HANH to take all such actions as are necessary or appropriate to cause to be prepared, execute and finalize, upon such terms as the President deems necessary and appropriate and in the best interest of ECC/HANH, the agreement contemplated and hereby to take all necessary actions to revise the ECC/HANH Housing Choice Voucher Administrative Plan (Admin Plan) to include updates to

- Chapter 4– Applications, Waiting List and Tenant;
- Chapter 8 – Housing Quality Standards and Rent Reasonableness Determinations;
- Chapter 9 – Leasing; and
- Chapter 19 – Mixed Finance Developments Including Rental Assistance Demonstration/Project-Based Voucher (RAD/PBV).

I hereby certify that the above resolution was adopted by a majority of the Commissioners present at a meeting duly called at which a quorum was present, on **September 19, 2023**.

\_\_\_\_\_  
Karen DuBois-Walton  
Secretary/ President

\_\_\_\_\_  
Date

REVIEWED:  
MCCARTER AND ENGLISH, LLP  
GENERAL COUNSEL

By: \_\_\_\_\_  
Rolan Joni Young, Esq.  
A Partner



ELM CITY COMMUNITIES/HOUSING AUTHORITY  
OF THE CITY OF NEW HAVEN

PROPOSED REVISIONS TO THE ADMISSIONS AND CONTINUED  
OCCUPANCY POLICY (ACOP) 2023

❖ Chapter 4 - Applications, Waiting List and Tenant Selection

- Managing the Waiting List
- Organization of the Waiting List
- Opening and Closing of the Waiting List
- Reporting Changes in Family Circumstances
- Purging the Waiting List
- Removal from the Waiting List
- Organization of ECC/HANH's Site Based Waiting Lists
- The Application Interview
- Selection Method
  - **Non-Public Housing Over-Income Family (HOTMA provision)**  
An over income (OI) family who has remained in the unit and is now paying the alternative non-public housing rent and who have again become income eligible. A family who has vacated the unit is not eligible for this preference.
- Preferences
  - **Non-Public Housing Over-Income Family (HOTMA Provision)**  
An over income (OI) family who has remained in the unit and is paying the alternative no-public housing rent and who have again become income eligible. A family who has vacated the unit is not eligible for this preference.
- **VAWA Applicant Waitlist and Transfer Waitlist Preference**

❖ Chapter 5 – Occupancy Standards and Unit Offers

- Number of Offers

❖ Chapter 6 – Income and Rent Determinations

- Anticipating Annual Income
- Flat Rents/Family Choice in Rent

- ❖ **Chapter 8 – Leasing and Inspections**
  - Leasing
  - Execution of Lease
  - Security Deposit
  - Payments Under the Lease
  - Late Fees and Non-Payment
  - Excess Utility Charges
  - Lease Terminations
  
- ❖ **Chapter 10 – Pets**
  - Approval of Service, Assistant and Support Animals
  - Care and Handling
  - Standards for Pets
  
- ❖ **Chapter 11 – Community Service**
  - Community Service Requirement
  - Determination of Exemption Status and Compliance
  
- ❖ **Chapter 12 – Transfer**
  - Emergency Transfer Procedures
  - Types of ECC/HANH Required Transfers
  - Transfer Processing/Transfer List
  
- ❖ **Chapter 13 – Lease**
  - Lease Terminations
  - Public Housing Over Income Limit under the Housing Opportunity Through Modernization Act (HOTMA) of 2016; [FR-5976-N-07]; [PIH-2019-11 (HA)]; Section 103
  
- ❖ **Chapter 14 – Grievance and Appeals**
  - Reasonable Accommodations for Persons with Disabilities
  - United States Citizenship and Immigration Services Appeal Process
  - Grievance Procedures for Public Housing Residents
  - Applicability
  - Informal Settlement of Grievance
  - Procedures Governing the Hearing
  
- ❖ **Chapter 16 – Program Administration**
  - Flat Rents
  
- ❖ **Glossary**

## Chapter 4

### APPLICATIONS, WAITING LIST AND TENANT SELECTION

#### INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides ECC/HANH with the information needed to determine the family's eligibility. HUD requires ECC/HANH to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, ECC/HANH must select families from the waiting list in accordance with HUD requirements and ECC/HANH policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and the Annual Plan.

ECC/HANH is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow these policies and procedures consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or ECC/HANH that justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeted funding.

HUD regulations require that ECC/HANH comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13] (see chapter 2).

This chapter describes ECC/HANH policies for accepting applications, managing the waiting list and selecting families from the waiting list. Policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise ECC/HANH's Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how ECC/HANH will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how ECC/HANH's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process ECC/HANH will use to keep the waiting list current.

Part III: Tenant Selection. This part describes the policies that guide ECC/HANH in selecting families from the waiting list as units become available. It also specifies how interviews will be used to ensure that ECC/HANH has the information needed to make a final eligibility determination.

## PART I: THE APPLICATION PROCESS

### 4-I.A. OVERVIEW

This part contains policies guiding ECC/HANH's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement on the waiting list. Included is ECC/HANH's obligation to ensure accessibility of the application process.

### 4-I.B. APPLYING FOR ASSISTANCE

Any family that wishes to reside in public housing must apply for admission to the program when the waiting list for the specific site-based development is open.

HUD permits ECC/HANH to determine the format and content of LIPH applications, as well how such applications will be made available to interested families and how applications will be accepted by ECC/HANH. ECC/HANH must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of ECC/HANH's application.

#### ECC/HANH Policy

ECC/HANH will maintain site-based waiting lists for the LIPH program.

When opening the waiting list, ECC/HANH will publicly announce the accepting of applications (see Section 4-II-C).

Families may apply for the wait list through the ECC/HANH Applicant portal at <https://ecc.myhousing.com>. If the applicant needs a reasonable accommodation to complete the pre-application, the applicant may contact the Reasonable Accommodation Manager at ~~203-498-8800 x1507~~. Application forms can also be obtained at the ECC/HANH website at [www.elmcitycommunities.org](http://www.elmcitycommunities.org) or United Way's 211 Info line at <http://www.cthcvp.org>.

A family may request to pick up an application form at the agency offices or to have the application mailed to them as a reasonable accommodation.

All applications received via mail will be date and time stamped. Mailed applications will be added to the waitlist based on the date and time that they are stamped as received.

Only one application will be accepted per family; duplicate applications will be discarded.

Applications received after the published deadline date will be rejected.

Completed applications must be submitted via the Wait List portal. Applications must be complete in order to be accepted by the ECC/HANH for processing.

The Applicant Portal does not allow incomplete applications to be submitted through the portal. If a pre-application submitted in any way other than the portal is incomplete, the

ECC/HANH will not accept the application but will instead notify the applicant by mail or email, if applicable, that the application is incomplete and has been denied.

An applicant whose application has been denied for not meeting the published application criteria will be provided with the opportunity to appeal ECC/HANH's decision that the application did not meet the published application criteria within 10 business days of the notice of application denial.

#### **4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS**

ECC/HANH must take a variety of steps to ensure that the pre-application process is accessible to those people who might have difficulty complying with the standard ECC/HANH pre-application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). ECC/HANH must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or ECC/HANH must provide an alternate approach that provides full access to the application process.

##### **Disabled Populations [24 CFR 8; PH Occ GB, p. 68]**

ECC/HANH must provide reasonable accommodation as needed for persons with disabilities to make the pre-application process fully accessible. The facility where pre-applications are accepted and the pre-application process must be fully accessible, or ECC/HANH must provide an alternate approach that provides equal access to the program (see chapter 2).

##### **Limited English Proficiency**

ECC/HANH is required to take reasonable steps to ensure meaningful access to our programs and activities by persons with limited English proficiency [24 CFR 1] (see chapter 2).

#### **4-I.D. PLACEMENT ON THE WAITING LIST**

##### **Ineligible for Placement on the Waiting List**

##### ECC/HANH Policy

The Applicant Portal does not allow incomplete applications to be submitted. If an application is incomplete, the applicant will not be able to submit the application until the application is completed with all required information. If a pre-application submitted in any way other than the portal is incomplete, ECC/HANH will not accept the application but will instead notify the applicant by mail or email, if applicable, that the application is incomplete and give an opportunity to complete the application.

Applicants will not be screened for ineligibility at the pre-application stage. Screening for ineligibility will occur at the time of tenant selection at the full application stage.



## **Eligible for Placement on the Waiting List**

### ECC/HANH Policy

Applicants will be placed on the waiting list according to ECC/HANH preference(s) and the date and time their complete application is received by ECC/HANH.

ECC/HANH will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to ECC/HANH standards and local codes). However, in these cases, the family must agree not to request a transfer for one year after admission, unless they have a change in family size or composition.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, ECC/HANH will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.

## PART II: MANAGING THE WAITING LIST

### 4-II.A. OVERVIEW

ECC/HANH must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how ECC/HANH may structure its waiting list and how families must be treated if they apply for assistance from a PHA that administers more than one assisted housing program.

~~ECC/HANH must have policies regarding the type of waiting list it will utilize as well as how the waiting list will be organized and managed.~~

### 4-II.B. ORGANIZATION OF THE WAITING LIST

ECC/HANH will administer its waiting list as required by 24 CFR Part 5, Part 945 and Part 960, Subparts A and B. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent file.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income eligibility requirements as established by HUD.

ECC/HANH's public housing waiting list must be organized in such a manner to allow ECC/HANH to accurately identify and select families in the proper order, according to its admissions policies.

#### ECC/HANH Policy

The waiting list will contain the following information for each applicant listed:

Entity ID number

Applicant Name and social security number of head of household

Date of Birth

Applicant Address

Unit size required (number of family members)

Amount and source of annual income

Accessibility requirement, if any

Household type (family, elderly, disabled)

Qualification for any Admission preference, if any

Race and ethnicity of the head of household

Gender

The specific site(s) selected

Date and time of application or application

Admission preference, if any

ECC/HANH may adopt one community-wide waiting list or site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

#### ECC/HANH Policy

ECC/HANH has adopted a system of site-based waiting lists.

HUD requires that public housing applicants must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that the ECC/HANH operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

ECC/HANH must manage its site-based waiting list in a manner that is consistent with the ECC/HANH's activities to affirmatively further fair housing, such as marketing to groups least likely to apply for public housinghousing.

ECC/HANH must have a system for regular review of the results of its site-based waiting list operation to examine any changes in the racial and ethnic makeup of each site through steps described below.

- Each year, as part of its Annual Plan preparation, ECC/HANH must assess any changes in the racial and ethnic make-up of sites with site-based waiting lists, based on data that has been determined to be accurate by ECC/HANH's Independent Public Accountant.
- At least every three years ECC/HANH must use independent testers, or some other method approved by HUD to ensure that applicants are not treated differently based upon their race or ethnicity, and that no patterns or practices of discrimination exist; and
- ECC/HANH must make changes in its site-based waiting list system, as needed, based on the data and methods above to affirmatively further fair housing.

#### **4-II.C. OPENING AND CLOSING THE WAITING LIST**

##### Opening the Waiting List

When ECC/HANH opens its waiting list, the notification process must comply with HUD's fair housing requirements which includes adopting suitable means to ensure that the notice reaches

eligible individuals with disabilities (24 CFR § 8.6). PHAs must ensure effective communication with persons with disabilities in all notifications and communications.

#### ECC/HANH Policy

Any public notice announcing a site-based waiting list opening and application procedure inform applicants of the following:

- date, time, method, and place applications can be obtained and submitted;
- how blank applications may be obtained (e.g., from what addresses, community sites, and websites);
- all methods by which applications will be accepted (e.g., in person, by phone, by fax, by email or Applicant portal);
- a point of contact who can answer questions;
- any limitations on who may apply; and
- any other information the applicant may need to successfully submit the application.

ECC/HANH will announce the opening of the waiting list at least ten (10) business days before applications are first accepted. This will allow for some lead time to share the information broadly and allow people to prepare their applications.

### **Closing the Waiting List**

ECC/HANH is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fully lease units in all of its developments. ECC/HANH may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ GB, p. 31].

#### ECC/HANH Policy

ECC/HANH may close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 to 48 months for the most current applicants. Where ECC/HANH has particular preferences or other criteria that require a specific category of family, ECC/HANH may elect to continue to accept applications from these applicants while closing the waiting list to others.

### **Reopening the Waiting List**

If the waiting list has been closed, it may be reopened at any time.

#### ECC/HANH Policy

ECC/HANH will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

ECC/HANH will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

- Local city newspapers, i.e The New Haven Register
- Neighborhood newspapers, i.e La Voz, The Inner City
- ECC/HANH website, www.elmcitycommunities.org
- ECC/HANH social media sites, i.e Facebook, Twitter, Instagram, other social media
- New Haven's Office on Disabilities
- State of Connecticut website

The notice will contain:

- The dates, times, and the locations where families may apply.
- The system of waiting list (single) offered by **USA HOUSING AGENCY**.
- The programs for which applications will be taken.
- A brief description of the program.
- A statement that Section 8 participants must submit a separate application if they want to apply for Public Housing.
- Limitations, if any, on who may apply.
- The date application intake will be suspended.

The notices will be made in an accessible format and provided as requested in accordance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) regulations. ECC/HANH will furnish appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access the notices.

Notices will be made available in accessible formats for individuals with limited English proficiency, in accordance with HUD's Limited English Proficiency Guidance and 72 Fed. Reg. 2732.

Notices will provide potential applicants with information that includes:

- ECC/HANH's address and telephone number,
- how to submit an application,
- information on eligibility requirements,
- a point of contact who can answer questions,
- any limitations on who may apply, and
- any other information the applicant may need to successfully submit the application.

~~New Haven Register, Inner City, La Voz, The City of New Haven's Office on Disabilities, Facebook, Twitter, other social media, and the State of Connecticut website~~

## ECC/HANH Policy

ECC/HANH's waiting list will always remain open for the following families who have the preferences listed below.

*Note: This is not a preference hierarchy.*

- **Displaced by Government Action**

- Displacement as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, and including from ECC/HANH public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)
- Displacement as the result of a local natural disaster and/or condemnation of a property or dwelling for health and safety reasons;
- Displacement as defined by US Department of Housing and Urban Development as the result of a natural disaster or event defined Emergency event resulting in the displacement of persons needing housing assistance.

- **Reasonable Accommodation**

Reasonable Accommodation for disability issues under the Fair Housing Act for residents currently residing in an ECC/HANH public housing unit who require an accessible unit as a reasonable accommodation where ECC/HANH is unable to accommodate the need through the transfer to another ECC/HANH public housing unit.

- **Violence Against Women Act (VAWA)**

Violence Against Women Act (VAWA) for applicants on the LIPH waitlist and LIPH residents who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH resident and applicant families claiming protections under the Violence Against Women Act (VAWA), See the VAWA preference policy for more information;

See the VAWA preference policy for more information;

- **Non-Public Housing Over-Income Family (HOTMA Provision)**

An over income (OI) family who has remained in the unit and is paying the alternative no-public housing rent and who have again become income eligible. A family who has vacated the unit is not eligible for this preference.

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## **4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]**

ECC/HANH should conduct outreach as necessary to ensure that ECC/HANH has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that ECC/HANH is affirmatively furthering fair housing and complying with the Fair Housing Act. ECC/HANH outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

ECC/HANH outreach efforts must be designed to inform qualified families about the availability of units under the program.

#### ECC/HANH Policy

ECC/HANH will monitor the characteristics of the population being served and the characteristics of the population as a whole in ECC/HANH's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

#### **4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

##### ECC/HANH Policy

While the family is on the waiting list, the family must inform ECC/HANH of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing or via in person, by mail or by electronic methods such as email or updating via the ECC/HANH website applicant portal.

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

This may occur when applicants on the waiting list, who did not qualify for any preference when they initially applied, experience a change in circumstances that later qualifies them for a preference. The reverse may also occur.

If preference status changes, applicants retain their original date and time of application or application number. If ECC/HANH determines that the applicant does now qualify for a preference, they will be moved up the waiting list in accordance with their preference(s) and their date and time of application/application number and will be informed in writing of how the change in status has affected their position on the waiting list.

#### **4-II.F. UPDATING THE WAITING LIST**

HUD requires ECC/HANH to establish policies that describe the circumstances under which applicants will be removed from the waiting list [24 CFR 960.202(a)(2)(iv)].

## Purging the Waiting List

The decision to remove an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation (see Chapter 2).

### ECC/HANH Policy

The waiting list will be updated as needed, at least annually, to ensure that all applicant information is current and timely.

ECC/HANH will consider the following factors when deciding to purge/update the waiting list and may decide to purge individual site-based Waiting List at a given time.

- The number of applicants expected to be selected within a reasonable time, i.e 12-24 months
- Removing families who are no longer interested or eligible to participate in the LIPH program

To purge the waiting list, ECC/HANH ~~will~~ may send a-purge letter notifications via the Applicant Portal, e-mail, fax or ~~via~~ first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the LIPH program.

This purge letter will be sent to the last email address, fax number or mailing address that ECC/HANH has on record for the family. The purge letter will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

Applicants must complete a new preliminary application providing all the information needed for placement on the waiting list, such as address, phone number, household composition, income, and email address if applicable. The applicant must indicate that they wish to remain on the specific waiting list or if they wish to be removed.

~~If no response is received by the deadline, the applicant is removed from the Waiting List and a copy of the original letter shall be maintained in the file with a note indicating the date and reason for removing the applicant from the Waiting List.~~

The family's response must be in writing and may be delivered in person or by mail, fax, email or applicant portal. Responses should be postmarked or received by ECC/HANH not later than 15 business days from the date of ECC/HANH's letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office marked undeliverable or with no forwarding address, the applicant will be removed from the waiting list without further notice. A copy of the letter shall be maintained in the file with a note indicating the date and reason for removing the applicant from the Waiting List.



If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The address will be updated accordingly. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice. The returned mail must be filed in the file.

When a family is removed from the waiting list during the purge process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent ECC/HANH from making an eligibility determination; therefore, no informal hearing is required.

If a family is removed from the waiting list for failure to respond, ECC/HANH may reinstate the family if the lack of response was due to ECC/HANH error, or to circumstances beyond the family's control to include but not limited to, hospitalization, delayed mail delivery, or other reasonable accommodation circumstances.

Due to the length of the waiting list, it may not be cost effective to purge the entire waiting list at one time. ECC/HANH will have the discretion to purge a portion of the waiting list in order to have current information on those applicant families that may be likely to reach the top of the waiting list in the next 12 months.

ECC/HANH may determine to conduct a purge with in-house staff or contracting out the service to complete the function.

## **Removal from the Waiting List**

### ECC/HANH Policy

ECC/HANH will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required. Such requests must be submitted in writing.

If ECC/HANH determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list the family will be removed from the waiting list.

If a family is removed from the waiting list because ECC/HANH has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding ECC/HANH's decision (see Chapter 14) [24 CFR 960.208(a)].

A family may also be removed from the waiting list if the family fails to respond to the ECC/HANH's written invitation to attend an eligibility appointment or request for information.

ECC/HANH must reinstate an applicant family to its former position on the waiting list if the family was removed from the waiting list due to the family's failure to respond to ECC/HANH's request for information or updates and that failure was related to a family member's disability or was on the basis or as a direct result of domestic violence, dating violence, sexual assault, or stalking, including an adverse factor resulting from such abuse (24 CFR part 100, 24 CFR part 8; 28 CFR part 35).

## PART III: TENANT SELECTION

### 4-III.A. OVERVIEW

ECC/HANH must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. ECC/HANH must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. ECC/HANH must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list depends on the selection method chosen by ECC/HANH and is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

ECC/HANH must maintain a clear record of all information required to verify that the family is selected from the waiting list according to ECC/HANH's selection policies [24 CFR 960.206(e)(2)]. ECC/HANH's policies must be posted any place where the ECC/HANH receives applications. ECC/HANH must provide a copy of its tenant selection policies upon request to any applicant or tenant. ECC/HANH may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

#### ECC/HANH Policy

ECC/HANH will provide copies of tenant selection policies free of charge, upon request.

### 4-III.B. SELECTION METHOD

#### **Local Preferences [24 CFR 960.206]**

ECC/HANH is permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits ECC/HANH to establish other local preferences, at its discretion. Any local preferences established must be consistent with the ECC/HANH plan and the consolidated plan and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

#### ECC/HANH Policy

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by ECC/HANH.

When selecting applicants from the waiting list, ECC/HANH will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists.

ECC/HANH will offer the unit to the highest-ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration (or income mixing) and income targeting will also be considered in accordance with HUD requirements and ECC/HANH policy.

ECC/HANH will use the following local ranking preference system for admission into the LIPH program:

1) **Displaced by Government Action**

Persons displaced by government action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or formally recognized pursuant to Federal disaster relief laws. 24 CFR 5.403(b). This preference will be prioritized in the following Tiers:

**a) Tier I:** Displaced by Government Action, In-house redevelopment  
Displacement as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, and including from ECC/HANH public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)

**b) Tier II:** Displaced by Government Action, I.e., Local Natural Disaster or Building condemnation  
Displacement as the result of a local natural disaster and/or condemnation of a property or dwelling for health and safety reasons. i.e. Fire Dept, LCI

**c) Tier III:** Displaced by Government Action, As defined by US Department of Housing  
Displacement as defined by US Department of Housing and Urban Development as the result of a natural disaster or event defined Emergency event resulting in the displacement of persons needing housing assistance.

2) **Violence Against Women Act (VAWA)**

Documented victims of domestic violence, sexual assault, dating violence or stalking. Violence Against Women Act (VAWA) for applicants who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH resident and applicant families claiming protections under the Violence Against Women Act (VAWA), See the VAWA preference policy for more information.

To qualify for the VAWA preference, the incident must have taken place no more than 90 calendar days prior to date of ECC/HANH's receipt of the VAWA application.

3) **Local Preference based on Income Targeting 24 CFR 960.202.**

Applicants will be grouped as follows:

a) **Tier I:** Families with incomes between 0% and 30% of area median income (this group **must** constitute at least 40% of all admissions in any year). This preference is required by Federal law.

b) **Tier II:** Families with incomes from 31% to 50% of area median income (the target for this group is 30% of all admissions in any year). c) **Tier III:** Families with incomes from 51% to 80% of area median income (the target for this group is 30% of all admissions in any year).

Within income Tiers, applications are sorted by wait list position number (date and time of application).

**4) Non-Public Housing Over-Income Family (HOTMA provision)**

An over income (OI) family who has remained in the unit and is now paying the alternative non-public housing rent and who have again become income eligible. A family who has vacated the unit is not eligible for this preference.

**ECC/HANH also has designated housing and/or waiting lists.**

**Designated Housing**

- a. Elderly/Disabled (Mixed Population) - Projects designated for Elderly and Disabled families:<sup>1</sup> Elderly families and disabled families receive equal preference. Applicants must apply to a site-based waiting list.
- b. ECC/HANH's Self-Sufficiency Scattered Sites – Sites consisting of small developments and scattered single family homes are designated self-sufficiency housing, with eligibility targeted to Tier III applicants and transfers. These sites are designated for families between 51% to 80% AMI.
- c. Accessible Housing – ECC/HANH maintains a percentage of units in its portfolio that are UFAS-compliant (i.e., wheelchair accessible, mobility-impaired accessible units, hearing-impaired accessibility, sight-impaired accessible units, etc.). Priority for these units shall be given to families with one or more members who require such features. Applicants may apply to the Accessible Housing waiting list as well as to the general waiting list.
- d. Supportive Housing Matching Program - ECC/HANH is authorized under its Moving to Work status to develop and adopt a voluntary program for its properties that matches housing with health, social services and/or economic development programs tailored to each resident's opportunity to become self-

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<sup>1</sup> Buildings or portions of buildings designated for elderly persons and persons with disabilities. The definition of an elderly family is one in which the head, spouse or cohead is 62 or older. The definition of a disabled family is one in which the head, spouse or cohead is a person with disabilities.

sufficient. In carrying out this program, a certain number of sites are designated a specific number of units for applicants, and a certain number of sites are designated a specific number of units for residents. Priority of units designated under this program will be given to eligible ECC/HANH residents and eligible applicants referred by supportive service agencies pursuant to an agreement with ECC/HANH to provide such supportive services. Applicants must apply to the site-based Supportive Housing waiting list for these designated sites.

- e. Community Re-entry & Community Reunification Program – ECC/HANH was authorized under its Moving to Work Annual Plan to develop and implement a program to increase housing choice and support family self-sufficiency. Under the Community Reentry program, ECC/HANH serves individuals who have reentered society after completing a prison sentence through Project Fresh Start, as well as individuals looking to be added to a current ECC/HANH household under the Family Reunification program.

Ten percent (10%) of the new admissions each year will be allocated to applicants on Reentry waitlist. Residents under the family reunification program do not count toward the number of units allocated to reentry each year as they are individuals being added to existing LIPH households. Additionally, under family reunification, all new admissions to households under the family reunification program will be referred to the team at the partner agency Project Fresh Start.

A preference does not guarantee admission to the program. Preferences are used to establish eligibility for placement on the Community Re-Entry housing waiting list. Every applicant must meet the ECC/HANH's eligibility and Selection Criteria as defined in this policy.

#### **Income Targeting Requirement [24 CFR 960.202(b)]**

HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to public housing during ECC/HANH's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher [*Federal Register* notice 6/25/14]. To ensure this requirement is met, ECC/HANH may skip non-ELI families on the waiting list in order to select an ELI family.

#### ECC/HANH Policy

ECC/HANH's Tiered preference system described in this Section, above, ensures compliance with HUD's income targeting requirement.

## Organization of ECC/HANH's Site-Based Waiting Lists

If ECC/HANH will use site-based waiting lists (SBWLs), there are five conditions that ECC/HANH must implement:

- 1) Accurately, completely, and timely submit tenant characteristic data to HUD;
- 2) Provide full disclosure to each applicant of any option available concerning the selection of a development in which to reside – including basic information, such as location, occupancy, number of accessible units, amenities, transportation resources, and anticipated waiting time;
- 3) Must ensure the adoption of SBWLs would not violate any court order or settlement agreement, or be inconsistent with a pending HUD complaint;
- 4) Must take reasonable measures to ensure that adoption of SBWLs is consistent with affirmatively furthering fair housing, such as marketing; and
- 5) Must review the SBWL policy for consistency with civil rights laws and certifications by
  - (a) reviewing changes in racial, ethnic or disability-related tenant characteristics,
  - (b) using independent testers every three years ensuring non-discriminatory implementation of the SBWL policy, as well as a pattern and practice of discrimination,
  - (c) taking any steps to remedy problems that surface during the review, and
  - (d) taking steps necessary to affirmatively further fair housing (24 CFR § 903.7(b)(2)).

### ECC/HANH Policy

ECC/HANH maintains a system of site-based waiting lists. Applications are accepted via the Wait List Application web portal, at ECC/HANH's central office at 360 Orange Street and at each site. Every reasonable action will be taken by ECC/HANH to assure that applicants can make informed choices regarding the developments in which they wish to reside. ECC/HANH will disclose information to applicants regarding the location of available sites, housing type, number, and size of units, including accessible units. ECC/HANH will also include basic information relative to amenities such as day care, security, transportation, training programs, and an estimate of the period of time the applicant will likely have to wait to be admitted to units of different types.

ECC/HANH maintains separate site-based waiting lists for applicants for the following:

### **Site Based (Family) Developments**

**McConaughey Terrace**

Westville Manor

Essex Townhouses

~~Valley Townhouses~~

Scattered Sites

**Elderly/Disabled Developments [24 CFR 960.407]**

Robert T. Wolfe

George Crawford Manor

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An elderly/disabled development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or ECC/HANH at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102].

Elderly family means a family whose head, spouse, cohead, or sole member is a person who is at least 62 years of age.

Disabled family means a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

ECC/HANH must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. ECC/HANH may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, ECC/HANH must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. ECC/HANH may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

**Scattered Site Developments (General Occupancy) (For Tier III Transfers and Applicants)**

Scattered sites are ECC/HANH designated self-sufficiency units and are available for Tier III transfer residents and applicants, e.g., families at 51% to 80% of AMI. Scattered sites are located throughout the jurisdiction ECC/HANH serves.

Transfer policy for scattered sites residents is found in Chapter 12, Transfers.

**Supportive Services for Persons and Families Approved for Such Services by ECC/HANH Designated Supportive Services Agencies (for Applicants)**

Robert T. Wolfe

George Crawford Manor

The site-based supportive housing waiting lists are open to applicants who have indicated a preference for and who qualify for the supportive services associated with that waiting list. Applicants may demonstrate their eligibility by providing a standard form, "Preference Form for ECC/HANH-Assisted Supportive Housing Programs," signed by



both the applicant and the service provider or its authorized representative. A preference does not guarantee admission to the program. Preferences are used to establish eligibility for placement on a supportive housing waiting list. Every applicant must meet ECC/HANH's eligibility and Selection Criteria as defined in this policy.

All applicants must be able to meet any property-specific admissions requirements at the time of admission.

### **Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]**

ECC/HANH's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of ECC/HANH's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

ECC/HANH's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements:

- developments operated by ECC/HANH with fewer than 100 public housing units
- mixed population or developments designated specifically for elderly or disabled families
- developments operated by ECC/HANH with only one general occupancy development
- developments approved for demolition or for conversion to tenant-based public housing
- developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)]

### ***Steps for Implementation [24 CFR 903.2(c)(1)]***

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, ECC/HANH must comply with the following steps:

Step 1. ECC/HANH must determine the average income of all families residing in all ECC/HANH's covered developments. ECC/HANH may use the median income, instead of average income, provided that ECC/HANH includes a written explanation in its annual plan justifying the use of median income.

#### ECC/HANH Policy

ECC/HANH will determine the average income of all families in all general occupancy (family) developments on a periodic basis.

Step 2. ECC/HANH must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, ECC/HANH has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

### ECC/HANH Policy

ECC/HANH will determine the average income of all families residing in each general occupancy (family) development (not adjusting for unit size) on a periodic basis.

Step 3. ECC/HANH must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low-income family (federal poverty level or 30 percent of median income, whichever number is higher).

Step 4. ECC/HANH with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, ECC/HANH must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

ECC/HANH's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by ECC/HANH in consultation with the residents and the community through the annual plan process to be responsive to local needs and ECC/HANH strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under ECC/HANH's deconcentration policy. ECC/HANH must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under ECC/HANH's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, ECC/HANH will be considered to be in compliance with the deconcentration requirement and no further action is required.

### ECC/HANH Policy

If, at annual review, there are found to be development(s) with average income above or below the EIR, and where the income profile for a site based family development above or below the EIR is not explained or justified in the ECC/HANH MTW Plan,

ECC/HANH shall list these covered developments in the ECC/HANH Annual Plan and shall develop a policy for deconcentration of poverty and income mixing in applicable developments. ECC/HANH's policies for implementing deconcentration may include:

Targeting investment and capital improvements toward covered developments below the EIR to encourage applicant families whose income is above the EIR to accept units in those developments.

Offering incentives to families with incomes above the EIR willing to move into a development with average income below the EIR and/or to families with incomes below the EIR willing to move into a development with average income above the EIR. These incentives are described in the MTW Annual Plan.

### **Deconcentration Compliance**

If, at annual review, the average incomes at all site-based family developments are within the Established Income Range, ECC/HANH will be considered to be in compliance with the deconcentration requirement.

### **Promotion of Integration**

Beyond the basic requirement of nondiscrimination, ECC/HANH shall affirmatively further fair housing to reduce racial and national origin concentrations. ECC/HANH shall not require any specific income or racial quotas for any development or developments.

ECC/HANH shall not assign families to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin.

### **Order of Selection [24 CFR 960.206(e)]**

ECC/HANH's system of preferences may select families either according to the date and time of application or by a random selection process.

#### ECC/HANH Policy

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by ECC/HANH.

When selecting applicants from the waiting list, ECC/HANH will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. ECC/HANH will offer the unit to the highest-ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and ECC/HANH policy.

#### 4-III.C. NOTIFICATION OF SELECTION

When the family has been selected from the waiting list, ECC/HANH must notify the family.

##### ECC/HANH Policy

ECC/HANH will notify the family by first class mail, or email if applicable, when it is selected from the waiting list. ECC/HANH may also call the family and follow up with a letter that must be filed.

The notice will inform the family of the following:

Date, time, and location of the scheduled briefing interview, including any procedures for rescheduling the interview

Who is required to attend the interview

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

Documents that must be provided at the interview to document eligibility for a preference, if applicable

Other documents and information that should be brought to the interview

If a notification letter is returned to ECC/HANH with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents ECC/HANH from making an eligibility determination; therefore, no informal hearing will be offered.

~~If the family fails to attend the eligibility/briefing interview, ECC/HANH will make one additional attempt to schedule the family for an eligibility briefing interview. If the family is unable to attend a scheduled interview, the family should contact ECC/HANH in advance of the interview to schedule a new appointment, and the first eligibility/briefing interview will not count as a missed appointment.~~

~~In all circumstances, if a family does not attend a scheduled interview, ECC/HANH will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without ECC/HANH approval will be removed from the waiting list based on the family's failure to supply information needed to determine eligibility, subject to reasonable accommodation for people with disabilities.~~

~~Such failure to act on the part of the applicant prevents ECC/HANH from making an eligibility determination; therefore, no informal hearing will be offered.~~

Applicants may be verified for eligibility without a unit offer. Verifying applicants for eligibility within 90 days of reaching the top of the waiting list assists in ensuring that applicant can be housed swiftly when housing units become available.

#### **4-III.D. THE APPLICATION INTERVIEW**

HUD recommends that ECC/HANH obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if ECC/HANH determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by ECC/HANH [Notice PIH 2012-10].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

##### ECC/HANH Policy

Families selected from the waiting list are required to participate in an eligibility briefing interview.

All adult family members are required to attend the interview. ECC/HANH may waive this requirement on a case-by-case basis for students attending school out of state and/or members for whom attendance would present a hardship. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to ECC/HANH.

All adults who did not attend the original eligibility briefing, and requirement to attend has not been waived by ECC/HANH, will then be required to attend an interview within 10 business days of the originally-scheduled eligibility briefing to review all provided information and to certify as to the accuracy and completeness of the information.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation within 10 business days, the appointment will be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, ECC/HANH will allow the family to retain its place on the waiting list for 90 days.

If all household members have not disclosed their SSNs at the next time a unit becomes available, ECC/HANH will offer a unit to the next eligible applicant family on the waiting list.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, ECC/HANH will proceed with the interview.

ECC/HANH typically keeps some waiting lists continuously open for certain specific categories, e.g., Displaced Persons, Victims of Domestic Violence, Elderly-Only sites, Elderly/Disabled sites, Accessible units, and/or four- and five-bedroom units.

If ECC/HANH determines the family applying for a targeted waiting list is not eligible for the category, the interview will not proceed, and the family will be denied. However, the applicant will be invited to apply when the waiting list is open in any category for which the family appears to be eligible.

If ECC/HANH determines the family is not eligible for a preference claimed, but the family is still eligible to be on the waiting list, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, ECC/HANH will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. A 10-day extension will be granted if the family can demonstrate inability to receive documentation prior to the scheduled interview, or hardship. Further extensions may be granted on a case-by-case basis by ECC/HANH operations management. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

Interviews will be conducted in English. ECC/HANH will provide competent oral interpretation, free of charge, upon request, to Limited English proficient (LEP) applicants.

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

To ensure effective communication with persons with disabilities in the interview process, ECC/HANH will furnish appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access and participate in the program.

ECC/HANH will provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, accessible online formats, assistive listening devices, and sign language interpreters.

When ECC/HANH denies eligibility due to failure to supply information needed to determine eligibility, a notice of denial will be issued in accordance with policies contained in Chapter 3, informing the applicant of the right to an informal hearing.



If the family fails to attend the eligibility/briefing interview, ECC/HANH will make one additional attempt to schedule the family for an eligibility briefing interview. If the family is unable to attend a scheduled interview, the family should contact ECC/HANH in advance of the interview to schedule a new appointment, and the first eligibility/briefing interview will not count as a missed appointment.

Applicants who fail to attend two scheduled interviews without ECC/HANH approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested, and their application will be made inactive. Such failure to act on the part of the applicant prevents ECC/HANH from making an eligibility determination; therefore, ECC/HANH will not offer an informal hearing.

When prohibited from conducting in-person interviews due to natural disaster or public/personal health reasons, ECC/HANH may consider a video or telephonic system option for interviews.

As always, reasonable accommodations must be provided for person with disabilities upon request. For example, for some people, a video interview may be a good way to provide a reasonable accommodation for someone with a mobility-related disability who cannot attend an in-person interview in an office.

In all circumstances, if a family does not attend a scheduled interview, ECC/HANH will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without ECC/HANH approval will be removed from the waiting list based on the family's failure to supply information needed to determine eligibility, subject to reasonable accommodation for people with disabilities.

Such failure to act on the part of the applicant prevents ECC/HANH from making an eligibility determination; therefore, no informal hearing will be offered.

#### **4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]**

ECC/HANH must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including ECC/HANH suitability standards, ECC/HANH must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

##### ECC/HANH Policy

ECC/HANH will notify a family in writing of their final eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

ECC/HANH must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

#### ECC/HANH Policy

If ECC/HANH determines that the family is ineligible, ECC/HANH will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reason(s) for ineligibility and will inform the family of its right to request an informal hearing (see Chapter 14).

If ECC/HANH uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the ECC/HANH can move to deny the application. See Section 3-III.G.

ECC/HANH must provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Act of 2013, at the time the applicant is provided assistance or at the time the applicant is denied assistance.

The notice and self-certification form must accompany the written notification of eligibility determination. This notice must be provided in both of the following instances:

- (1) when a family actually begins receiving assistance (lease execution) and is notified of its eligibility; or
- (2) when a family is notified of its ineligibility.



## PART 4-IV

### VAWA APPLICANT WAITLIST AND TRANSFER WAITLIST PREFERENCE

#### **4-IV.A INTRODUCTION**

In support of The Violence Against Women Act, 42 U. S. C. 13701, ECC/HANH has implemented a waitlist preference for victims of domestic violence (VAWA). The preference applies to:

- all site based ~~low-income~~low-income public housing waitlists for developments owned and managed by ECC/HANH,
- ECC/HANH's in-house transfer waitlists
- current applicants on the HCV-LIPH waitlists.

#### **Admissions and Screening**

**A. Non-Denial of Assistance.** ECC/HANH will not deny admission to the LIPH program to any person because that person is or has been a victim of domestic violence, sexual assault, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

**B. Admissions Preference.** Applicants for housing assistance from ECC/HANH will receive a preference in admissions by virtue of their status as victims of domestic violence, sexual assault, dating violence, or stalking. This preference is particularly described as follows:

- Applicants holding a place on any ECC/HANH wait list will be repositioned as outlined in the Admission and Continued Occupancy Plan (ACOP).

**C. Mitigation of Disqualifying Information.** When so requested in writing by an applicant, whose history includes incidents in which the applicant was a victim of domestic violence, ECC/HANH, shall take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling.

If requested by an applicant to take such mitigating information into account, ECC/HANH shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence and its probable relevance to the potentially disqualifying information.

ECC/HANH will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

**D. Mandatory Disqualify:** Former Housing Choice Voucher Participants and former Residents of any Low-Income Public Housing program who were not in good standing at the time of exiting the program.

#### **4-IV.B PREFERENCE QUALIFICATIONS**

To qualify for the VAWA preference an incident of domestic violence must have taken place no more than 90 calendar days prior to date of ECC/HANH's receipt of the VAWA application request; and the applicant must be currently homeless or at risk of being homeless as a result of domestic violence.

#### **Supporting Documents**

The applicant must provide supporting documentation of incident(s) of domestic violence including certification from a federal, state, tribal, territorial or local police; or protective order; or a signed certification by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incident(s) of abuse, and that the applicant is homeless or at risk of becoming homeless as a result of the domestic violence. The victim must also sign the documentation.

#### **Request for the VAWA Preference**

To begin the VAWA preference application process, the applicant may visit our office at 360 Orange Street, New Haven, CT 06511 to obtain a VAWA certification packet. If unable to visit the office, the applicant may contact ECC/HANH's Reasonable Accommodations Manager (RAM) at 498-8800 and request the VAWA Certification Form be mailed.

Once the applicant has received, the VAWA certification form he/she must fill out the form in its entirety, sign and return along with required proof of domestic violence incident(s). All incomplete requests will be denied.

The completed certification packet and supporting documentation are to be mailed or hand delivered to:

**Reasonable Accommodations Manager  
Elm City Communities/Housing Authority of the City of New Haven  
360 Orange Street  
New Haven, Connecticut 06511**

**If the applicant cannot mail or hand-deliver the completed form, please contact the Reasonable Accommodations Manager to discuss other methods of delivery.**

### **Denial of Preference**

Notification of Rejection will be sent by ECC/HANH's RAM within 10 business days of receipt. The notice will inform the applicant of the basis for such determination and will offer an opportunity for an informal review (see ECC/HANH ACOP for Informal Hearing of Rejected Applicants).

### **Approval of Preference**

When the VAWA preference is approved, the applicant will receive notification of approval as well as the pre-application. Approved families will be added to every wait list for which the family qualifies for by ECC.

If an applicant is already on the ECC/HANH applicant waitlist as a result of having previously applied for LIPH, the preference will be applied, and the applicant will be repositioned on the applicant waitlist as outlined in the agency's LIPH Admission and Continued Occupancy Policy (ACOP), based on the date of the original approval date.

**An applicant who is not yet on the LIPH or HCV applicant waitlist will be added only to the LIPH applicant site-based waitlist as outlined in the ACOP.** If a Public Housing unit of appropriate size is unavailable at any Public Housing development managed by ECC/HANH, the agency President may choose to provide the applicant with a Housing Choice Voucher.

*New applicants will **not be** added to the HCV waitlist, however, once on the LIPH waitlist,*

families may potentially have a one-time opportunity to opt for vouchers if vouchers are available.

#### **4-IV.C TRANSFERS FOR CURRENT ECC RESIDENTS APPROVED FOR VAWA PROTECTIONS TO ANOTHER ECC/HANH OWNED SITE**

Current residents of properties owned and/or managed by ECC who experience new incident(s) of domestic violence may request a unit transfer as a protection.

The resident would submit a completed VAWA certification or Form 5383 for Emergency Transfer Request to ECC's Reasonable Accommodations Manager.

The submission must also include supporting documentation of incident(s) of domestic violence including certification from a federal, state, tribal, territorial or local police; or protective order; or a signed certification by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse.

To qualify for the VAWA preference an incident of domestic violence must have taken place no more than 90 calendar days prior to date of ECC/HANH's receipt of the VAWA application request for a transfer.

Resident families approved for protections will be added to ECC's LIPH transfer list. The resident families will be offered units in LIPH and RAD properties, and ECC owned properties managed by a 3rd party entity.

#### **4-IV.D LIPH/HCV OPTION FOR APPLICANTS ON LIPH SITE BASED WAITING LISTS WITH VAWA WAIT LIST PREFERENCE**

Each Month, the Reasonable Accommodations Manager (RAM) or designee will determine how many families have been on a site based LIPH wait lists for a period of ~~90 days~~6 months. The RAM will then contact the HCV Manager or designee to determine if vouchers are available for said families.

When vouchers are available, the Reasonable Accommodations Manager will contact the families who have been on the LIPH waiting list for a period of 6 months. The Reasonable Accommodation Manager will use the date of receipt of pre-app, since family will have a different position number on each development list).

These families will be invited to an informational session to discuss their choice of receiving a voucher or waiting for a LIPH unit.

Families will then indicate their preference in writing within 10 business days of the informational session by using the election form provided at the session. The offer to opt for a Housing Choice Voucher will only occur once for each family.

The names of the applicants choosing vouchers will be provided to the HCV department for inclusion on the HCV TBV -wait list with the VAWA preference.

The HCV department will conduct briefings and voucher issuances for the families. Families that choose a voucher but later opt to stay on the LIPH waitlist, instead of using the voucher, will be able to do so.

The family must provide written notification of such decision to ECC prior to the lease & Housing Assistance Contract signing with ECC/HANH's HCV staff.

Applicants who choose and utilize the voucher will remain on the LIPH wait lists without a preference unless the family requests, in writing, to be removed from the waitlist, or when other circumstances outlined in the ACOP warranting removal from the waitlist occur.

Families who opt out of receiving a voucher and choose to remain on LIPH wait lists will do so with the VAWA preference.

#### **4-IV.E HCV OPTION FOR RESIDENTS ON THE "LIPH" TRANSFER LIST WITH A VAWA PREFERENCE** ~~LIPH to HCV OPTIONS FOR RESIDENTS~~

ECC will offer two relocation options to resident families who experience new incidents of domestic violence and are approved for inclusion on the LIPH transfer list.

##### **Option 1**

Each month, the Reasonable Accommodations Manager (RAM) or designee will determine how many families have been on the "LIPH" Transfer wait list for more than 6 months. The Reasonable Accommodation Manager will then contact the HCV Manager or designee to determine if tenant-based vouchers (TBV) are available for said families.

When vouchers are available, the Reasonable Accommodations Manager will contact families from the LIPH transfer wait list who were on the list for more than 6 months, did not receive and accept a unit transfer offer and were not previously contacted for a housing voucher (using date of the approval for the VAWA preference).

These families will be invited to an informational session to discuss their choice of receiving a voucher or remaining on the transfer list awaiting a LIPH unit transfer offer.

The families will then indicate their preference in writing within 10 business days of the informational session by using the election form provided at the session. The offer to opt for a Housing Choice Voucher will only occur once for each family.

Those resident families choosing vouchers will be added to the HCV VAWA transfer list. Names will be provided to the HCV Dept. for briefing and voucher issuance.

The family will remain a LIPH family with no loss of rights until they have been offered a voucher, signed a lease and a HAP contract is executed by ECC/HANH and a property owner on behalf of the family.

If a family chooses a voucher but later opts to stay on the LIPH transfer list instead of using the voucher, the family will be able to do so.

However, the written notification by the family **must occur prior** to the lease signing with another property owner and execution of a Housing Assistance Contract by ECC/HANH HCV staff and property owner.

### **Option ~~1~~2**

~~ECC will offer two relocation options to resident families who experience new incidents of domestic violence and are approved for inclusion on the LIPH transfer list.~~

Per Notice PIH 2021-15 (HA), issued May 5, 2021.

The Emergency Housing Voucher (EHV) program is available through the. **American Rescue Plan Act of 2021 (P.L. 117-2) (ARP).**

The U.S. Department of Housing and Urban Development (HUD) has awarded 37 of Emergency Housing Vouchers (EHVs) to the ECC/HANH to be used to assist individuals and families who are:

- (1) homeless;
- (2) at risk of homelessness;
- (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or
- (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

NOTE: Recently homeless individuals and families must always be referred by the CoC or it's designee.

HUD has established an alternative requirement under which ECC/HANH must enter into a Memorandum of Understanding (MOU), to establish a partnership with the Continuum of Care (CoC) or other homeless or victim service providers, to assist qualifying families through a direct referral process for the administration of the EHV's. The specific services that the CoC will provide is outlined in the MOU.

HUD has allocated 37 emergency housing vouchers (EHV) to ECC/HANH. ECC/HANH has partnered with Continuum of Care (CoC) as the referral agency for eligible VAWA families.

Families with a VAWA preference may be referred to the CoC for an EHV.

The HCV Manager will request VAWA names from the Reasonable Accommodation Coordinator. The HCV Manager will forward the referral list to the CoC for review. The CoC will assess the families, make a determination of which families are eligible for the EHV. Based on available EHV the qualifying families will be submitted through the direct referral process to HCV.

The CoC will be responsible for:

- prioritizing individuals and families for EHV assistance,
- determining the homelessness eligibility,
- referring individuals and families through the CoC's coordinated entry (CE) system,
- supporting individuals and families in processing voucher applications,
- supporting the housing search process,
- planning for and coordinating the delivery of supportive services to support the housing stability of EHV participants.

After September 30, 2023, ECC/HANH may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended.

Those families who do not qualify for an EHV, will remain active on the LIPH transfer list and the HCV VAWA transfer list.

#### **4-IV. F INTERAGENCY RELOCATION AGREEMENT WITH COOPERATING PHAS**

##### **VAWA ADMISSIONS**

ECC/HANH has executed agreements with a cooperating Connecticut PHAs to house each ~~residents~~other's residents who are victims of domestic violence. This would occur after the initial PHA has unsuccessfully exercised all efforts to safely relocate the family.

##### **Families Referred to ECC**

ECC/HANH will require a referring PHA, that has made several attempts to relocate a family who is current victim of domestic violence to ECC/HANH. ECC/HANH will require the referring PHA to submit a statement that outlines what relocation attempts were made, including dates and outcomes.

Upon the receipt of a referral from the cooperating PHA, ECC will:

1. Add the referred applicant to the site-based waiting lists with a VAWA preference
2. Offer a unit accordingly as the family reaches the top of the waiting list

ECC/HANH will advise the PHA and family of their status on the wait list and that they will be housed accordingly.

Once the family reaches the top of the ECC/HANH site-based wait list, ECC/HANH will advise the cooperating PHA and family, of the availability of a unit and will proceed to house the family accordingly.

ECC/HANH will follow the Eligibility Determination, Unit Offer and Lease Up policy and procedures.

When the unit is ready to be leased by the Family, ECC/HANH and the referring PHA will coordinate an End of Participation recertification by the referring PHA and a New Admission recertification by ECC/HANH for PIC submission.

Each referred family will receive 1 unit offer, per site-based wait list, from ECC/HANH unless mitigating circumstances exist.

### **ECC referrals to cooperating PHA**

When an ECC/HANH resident family has experienced new incidents of domestic violence and ECC has made several unsuccessful attempts to relocate the Family, ECC/HANH will refer the family to the cooperating PHA for relocation. At the time of the referral, ECC/HANH will provide a statement of all efforts made to relocate the Family to a safe environment.

The cooperating PHA will house the ECC/HANH resident according to their policies and procedures and admission [criteria](#).

*Note: VAWA requirements and PHA policies including definitions, notification, documentation, and confidentiality can be found in chapter 16. Specific VAWA requirements and PHA policies are located in Chapter 3, "Eligibility" (sections 3-I.C and 3-III.F); Chapter 5, "Occupancy Standards and Unit Offers" (section 5-II.D); Chapter 8, "Leasing and Inspections" (section 8-I.B); Chapter 12, "Transfer Policy" (sections 12-III.C, 12-III.F, and 12-IV.D); and Chapter 13, "Lease Terminations" (sections 13-III.F and 13-IV.D).*



## Chapter 5

### OCCUPANCY STANDARDS AND UNIT OFFERS

#### INTRODUCTION

ECC/HANH must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families.

This chapter contains policies for assigning unit size and making unit offers. ECC/HANH's waiting list and selection policies are contained in Chapter 4.

Together, Chapters 4 and 5 of this ACOP comprise ECC/HANH's Tenant Selection and Assignment Plan (TSAP).

Policies in this chapter are organized in two parts.

Part I: Occupancy Standards. This part contains ECC/HANH's standards for determining the appropriate unit size for families of different sizes, compositions, and types.

Part II: Unit Offers. This part contains ECC/HANH's policies for making unit offers and describes actions to be taken when unit offers are refused.

#### PART I: OCCUPANCY STANDARDS

##### 5-I.A. OVERVIEW

Occupancy standards are established by ECC/HANH to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from underutilization or from excessive wear and tear due to overcrowding.

Part I of this chapter explains the occupancy standards. These standards describe the methodology and factors ECC/HANH will use to determine the size unit for which a family qualifies, and includes the identification of the minimum and maximum number of household members for each unit size. This part also identifies circumstances under which an exception to the occupancy standards may be approved.

##### 5-I.B. DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, ECC/HANH may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. ECC/HANH is permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].

Although ECC/HANH does determine the size of unit the family qualifies for under the occupancy standards, ECC/HANH does not determine who shares a bedroom/sleeping room.

ECC/HANH's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

## ECC/HANH Policy

ECC/HANH will use the same occupancy standards for each of its developments.

1. The following principles govern the size of unit for which a family will qualify. Generally, two people are expected to share each bedroom, except that units will be so assigned that:
  - a. Children age five and under may share a bedroom with any child or parent;
  - b. Two children between the ages of six and seventeen of the opposite sex do not share a bedroom, although they may do so at the request of the family;
  - c. Two children between the ages of six and seventeen of the same sex share a bedroom;
  - d. Adults (over age eighteen) of the same sex share a bedroom;
  - e. Adults (over age eighteen) of opposite sexes who are spouses or co-heads of household share a bedroom;
  - f. Adults (over age eighteen) of opposite sexes who are not spouses or co-heads of household do not share a bedroom although they may do so at the request of the family;
  - g. A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.
  - h. Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities.
  - i. An unborn child will be counted as a person in determining unit size. A single pregnant woman may be assigned to a one or two bedroom apartment.
  - j. In determining unit size, ECC/HANH will count a child who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school, so long as the family can document that the child will be living with the family in ECC/HANH unit.
  - k. Foster children will be included in determining unit size.
  - l. A live-in aide shall be assigned a bedroom. With the addition of a live-in aide, a maximum of one extra bedroom will be assigned. Single elderly or disabled residents with live-in aides shall be assigned one or two bedroom units, rather than efficiency units.
  - m. One bedroom units will be leased first to couples (or a family of two people).
2. The Local and State Housing Codes set the standard for the smallest apartment a family may be offered.<sup>1</sup>
3. The largest apartment size that a family may be offered would be one bedroom per family member, considering family size and composition.

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<sup>1</sup> Requirements per person as stated in CT State Building Code 8-37ee-304(c)

ECC/HANH will reference the following standards in determining the appropriate unit bedroom size for a family:

<b>BEDROOM SIZE</b>	<b>MINIMUM NUMBER OF PERSONS</b>	<b>MAXIMUM NUMBER OF PERSONS</b>
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

### **5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS**

#### **Types of Exceptions**

##### ECC/HANH Policy

ECC/HANH will consider granting exceptions to the occupancy standards at the family’s request if ECC/HANH determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section 5-I.B) and the family does not want to transfer to a larger size unit.

When evaluating exception requests ECC/HANH will consider the size and configuration of the unit. In no case will ECC/HANH grant an exception that is in violation of local and State housing or occupancy codes, regulations or laws.

Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code and State law, and the family agrees not to request a transfer for a period of one year from the date of admission, unless they have a subsequent change in family size or composition.

To prevent vacancies, ECC/HANH may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

## **Processing of Exceptions**

### ECC/HANH Policy

All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, ECC/HANH will encourage the resident to make the request in writing using a reasonable accommodation request form. However, ECC/HANH will consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation are readily apparent or otherwise known.

ECC/HANH will notify the family of its decision within 10 business days of receiving the family's request.

## PART II: UNIT OFFERS

24 CFR 1.4(b)(2)(ii); 24 CFR 960.208

### 5-II.A. OVERVIEW

ECC/HANH must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination laws.

In filling an actual or expected vacancy, ECC/HANH must offer the dwelling unit to an applicant in the appropriate offer sequence. ECC/HANH will offer the unit until it is accepted. This section describes ECC/HANH's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list. This section also describes ECC/HANH's policies for offering units with accessibility features.

#### ECC/HANH Policy

ECC/HANH will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

### 5-II.B. NUMBER OF OFFERS

#### ECC/HANH Policy

Applicants may choose up to three (3) **site-based waiting lists** on which they wish to be placed. No applicant will receive more than two (2) offers per site, unless the offer was refused for Good Cause. Once an applicant refuses two (2) offers without Good Cause, the applicant will be removed that particular site-based waiting list and will remain on the other site-based waiting lists.

(Good cause rejection – see Section 5-II.E Refusals of Units Offer)

Residents who are subject to an emergency transfer, administrative transfer or reasonable accommodation will be given only one offer. Failure to accept this offer for reason(s) other than good cause will be subject to a lease violation, removal from the transfer list or other ECC/HANH action. Offers made by telephone will be confirmed by letter.

#### ECC/HANH Policy

LIPH residents who have the following preferences will receive a unit offer before an applicant:

- Emergency
- Required Transfers
  - Demolition/Disposition- transfers for demolition, disposition, revitalization, or rehabilitation
  - Accessibility - transfers to make an accessible unit available for a disabled family

· transfers to comply with occupancy standards

- High Priority Transfer

- Urgent

- Reasonable Accommodation

- VAWA

Excluding the transfers listed above, one out of every ten unit offers will be made to a resident looking to transfer to another unit

## **5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL**

### ECC/HANH Policy

The unit offer letter will inform the applicant of the unit being offered. The unit offer letter will include an appointment date and time, to meet with the Property Manager to view the unit. The letter will state that the applicant must accept or reject the unit offer within three calendar days after viewing the unit.

If the applicant does not accept the unit offer within the 3 calendar day time limit, ECC/HANH will consider the offer rejected.

Lease-up effective date will be within two weeks of unit acceptance. Extension of move-in date is subject to approval by ECC/HANH. A maximum of a one-week extension will be granted, ensuring that lease-up will take place no more than three weeks after unit acceptance, provided that unit is ready.

## **5-II.D. MAKING NEW ADMISSION UNIT OFFERS**

### ECC/HANH Policy

Unit offers for new admission will be made in the following order:

1. Offers shall be made in accordance with the Preferences established in Chapter 4.
2. ECC/HANH maintains site-based waiting lists and designated housing and will select applicants for a limited number of set aside units who meet the designated housing priority.
  - a. Family (General Occupancy) Development
  - b. Elderly Designated Developments
  - c. Elderly/Disabled Designated Developments
  - d. Accessible Housing - Families requiring UFAS compliant units will receive priority for admission to ECC/HANH's UFAS compliant units.
  - e. Supportive Housing
  - f. Community Re-entry

## **5-II.E. REFUSALS OF UNIT OFFERS**

### **Good Cause for Unit Refusal**

An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].

### ECC/HANH Policy

Applicants may refuse to accept a unit offer for “good cause.”

Good cause includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

The family demonstrates to ECC/HANH's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

The family demonstrates to ECC/HANH's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, sexual assault, or stalking in accordance with section 16-VII.D of this ACOP.



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 (as listed on final application) or live-in aide necessary to the care of the principal household member.

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.

The unit has lead-based paint and the family includes children under the age of six.

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.

ECC/HANH will require documentation of good cause for unit refusals.

### **Unit Refusal without Good Cause**

#### ECC/HANH's Policy

When an applicant rejects the final unit offer without good cause, ECC/HANH will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14).

The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply when ECC/HANH opens the waiting list.

### **5-II.F. ACCESSIBLE UNITS [24 CFR 8.27]**

ECC/HANH must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant ECC/HANH must offer such units:

- First, to a current resident of another unit of the same development, or other public housing development under ECC/HANH's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the ECC/HANH may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

ECC/HANH Policy

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, ECC/HANH will offer the unit to a non-disabled applicant or resident needing a transfer.

When offering an accessible unit to a non-disabled applicant or resident needing a transfer, ECC/HANH will require the applicant or resident to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

**5-II.G. RESIDENTS WHO ARE TEMPORARILY RELOCATED AS PART OF THE OF THE RAD CONVERSION PROCESS:**

As provided under Section 7.5 of PIH Notice 2016-17, ECC-HANH may use public housing as a temporary relocation resource if approved by HUD. It should be noted that, absent written approval, if a resident seeks to occupy a public housing unit after the effective date of the HAP contract for the unit being converted under RAD, the resident would need to be readmitted to public housing in a manner consistent with the waitlist and admissions policies and must exit the Section 8 program

## Chapter 6

### INCOME AND RENT DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

#### INTRODUCTION

A family's annual income is used to determine their income eligibility for the Public Housing program and is also used to calculate the amount of the family's rent payment. ECC/HANH will use the policies and methods described in this chapter to ensure that only income-eligible families receive assistance and that no family pays more or less rent than is required under the regulations.

##### ECC/HANH Policy

As ECC/HANH is a Moving-to-Work Agency, HUD allows ECC/HANH to simplify the income and rent determination policies and processes for the standard public housing program.

This chapter describes HUD regulations and ECC/HANH policies related to these topics in three parts as follows:

Part I: Annual Income. ECC/HANH policies for calculating annual income are found in Part I.

Part II: Monthly Income Tiered Rent and Total Tenant Payment (TTP). The family's annual income is compared to a Simplified Rent Table to determine the family's Monthly Income Tiered Rent (TTP). The Simplified Rent Table takes into consideration average adjustments that would be made to a family's annual income based on existing HUD regulations, resulting in the Total Tenant Payment (TTP). Families experiencing \$2,000 or more in allowable income deduction adjustments will then experience a reduction in their TTP.

Part III: Rent. Describes the application of applicable utility allowances for determining rent. Also included here are flat rents and the family's choice in rents.

#### ECC/HANH'S RENT SIMPLIFICATION

ECC/HANH's method of determining income and rent is a four-part process:

1. Calculate the family's Annual Income

With exceptions as clearly outlined in this Chapter within Part I: Annual Income, ECC/HANH follows HUD requirements for calculating a family's Annual Income.

Exceptions are:

- Excluding all earned income of an adult full-time student (other than the head-of-household, spouse or co-head), rather than excluding only that amount of earnings that exceeds \$480 per year;

- Excluding all adoption assistance payments received by a family, rather than excluding only that amount of adoption assistance payments that exceeds \$480 per year;
- Excluding the incremental increase of earnings and benefits resulting from participation in a federal training program, rather than limiting such exclusion to the incremental increase of earnings and benefits resulting from a state or local training program for FSS participants;
- Specific additional changes for families enrolled in the Family Self-Sufficiency (FSS) programs;
- Not including income from assets in the calculation of annual income unless the market value of combined assets is \$50,000 or more.

These exceptions result in two positive outcomes:

- Reduces the amount of income included in applicable families' annual income; and
  - Eases the inherent administrative burden of calculating a family's annual income.
2. Determine the family's Monthly Income Tiered Rent (TTP) based on the family's annual income.

As presented in this Chapter within Part II: Monthly Income Tiered Rent and TTP, the family's annual income is compared to a Simplified Rent Table (Tiered Rent Chart) which utilizes income ranges in order to determine the family's Monthly Income Tiered Rent (TTP). The Simplified Rent Table takes into consideration average adjustments that would be made to a family's annual income based on existing HUD regulations.

If a family's annual income is less than \$2,500, the family's Monthly Income Tiered Rent (TTP) will be ECC/HANH's minimum rent of \$50. However, these families may apply for a minimum rent hardship exemption. If a minimum rent hardship exemption is granted, the family's TTP will be \$0.

3. Application of Exceptional Expenses, if applicable.

As further presented in this Chapter within Part II: Total Tenant Payment, families experiencing \$2,000 or more in allowable income deduction adjustments will experience a reduction in their TTP.

4. Calculating Family Rent.

Part III: Calculating Family Rent describes use of utility allowances, and the methodology for determining family rent.

## PART I: ANNUAL INCOME

### 6-I.A. OVERVIEW

The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.

5.609 Annual income.

(a) Annual income means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Which are not specifically excluded in paragraph [5.609(c)].

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6B-1)
- Annual Income Exclusions (Exhibit 6B-2)
- Treatment of Family Assets (Exhibit 6B-3)
- Earned Income Disallowance (Exhibit 6B-4)
- The Effect of Welfare Benefit Reduction (Exhibit 6B-5)

Sections 6B-I.B and 6B-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this ACOP, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6B-I.D). Verification requirements for annual income are discussed in Chapter 7.

## 6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

<b>Summary of Income Included and Excluded by Person</b>	
Live-in aides	Income from all sources is excluded [24 CFR 5.609(c)(5)].
Foster child or foster adult	Income from all sources is excluded [24 CFR 5.609(c)(2)].
Head, spouse, or cohead Other adult family members	All sources of income not specifically excluded by the regulations or policy are included.
Children under 18 years of age	Employment income is excluded [24 CFR 5.609(c)(1)]. All other sources of income, except those specifically excluded by the regulations or policy, are included.
Full-time students 18 years of age or older (not head, spouse, or cohead)	<b>ECC/HANH Policy:</b> All employment income is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations or policy, are included.

### Temporarily Absent Family Members

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].

#### ECC/HANH Policy

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

#### *Absent Students*

#### ECC/HANH Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to ECC/HANH indicating that the student has established a separate household or the family declares that the student has established a separate household.

### ***Absences Due to Placement in Foster Care***

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

#### ECC/HANH Policy

If a child has been placed in foster care, ECC/HANH will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

### ***Absent Head, Spouse, or Cohead***

#### ECC/HANH Policy

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days due to employment or incarceration will continue to be considered a family member.

### ***Individuals Confined for Medical Reasons***

#### ECC/HANH Policy

ECC/HANH will request verification of the family member's permanent absence from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent.

If the family certifies that the family member is confined on a permanent basis, they may present, and ECC/HANH will consider, any additional documentation or evidence.

If the family member is expected to be temporarily absent for more than 180 calendar days, ECC/HANH may require reverification of the temporary absent status.

ECC/HANH's decision is subject to reasonable accommodation requirements.

### ***Joint Custody of Children***

#### ECC/HANH Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, ECC/HANH will make the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

## Caretakers for a Child

### ECC/HANH Policy

The approval of a caretaker is at ECC/HANH's discretion and subject to the ECC/HANH's screening criteria. If neither a parent nor a designated guardian remains in a household, ECC/HANH will take the following actions:

If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.

If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases ECC/HANH will extend the caretaker's status as an eligible visitor.

At any time that custody or guardianship legally has been awarded to a caretaker, the lease will be transferred to the caretaker, as head of household.

During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

## **6-I.C. ANTICIPATING ANNUAL INCOME**

ECC/HANH is required to count all income "anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date" [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

### **Basis of Annual Income Projection**

ECC/HANH generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes ECC/HANH to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- ECC/HANH believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

### ECC/HANH Policy

If ECC/HANH cannot anticipate annual income for a full 12-month period, ECC/HANH will average known sources of income that vary in order to calculate annual income.

If a family member is a seasonal employee, ECC/HANH will average the income across 12 months when annualizing.



**Example 1:** ECC/HANH is conducting Mr. Quinn’s biennial reexamination. Mr. Quinn works in construction 8 months of the year, earning \$1,500 a month. He is paid cash. The remaining months he receives no income.

ECC/HANH will annualize his income:  $\$1,500 \times 8 = \$12,000$  whether or not he is working at the time of his biennial reexamination.

No interim will be conducted if Mr. Quinn was working at the time of his biennial reexamination and then reports that income stopped due to this regular layoff. Nor will an interim be conducted when Mr. Quinn resumes work at this regular job.

**Example 2:** Ms. Marie works as a school bus driver 10 months out of the year earning \$15,000 from this employment. The remaining 2 months, she draws \$1,500 a month in unemployment benefits. ECC/HANH will calculate Ms. Marie’s annual income to be \$18,000 ( $\$15,000 + \$3,000 (\$1,500 \times 2)$ ).

No interim will be conducted when Ms. Marie starts or stops working.

Income from the previous year may be analyzed to determine the amount to anticipate when third party verification is not available or reliable.

If by averaging, an estimate can be made for those families whose income fluctuates from month-to-month, this estimate will be used so that housing payments will not change from month-to-month.

This method used depends on the regularity, source, and type of income.

ECC/HANH is required to use HUD’s Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)].

HUD allows ECC/HANH to use tenant-provided documents to project income once EIV data has been received in such cases where the family does not dispute the EIV employer data and where ECC/HANH does not determine it is necessary to obtain additional third-party data.

#### ECC/HANH Policy

An EIV Report is required for all family members 18 year or older, to capture all public income sources. EIV Reports should be treated as confidential documents and handled according to internal privacy protocols.

The HOTMA final rule revises § 5.233(a)(2)(i) to clarify that the use of EIV is required only at annual reexaminations, and not at interim reexaminations. However, ECC/HANH may use EIV for interim reexaminations if desired.

When EIV is obtained and the family does not dispute the EIV employer data, ECC/HANH will use current tenant-provided documents to project annual income. When the tenant-provided documents are pay stubs, ECC/HANH will make every effort to obtain current and consecutive pay stubs dated within the last 60 days.

ECC/HANH will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

If EIV or other UIV data is not available,

If the family disputes the accuracy of the EIV employer data, and/or

If ECC/HANH determines additional information is needed.

In such cases, ECC/HANH will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how ECC/HANH annualized projected income.

When ECC/HANH cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), ECC/HANH will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to ECC/HANH to show why the historic pattern does not represent the family's anticipated income.

### ***Known Changes in Income***

If ECC/HANH verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

**Example:** An employer reports that a full-time employee who has been receiving \$10/hour will begin to receive \$14.00/hour in the eighth week after the effective date of the reexamination. In such a case the PHA would calculate annual income as follows:  $(\$10/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$14.00 \times 40 \text{ hours} \times 45 \text{ weeks})$ .

When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60 days of the reexamination interview date.

### **Projecting Income**

In HUD's EIV webcast of January 2008, HUD made clear that PHAs are not to use EIV quarterly wages to project annual income.

## **6-I.D. EARNED INCOME**

### **Types of Earned Income Included in Annual Income**

#### ***Wages and Related Compensation [24 CFR 5.609(b)(1)]***

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income.

#### ECC/HANH Policy

For persons who regularly receive bonuses or commissions, ECC/HANH will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, ECC/HANH will use the prior year amounts. In either case the family may provide, and ECC/HANH will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, ECC/HANH will count only the amount estimated by the employer. The file will be documented appropriately.

#### ***Some Types of Military Pay***

All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

### **Types of Earned Income Not Counted in Annual Income**

#### ***Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]***

This type of income (including gifts) is not included in annual income.

#### ECC/HANH Policy

Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

#### ***Children's Earnings [24 CFR 5.609(c)(1)]***

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income. (See Eligibility chapter for a definition of *foster children*.)

#### ***Certain Earned Income of Full-Time Students***

To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program [HCV GB, p. 5-29].

#### ECC/HANH Policy

All earnings of each full-time student 18 years old or older (except for the head, spouse, or cohead) are excluded from annual income.

#### ***Income of a Live-in Aide***

Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

***Income Earned under Certain Federal Programs [24 CFR 5.609(c)(17)]***

Income from some federal programs is specifically excluded from consideration as income, including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

***Resident Service Stipend [24 CFR 5.600(c)(8)(iv)]***

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a resident for performing a service for ECC/HANH, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of ECC/HANH's governing board. No resident may receive more than one such stipend during the same period of time [24 CFR 5.600(c)(8)(iv)].

***State and Local Employment Training Programs***

Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

ECC/HANH Policy

ECC/HANH includes federal employment training programs under this rule along with state and local employment training programs for FSS Program participants only.

ECC/HANH defines *training program* as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a

specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].

ECC/HANH defines *incremental earnings and benefits* as the difference between: (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program, and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, ECC/HANH will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with ECC/HANH’s interim reporting requirements.

### ***HUD-Funded Training Programs***

Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

#### ECC/HANH Policy

To qualify as a training program, the program must meet the definition of *training program* provided above for state and local employment training programs.

***Earned Income Tax Credit.*** Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee’s payroll check.

### ***ECC/HANH’s Incremental Earnings Increase Exclusion for Family Self-Sufficiency Program Participants***

#### ECC/HANH Policy

In addition to the federal and HUD required exclusions, ECC/HANH has implemented an agency exclusion for FSS program participants (those families enrolled in the FSS program through execution of a form HUD-52650).

ECC/HANH shall exclude from the determination of Annual Income 100 percent of any incremental earnings increase from wages or salaries earned by any family member during the first year that family member is enrolled in ECC/HANH’s Family Self -Sufficiency Program; 75 percent exclusion for the second year the family member is enrolled in the FSS Program; 50 percent exclusion for the third year the family member is enrolled in the FSS Program; 25 percent exclusion for the fourth year the family member is enrolled in the FSS Program; and no exclusion in the fifth year of enrollment or thereafter.

The total number of months that a family may receive the FSS earned income exclusion and the EID may not exceed 48 months.

The family member cannot receive the FSS earned income exclusion during the same period the family member is receiving the Earned Income Disallowance (EID) (see Section 6.I-E). The family member's FSS income exclusion begins at the completion of the EID, provided that the 48-month time period has not expired. See the following three examples:

Example 1: Ms. Jones, head of household, has never been employed. She enrolls in ECC/HANH's FSS program effective 4/1/2015. On 6/1/2015, she begins working, earning \$10,000 a year. On 6/1/18, Ms. Jones' earnings increase to \$12,000 a year.

Year 1: Ms. Jones qualifies for the full exclusion under the EID.

Year 2: Ms. Jones enters the phase-in period under the EID.

Example 2: Ms. Nieto, a 24-year-old daughter of the head of household, has been working part-time for 3 years, earning \$7,000 per year. She has already received the EID exclusion (the full exclusion for 12 consecutive months and the 50% phase-in exclusion for 12 consecutive months). She enrolls in ECC/HANH's FSS program effective 3/1/2015. On 7/1/2015, she receives a raise and is now earning \$12,000 a year.

Year 1: 100% of the incremental increase in earnings is excluded (\$5,000).

Year 2: 75% of the incremental increase is excluded (\$3,750).

Ms. Nieto has now received a combined 48 month benefit (2 years EID, 2 years FSS income exclusion) and her exclusion therefore ends.

Example 3: Mr. Chin, head of household, began working on 4/1/2014, earning \$12,000 per year. He qualified for the EID at that time. Mr. Chin enrolls in ECC/HANH's FSS program effective 5/1/2015. On 6/1/2015, he receives a raise and is now earning \$20,000 / year.

Year 1: (Beginning 5/1/2015) At the time Mr. Chin enrolled in ECC/HANH's FSS program, he was in the EID phase-in period. The phase-in period continues until 3/31/2016. On 4/1/2016, Mr. Chin will have 1 month left in his first year period of participating in FSS. For that month, Mr. Chin's annual income will be calculated excluding \$8,000 per year.

Year 2: (Beginning 5/1/2016) 75% of the incremental increase is excluded (\$6,000).

Year 3: (Beg 5/1/2017) 50% of the incremental increase in earnings is excluded (\$4,000) ENDING 3/31/2018 as Mr. Chin will have received 48 months of combined exclusions.

4/1/14 – 3/31/15 (12 mo full EID exclusion) 4/1/15 – 3/31/16 (12 mo partial EID exclusion) 4/1/16 – 4/31/16 (1 mo full FSS exclusion) 5/1/16 – 4/31/17 (12 mo 75% FSS exclusion) 5/1/17 – 3/31/18 (11 mo 50% FSS exclusion).

## **6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 5.617]**

The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 5.617 is included as Exhibit 6B-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

### **Eligibility**

This disallowance applies only to individuals in families already leased up in ECC/HANH's public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.
- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least \$500.

### **Calculation of the Disallowance**

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income."

#### ECC/HANH Policy

ECC/HANH defines *prior income*, or *prequalifying income*, as the family member's last certified income prior to qualifying for the EID.

The family member's prior, or prequalifying, income remains constant (as a baseline) throughout the period that he or she is participating in the EID.

#### ***Initial 12-Month Exclusion***

During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

#### ECC/HANH Policy



The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

### ***Second 12-Month Exclusion and Phase-In***

During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

### ***Lifetime Limitation***

The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between Public Housing and Section 8 assistance, or if there are breaks in assistance.

#### ECC/HANH Policy

During the 48-month eligibility period, ECC/HANH will not schedule or conduct an interim reexamination each time there is a change in the family member's annual income that affects or is affected by the EID (e.g., when the family member's income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the maximum eligibility period).

### **6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]**

Annual income includes “the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family” [24 CFR 5.609(b)(2)].

#### **Business Expenses**

Net income is “gross income less business expense” [HCV GB, p. 5-19].

#### ECC/HANH Policy

To determine business expenses that may be deducted from gross income, ECC/HANH will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

#### **Business Expansion**

HUD regulations do not permit ECC/HANH to deduct from gross income expenses for business expansion.

#### ECC/HANH Policy



*Business expansion* is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

### **Capital Indebtedness**

HUD regulations do not permit ECC/HANH to deduct from gross income the amortization of capital indebtedness.

#### ECC/HANH Policy

*Capital indebtedness* is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means ECC/HANH will allow as a business expense interest, but not principal, paid on capital indebtedness.

### **Negative Business Income**

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

### **Withdrawal of Cash or Assets from a Business**

HUD regulations require ECC/HANH to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

#### ECC/HANH Policy

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of a tenant family provided an up-front loan of \$2,000 to help a business get started, ECC/HANH will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

### **Co-owned Businesses**

#### ECC/HANH Policy

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

## **6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]**

### **Overview**

There is no asset limitation for participation in the public housing program. However, HUD requires that ECC/HANH include in annual income the anticipated "interest, dividends, and other net income of any kind from real or personal property" [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets,

ECC/HANH must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6B-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6B-3 provides the regulatory definition of *net family assets*. This section begins with a discussion of general policies related to assets and then provides HUD rules and ECC/HANH policies related to each type of asset.

## **General Policies**

### ECC/HANH Policy

ECC/HANH will not include income from assets unless the total market value of all assets for the family equals \$50,000 or more.

### ***Income from Assets***

ECC/HANH generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes ECC/HANH to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) ECC/HANH believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, ECC/HANH can take into consideration past rental income along with the prospects of obtaining a new tenant.

### ECC/HANH Policy

Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to ECC/HANH to show why the asset income determination does not represent the family's anticipated asset income.

### ***Valuing Assets***

The calculation of asset income sometimes requires ECC/HANH to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth in the market (e.g., the amount a buyer would pay for real estate or the total value of an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

### ECC/HANH Policy

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [HCV GB, p. 5-28 and PH Occ GB, p. 121].

### ***Lump-Sum Receipts***

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIIP FAQs]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6B-I.H and 6B-I.I.)

### ***Imputing Income from Assets [24 CFR 5.609(b)(3), Notice PIH 2012-29]***

#### ECC/HANH Policy

ECC/HANH will not include income from assets unless the total market value of all assets for the family equals \$50,000 or more. ECC/HANH will then include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income.

Imputed income from assets is calculated by multiplying the total cash value of all family assets by an average passbook savings rate as determined by ECC/HANH.

- Note: The HUD field office no longer provides an interest rate for imputed asset income. The “safe harbor” is now for ECC/HANH to establish a passbook rate within 0.75 percent of a national average.
- ECC/HANH must review its passbook rate annually to ensure that it remains within 0.75 percent of the national average.

#### ECC/HANH Policy

ECC/HANH initially set the imputed asset passbook rate at 0%, within the national rate established by the Federal Deposit Insurance Corporation (FDIC).

ECC/HANH will review the passbook rate annually, in August of each year. The rate will not be adjusted unless the current ECC/HANH rate is no longer within 0.75 percent of the national rate. If it is no longer within 0.75 percent of the national rate, the passbook rate will be set at the current national rate. Changes to the passbook rate will take effect on October 1 following the August review.

### ***Determining Actual Anticipated Income from Assets***

It may or may not be necessary for ECC/HANH to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property’s market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

### ***Withdrawal of Cash or Liquidation of Investments***

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a

family member retires, the amount received by the family from a retirement investment plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement investment plan.

### ***Jointly Owned Assets***

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.”

#### ECC/HANH Policy

If an asset is owned by more than one person and any family member has unrestricted access to the asset, ECC/HANH will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, ECC/HANH will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, ECC/HANH will prorate the asset evenly among all owners.

### ***Assets Disposed Of for Less than Fair Market Value [24 CFR 5.603(b)]***

HUD regulations require ECC/HANH to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

#### *Minimum Threshold*

ECC/HANH may set a threshold below which assets disposed of for less than fair market value will not be counted [HCV GB, p. 5-27].

#### ECC/HANH Policy

ECC/HANH will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

### ***Separation or Divorce***

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

### ECC/HANH Policy

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

### ***Foreclosure or Bankruptcy***

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

### ***Family Declaration***

#### ECC/HANH Policy

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. ECC/HANH may verify the value of the assets disposed of if other information available to the ECC/HANH does not appear to agree with the information reported by the family.

### **Types of Assets**

#### ***Checking and Savings Accounts***

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

#### ECC/HANH Policy

For families with a total market value of assets of less than \$50,000, only a self-certification is required to verify the value of assets.

In determining the value of a checking account, ECC/HANH will use current balance.

In determining the value of a savings account, ECC/HANH will use the current balance.

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

#### ***Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds***

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

#### ECC/HANH Policy

In determining the market value of an investment account, ECC/HANH will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), ECC/HANH will calculate asset income based on the earnings for the most recent reporting period.

### ***Equity in Real Property or Other Capital Investments***

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [HCV GB, p. 5-25 and PH, p. 121].

#### ECC/HANH Policy

In determining the equity, ECC/HANH will determine market value by examining recent sales of at least three properties in the surrounding or similar neighborhood that possess comparable factors that affect market value.

ECC/HANH will first use the payoff amount for the loan (mortgage) as the unpaid balance to calculate equity. If the payoff amount is not available, ECC/HANH will use the basic loan balance information to deduct from the market value in the equity calculation.

Equity in real property and other capital investments is considered in the calculation of asset income **except** for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- Equity in real property when a family member's main occupation is real estate [HCV GB, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6B-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]
- Real property and capital assets that are part of an active business or farming operation [HCV GB, p. 5-25]

ECC/HANH must also deduct from the equity the reasonable costs for converting the asset to cash. Using the formula for calculating equity specified above, the net cash value of real property is the market value of the loan (mortgage) minus the expenses to convert to cash [Notice PIH 2012-3].

#### ECC/HANH Policy

For the purposes of calculating expenses to convert to cash for real property, ECC/HANH will use ten percent of the market value of the home.

A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

#### ECC/HANH Policy

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless ECC/HANH determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

#### ***Trusts***

A *trust* is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

#### *Revocable Trusts*

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

#### *Nonrevocable Trusts*

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6B-I.H. Lump-sum receipts are discussed earlier in this section.)

#### ***Retirement Accounts***

##### *Company Retirement/Pension Accounts*

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the PHA must know whether the money is accessible before retirement [HCV GB, p. 5-26].

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [HCV GB, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6B-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

##### *IRA, Keogh, and Similar Retirement Savings Accounts*



IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p. 5-25].

### ***Personal Property***

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [HCV GB, p. 5-25].

#### ECC/HANH Policy

In determining the value of personal property held as an investment, ECC/HANH will use the family's estimate of the value. ECC/HANH may obtain an appraisal to confirm the value of the asset if there is reason to believe that the family's estimated value is off by \$50 or more. The family must cooperate with the appraiser, but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)].

#### ECC/HANH Policy

Necessary personal property consists of only those items not held as an investment, and may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

### ***Life Insurance***

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

## **6-I.H. PERIODIC PAYMENTS**

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

### **Periodic Payments Included in Annual Income**

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14]

### **Lump-Sum Payments for the Delayed Start of a Periodic Payment**



Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income. Additionally, any deferred disability benefits that are received in a lump sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income [24 CFR 5.609(c)(14)].

#### ECC/HANH Policy

When a delayed-start payment is received and reported during the period in which ECC/HANH is processing a reexamination, ECC/HANH will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with ECC/HANH.

#### **Treatment of Overpayment Deductions from Social Security Benefits**

ECC/HANH must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, ECC/HANH must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2012-10].

#### **Periodic Payments Excluded from Annual Income**

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) [24 CFR 5.609(c)(2)]. Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income [Notice PIH 2012-1].

#### ECC/HANH Policy

ECC/HANH will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]
- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]
- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)].  
*Note:* EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.

- Lump sums received as a result of delays in processing Social Security and SSI payments (see section 6B-I.H.) [24 CFR 5.609(c)(14)].
- Lump-sums or prospective monthly amounts received as deferred disability benefits from the Department of Veterans Affairs (VA) [24 CFR 5.609(c)(14)].

### **6-I.I. PAYMENTS IN LIEU OF EARNINGS**

Payments in lieu of earnings, such as unemployment and disability compensation, worker’s compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6B-I.H and the discussion of lump-sum receipts in section 6B-I.G.)

### **6-I.J. WELFARE ASSISTANCE**

#### **Overview**

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

#### **Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]**

ECC/HANH must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6B-5. The requirements are summarized below. This rule applies only if a family was a public housing resident at the time the sanction was imposed.

#### ***Covered Families***

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]

#### ***Imputed Income***

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, ECC/HANH must include in annual income “imputed” welfare income. ECC/HANH must request that the welfare agency provide the reason for the reduction of benefits and the amount of the reduction of benefits. The imputed welfare income is the amount that the benefits were reduced as a result of the sanction.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency

economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

For special procedures related to grievance hearings based upon ECC/HANH's denial of a family's request to lower rent when the family experiences a welfare benefit reduction, see Chapter 14, Grievances and Appeals.

### ***Offsets***

The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

### **6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]**

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

#### **Alimony and Child Support**

ECC/HANH must count alimony or child support amounts awarded as part of a divorce or separation agreement.

##### ECC/HANH Policy

ECC/HANH will count court-awarded amounts for alimony and child support unless ECC/HANH verifies that: (1) the payments are not being made, and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [HCV GB, pp. 5-23 and 5-47].

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

If alimony or child support payments actually received are erratic, ECC/HANH will obtain and use as annual income the amount received for the most recent completed twelve months.

#### **Regular Contributions or Gifts**

ECC/HANH must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

##### ECC/HANH Policy

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries and clothing provided to a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by ECC/HANH. For contributions that may vary from month to month (e.g., utility payments), ECC/HANH will include an average amount based upon past history.

## **6-I.L. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME**

Other exclusions contained in 24 CFR 5.609(c) and updated by FR Notice 5/20/14 that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- The full amount of student financial assistance paid directly to the student or to the educational institution [24 CFR 5.609(c)(6)].

### ECC/HANH Policy

Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment **is not** considered student financial assistance and is included **in** annual income.

- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of \$480 per adopted child [24 CFR 5.609(c)(12)]

### ECC/HANH Policy

ECC/HANH excludes all amounts of adoption assistance payments.

- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17), FR Notice 5/20/14]. HUD publishes an updated list of these exclusions periodically. It includes:
  - (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))
  - (b) Benefits under Section 1780 of the School Lunch Act and Child Nutrition Act of 1966, including WIC
  - (c) Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)

- (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))
- (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
- (f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
- (g) Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998 (29 U.S.C. 2931)
- (h) Deferred disability benefits from the Department of Veterans Affairs, whether received as a lump sum or in monthly prospective amounts
- (i) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
- (j) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b))
- (k) A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010
- (l) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)
- (m) Benefits under the Indian Veterans Housing Opportunity Act of 2010 (only applies to Native American housing programs)
- (n) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- (o) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent Orange* product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
- (p) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida
- (q) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
- (r) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
- (s) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))

- (t) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
- (u) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109–249 applies and requires that the amount of financial assistance in excess of tuition shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109–249)
- (v) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- (w) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)
- (x) Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002
- (y) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013–30, "Exclusion from Income of Payments under Recent Tribal Trust Settlements" (25 U.S.C. 117b(a))
- (z) Major disaster and emergency assistance received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations

## **PART II: MONTHLY INCOME TIERED RENT AND TOTAL TENANT PAYMENT**

### **INTRODUCTION**

#### **Overview**

HUD regulations specify that a PHA must establish a minimum rent between \$0 and \$50. The term ‘minimum rent’ actually refers to the Total Tenant Payment (TTP).

#### ECC/HANH Policy

ECC/HANH has established a minimum rent (TTP) of \$50.

ECC/HANH has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6B-II.F.

The amount that a family pays for rent and utilities (the family share) will never be less than the family’s TTP but may be greater than the TTP depending on the rent charged for the unit the family selects.

#### ***Calculating Final Total Tenant Payment***

#### ECC/HANH Policy

Once the Annual Income for the family is determined, the TTP for the family shall be determined by locating the ‘rent’ for the appropriate income tier for the family on the Simplified Rent Schedule and selecting the rent (TTP) for the appropriate income tier.

The Simplified Rent Schedule may be found in Exhibit 6B-6, labeled ‘Monthly Income Tiered Rent’ on ECC/HANH’s internal worksheets.

If a family’s annual income is less than \$2,500, the family’s TTP will be ECC/HANH’s minimum rent of \$50. ECC/HANH has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6B-II.G.

### **6-II.A. EXCEPTIONAL EXPENSES**

#### ECC/HANH Policy

Deductions under 24 CFR Part 5.611(a) shall be permitted only to the extent the sum of anticipated deductions is expected to equal or exceed \$2,000 annually. Families with Exceptional Expenses that equal or exceed \$2,000 will receive a rent deduction. Families with Exceptional Expenses will receive a reduction in their Final Total Tenant Payment rental as set forth in the following table:

<b>Exceptional Expenses Amount</b>	<b>Monthly Rent Reduction</b>
\$2,000 - \$3,999	\$75
\$4,000 - \$5,999	\$125
\$6,000+	To Hardship Committee for rent deduction determination



That the amount of rent reduction is based on exceptional expense tiers allows ECC/HANH to move away being required to verify deductions to the dollar. Families need only provide documentation sufficient to verify expenses to within the range of the appropriate tier.

HUD's \$400 Elderly/Disabled allowance is not used in determining Exceptional Expenses.

For families with two or more dependents, an amount of \$960 will be automatically calculated in exceptional expenses, as the standard amount of this deduction has been factored into the Simplified Rent Table used to establish the TTP.

For each family with more than two dependents, \$480 per dependent will be included in exceptional expenses.

Allowable income deductions used to calculate Exceptional Expenses are as follows:

- (1) \$480 for dependents
- (2) The sum of the following, to the extent the sum exceeds three percent of annual income:
  - (i) Unreimbursed medical expenses of any elderly family or disabled family;
  - (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (3) Any reasonable child care expenses necessary to enable a member of the family to be employed, seek work, or to further his or her education.

This part covers policies related to these allowable deductions. Verification requirements related to these deductions are found in Chapter 7.

### **Anticipating Expenses**

#### ECC/HANH Policy

Generally, ECC/HANH will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and nonschool periods and cyclical medical expenses), ECC/HANH will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses ECC/HANH will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. ECC/HANH may require the family to provide documentation of payments made in the preceding year.



## 6-II.B. DEPENDENT DEDUCTION

An allowance of \$480 is deducted from annual income for each dependent [24 CFR 5.611(a)(1)]. *Dependent* is defined as any family member other than the head, spouse, or cohead who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

### ECC/HANH Policy

For families with two or more dependents, an amount of \$960 will be automatically calculated in exceptional expenses, as the standard amount of this deduction has been factored into the Simplified Rent Table used to establish the TTP.

For each family with more than two dependents, \$480 per dependent will be included in exceptional expenses.

## 6-II.C. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or cohead is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28].

### **Definition of *Medical Expenses***

HUD regulations define *medical expenses* at 24 CFR 5.603(b) to mean “medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.”

### ECC/HANH Policy

The most current IRS Publication 502, *Medical and Dental Expenses*, will be used as a reference to determine the costs that qualify as medical expenses.

<b>Summary of Allowable Medical Expenses from IRS Publication 502</b>	
Services of medical professionals	Substance abuse treatment programs
Surgery and medical procedures that are necessary, legal, noncosmetic	Psychiatric treatment
Services of medical facilities	Ambulance services and some costs of transportation related to medical expenses
Hospitalization, long-term care, and in-home nursing services	The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)
Prescription medicines and insulin, but <u>not</u> nonprescription medicines even if recommended by a doctor	

Improvements to housing directly related to medical needs (e.g., ramps for a wheelchair, handrails)	Cost and continuing care of necessary service animals Medical insurance premiums or the cost of a health maintenance organization (HMO)
<b>Note:</b> This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.	

**Families That Qualify for Both Medical and Disability Assistance Expenses**

ECC/HANH Policy

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, ECC/HANH will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

**6-II.D. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]**

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

**Earned Income Limit on the Disability Assistance Expense Deduction**

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

ECC/HANH Policy

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, ECC/HANH will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When ECC/HANH determines that the disability assistance expenses enable more than one family member to work, the expenses will be capped by the sum of the family members' incomes.

### **Eligible Disability Expenses**

Examples of auxiliary apparatus are provided in the *HCV Guidebook* as follows: “Auxiliary apparatus are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to enable a blind person to read or type, but only if these items are directly related to permitting the disabled person or other family member to work” [HCV GB, p. 5-30].

HUD advises ECC/HANH to further define and describe auxiliary apparatus [VG, p. 30].

### ***Eligible Auxiliary Apparatus***

#### ECC/HANH Policy

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

### ***Eligible Attendant Care***

The family determines the type of attendant care that is appropriate for the person with disabilities.

#### ECC/HANH Policy

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, ECC/HANH will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

### ***Payments to Family Members***

No disability assistance expenses may be deducted for payments to a member of an assisted family [24 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not reimbursed by an outside source.

### **Necessary and Reasonable Expenses**

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

#### ECC/HANH Policy

ECC/HANH determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, ECC/HANH will collect information from organizations that provide services and support to persons with disabilities. A family may present, and ECC/HANH will consider, the family's justification for costs that exceed typical costs in the area.

### **Families That Qualify for Both Medical and Disability Assistance Expenses**

#### ECC/HANH Policy

This policy applies only to families in which the head or spouse is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, ECC/HANH will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

## **6-II.E. CHILD CARE EXPENSE DEDUCTION**

HUD defines *child care expenses* at 24 CFR 5.603(b) as “amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.”

### **Clarifying the Meaning of *Child* for This Deduction**

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household [VG, p. 26]. However, child care expenses for foster children that are living in the assisted family's household are included when determining the family's child care expenses [HCV GB, p. 5-29].

### **Qualifying for the Deduction**

#### ***Determining Who Is Enabled to Pursue an Eligible Activity***

#### ECC/HANH Policy

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, ECC/HANH will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

### ***Seeking Work***

#### ECC/HANH Policy

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by ECC/HANH.

### ***Furthering Education***

#### ECC/HANH Policy

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

### ***Being Gainfully Employed***

#### ECC/HANH Policy

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

### **Earned Income Limit on Child Care Expense Deduction**

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income” [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person with disabilities who receives the earned income disallowance (EID) or a full-time student whose earned income above \$480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the

person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000.

ECC/HANH must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30].

#### ECC/HANH Policy

When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, ECC/HANH generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

#### **Eligible Child Care Expenses**

The type of care to be provided is determined by the assisted family. ECC/HANH may not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [VG, p. 26].

#### ***Allowable Child Care Activities***

##### ECC/HANH Policy

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, ECC/HANH will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated.

Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

#### ***Necessary and Reasonable Costs***

Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

### ECC/HANH Policy

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of child care costs, ECC/HANH will use the schedule of child care costs from the local welfare agency. Families may present, and ECC/HANH will consider, justification for costs that exceed typical costs in the area.

### **6-II.F. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]**

Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If ECC/HANH offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [PH Occ GB, p. 128].

The *Form HUD-50058 Instruction Booklet* states that the maximum allowable amount for total permissive deductions is less than \$90,000 per year.

### ECC/HANH Policy

ECC/HANH has opted not to use permissive deductions.

### **6-II.G. MINIMUM RENT AND MINIMUM RENT HARDSHIP EXEMPTION**

HUD regulations specify that PHAs may establish a minimum rent between \$0 and \$50.

ECC/HANH has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6B-II.I.

The amount that a family pays for rent and utilities will never be less than the family's TTP but may be greater than the TTP depending on the rent charged for the unit the family selects.

### ***Minimum Rent [24 CFR 5.630]***

### ECC/HANH Policy

Families with Annual Income below \$2,500 annually shall pay the minimum rent of \$50.00 per month.

If a family is unable to pay the minimum rent because of a financial hardship, the family is eligible for a hardship exemption from the minimum rent requirements.

All families placed on minimum rent must be informed in writing of the procedures for applying for a hardship exemption from the Minimum Rent Requirement and the ability to have minimum rent waived.



In order to fully notify families of their right to request a minimum rent hardship exemption, families will be provided with an Application for Exemption from Minimum Rent Form only when they become subject to the Minimum Rent requirement. The policy and procedures for requesting such hardship exemption will also be included in participant rent change notifications, Application for Exemption from Minimum Rent and all form documents related to the exemption process.

A family subjected to the minimum rent requirement will not be evicted for non-payment of rent.

ECC/HANH will notify families in all of the above documents that all families exempt from the minimum rent requirements will be referred to ECC/HANH's CED program in order to assist the family in moving towards self-sufficiency. Elderly and disabled individuals are not required to participate in the CED program.

## **6-II.H. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]**

### **Overview**

If ECC/HANH establishes a minimum rent greater than zero, ECC/HANH must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption.

#### ECC/HANH Policy

If ECC/HANH determines that a hardship exists, the family's TTP will be \$0.

### **HUD-Defined Financial Hardship**

Financial hardship includes the following situations collectively, the "Criteria for Minimum Rent Exemption":

- (1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.

#### ECC/HANH Policy

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following: (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.



Prior to reestablishing the minimum rent, the family must be referred to the Hardship Committee for determination of continued minimum rent hardship exemption or resumption of the minimum rent.

- (2) The family would be evicted because it is unable to pay the minimum rent.

ECC/HANH Policy

For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or tenant-paid utilities.

- (3) Family income has decreased because of changed family circumstances, including the loss of employment.

- (4) A death has occurred in the family.

ECC/HANH Policy

In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).

- (5) The family has experienced other circumstances determined by ECC/HANH.

ECC/HANH Policy

Other circumstances determined by ECC/HANH to be reasons to waive the minimum rent requirement will be referred to the Hardship Committee. The Hardship Committee will make a determination on a case-by-case basis and notify the family within 10 business days.

### **Implementation of Hardship Exemption**

ECC/HANH Policy

An application for Exemption from Minimum Rent may originate from either a ECC/HANH employee or the family.

ECC/HANH employees must complete and submit an Application for Exemption from Minimum Rent on behalf of a family whenever any evidence exists that the family falls into any one of the Criteria for Minimum Rent Exemption (as set forth above).

A family also has the right to request a hardship exemption from minimum rent. Such request must be in writing and must state the family circumstances that qualify the family for a hardship exemption.

### **Suspension of Requirement to Pay Minimum Rent**

When a family requests a financial hardship exemption, ECC/HANH must suspend the minimum rent requirement beginning the first of the month following the family's request.

The family's assistance cannot be terminated for nonpayment of minimum rent for a period of 90 days upon receipt of the request for minimum rent hardship exemption.

### ***Determination of Hardship – Hardship Review Committee***

ECC/HANH may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family’s request for a hardship exemption.

#### ECC/HANH Policy

When a family submits an application for a minimum rent hardship exemption, or ECC/HANH employee submits an application for a minimum rent hardship exemption on behalf of a family, ECC/HANH will suspend the minimum rent requirement commencing on the first day of the month following the date of the application for a period of 90 days and adjust the HAP accordingly.

The family’s assistance cannot be terminated for nonpayment of minimum rent while the family’s Application for Exemption from Minimum Rent is pending or during the 90 day period of suspension, whichever is longer.

All families who apply for such hardship exemption will be referred to the Community Economic Development (CED) program in order to assist the family in moving towards self-sufficiency. Elderly and disabled individuals will not be referred to CED.

When the minimum rent is suspended, the family’s TTP becomes ‘\$0’.

ECC/HANH then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

#### ECC/HANH Policy

ECC/HANH defines temporary hardship as a hardship expected to last 90 days or less. Long-term hardship is defined as a hardship expected to last more than 90 days.

Except for elderly or disabled individuals, no tenant shall be exempt from the minimum rent requirement for more than 90 days during a one year period unless at least one adult family member enrolls and actively participates in ECC/HANH’s CED program. The family member shall enroll in CED within 30 days from the date on the Application of Exemption from Minimum Rent. This does not apply if all family members are elderly or disabled

### ***No Financial Hardship***

If ECC/HANH determines there is no financial hardship, ECC/HANH will reinstate the minimum rent and require the family to repay the amounts suspended.

#### ECC/HANH Policy

If the hardship is determined to be nonexistent, the family will be responsible for paying rent to ECC/HANH for any rent that was suspended while the family’s Application for Exemption from Minimum Rent was pending. The minimum rent shall be reinstated retroactively to the initial date of the suspension. The family will be provided with the opportunity to enter into a reasonable repayment agreement with ECC/HANH for any amount due and owing to ECC/HANH.

For procedures pertaining to grievance hearing requests based upon ECC/HANH's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

### ***Temporary Hardship***

If ECC/HANH determines that a qualifying financial hardship is temporary, ECC/HANH must suspend the minimum rent for the 90-day period beginning the first of the month following the date of the family's request for a hardship exemption.

At the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay ECC/HANH the amounts suspended. HUD requires ECC/HANH to offer a reasonable repayment agreement, on terms and conditions established by ECC/HANH.

ECC/HANH also may determine that circumstances have changed and the hardship is now a long-term hardship.

For procedures pertaining to grievance hearing requests based upon ECC/HANH's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

#### ECC/HANH Policy

ECC/HANH will enter into a repayment agreement in accordance with the procedures found in Chapter 16 of this ACOP.

### ***Long-Term Hardship***

If ECC/HANH determines that the financial hardship is long-term, ECC/HANH must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

#### ECC/HANH Policy

ECC/HANH may deny the family a long-term exemption from the minimum rent requirement if the family fails to attend the scheduled meetings with the Hardship Review Committee. ECC/HANH will provide each family one opportunity to reschedule the meeting. If the family fails to attend the scheduled meetings, ECC/HANH may deny the long-term exemption from the minimum rent requirement. The letter scheduling the meeting shall inform families that persons with disabilities are entitled to reasonable accommodation with regard to this requirement.

Residents will be notified that the resident must notify ECC/HANH within 10 days if the hardship ceases to exist because the resident has obtained a source of income sufficient to pay (at least) the minimum rent.

### ***Termination of Long-Term Exemption***

#### ECC/HANH Policy

The hardship period ends when any of the following circumstances apply:

- (1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.

- (2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a \$60/month child support payment, the hardship will continue to exist until the family receives at least \$60/month in income from another source or once again begins to receive the child support.
- (3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

The hardship will also end when a family that is required to participate in the CED program fails to do so.

ECC/HANH may conduct periodic reviews of all long-term hardship exemptions to determine if the hardship continues to exist and, for non-elderly and non-disabled residents, whether the resident is complying with CED requirements.

If ECC/HANH determines that a family is no longer eligible for a long-term hardship exemption (because the hardship no longer exists or the non-elderly/non-disabled tenant has not complied with CED requirements), ECC/HANH shall notify the family of the proposed termination of the long-term hardship exemption, the effective date of the proposed termination, and the reason for such proposed termination. This letter shall be delivered to the resident by first class mail no later than thirty (30) days prior to the effective date of the proposed termination. Any resident who disagrees with the proposed termination may request a grievance in accordance with ECC/HANH's grievance procedures, a copy of which will be included in the notice of termination. In cases where an appeal is sought, no action shall be taken by ECC/HANH until the grievance process is completed.

The Executive Director/President may waive any or all of these requirements in cases where he/she determines that the hardship conditions are likely to be permanent.

## **PART III: CALCULATING RENT**

### **6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS**

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement.,

#### **TTP Formula [24 CFR 5.628]**

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between \$0 and \$50 that is established by ECC/HANH.

ECC/HANH has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6B-III.B.

#### ECC/HANH Policy

Per ECC/HANH's MTW Plan, ECC/HANH has implemented a Rent Simplification Plan and does not calculate the TTP by the statutory formula.

#### ***Welfare Rent [24 CFR 5.628]***

#### ECC/HANH Policy

Welfare rent does not apply in this locality.

#### ***Minimum Rent [24 CFR 5.630]***

#### ECC/HANH Policy

The minimum rent is \$50.

#### **Utility Reimbursement [24 CFR 960.253(c)(3)]**

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits ECC/HANH to pay the reimbursement to the family or directly to the utility provider.

#### ECC/HANH Policy

ECC/HANH will make utility reimbursements to the family.

## 6-III.B. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

### Overview

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, ECC/HANH must use the utility allowance applicable to the type of dwelling unit leased by the family.

For policies on establishing and updating utility allowances, see Chapter 16.

### Reasonable Accommodation [24 CFR 8]

On request from a family, ECC/HANH must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [PH Occ GB, p. 172].

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

See Chapter 2 for policies related to reasonable accommodations.

### Utility Allowance Revisions [24 CFR 965.507]

ECC/HANH must review its schedule of utility allowances each year. Between annual reviews, ECC/HANH must revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent (10%) or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ GB, p. 171].

The tenant rent calculations must reflect any changes in ECC/HANH's utility allowance schedule [24 CFR 960.253(c)(3)].

#### ECC/HANH Policy

Unless ECC/HANH is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations or bi/triennial reexamination after the allowance is adopted.

ECC/HANH will maintain documentation of annual reviews regardless of whether changes to allowances or allotments are made.

Tenants must be notified at least 60 days before changing the utility allowances/allotments and all residents must be allowed to submit comments regarding the changes at least 30 days before the proposed effective date.

When setting the utility allowance or allotment level, ECC/HANH have discretion to use one or more of the options below, or a methodology of their choosing. ECC/HANH must keep documentation of how the utility allowances/allotments are calculated.

Documentation must be available to residents upon request and does not need to be submitted to HUD unless requested.

1. **Engineering approach** – In this methodology, ECC/HANH will identify existing energy or water consuming equipment in the unit and calculates the expected consumption for all the equipment for energy-conservative households that occupy housing of similar size and type in the same locality.

2. **Average actual utility bills** – In this methodology, ECC/HANH will collect a sample set of resident-paid utility bills and averages the use and cost paid by the tenant over 12 months of bills from a minimum of three units for each unit type, when available.

3. **Average historical consumption** – In this methodology, ECC/HANH will review historical consumption as recorded in ECC/HANH-owned utility check meters. ECC/HANH may only include data from when the unit was occupied by a tenant and must exclude units vacant for any reason including repairs and renovations.

4. **Review local utility rates** – In this methodology, ECC/HANH will review the local utility company rates to identify the current and/ or expected utility rates. Most utility companies make this information available on their website. The tenant’s lease must identify which utilities ECC/HANH will supply, which utilities the tenant is responsible for paying, and which utility services may be subject to surcharges.

#### **6-III.C. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]**

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. ECC/HANH must prorate the assistance provided to a mixed family. ECC/HANH will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, ECC/HANH must:

- (1) Subtract the TTP from a maximum rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.
- (2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).
- (3) Multiply the member maximum subsidy by the number of eligible family members.
- (4) Subtract the subsidy calculated in the last step from the maximum rent. This is the prorated TTP.
- (5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.

#### ECC/HANH Policy

Revised public housing maximum rents will be applied to a family’s rent calculation at the first regular reexamination after the revision is adopted.

For policies related to the establishment of the public housing maximum rent see Chapter 16.

#### **6-III.D. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]**



### **Flat Rents [24 CFR 960.253(b)]**

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

Policies related to the reexamination of families paying flat rent are contained in Chapter 9, and policies related to the establishment and review of flat rents are contained in Chapter 16.

### **Family Choice in Rents [24 CFR 960.253(a) and (e)]**

Once each year, ECC/HANH must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. ECC/HANH must document that flat rents were offered to families under the methods used to determine flat rents for ECC/HANH.

#### ECC/HANH Policy

ECC/HANH offer to a family of the choice between flat and income-based rent will be conducted upon admission and thereafter at annual anniversary date.

ECC/HANH will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

According to the Annual MTW Plan, Initiative 3.1 – Rent, as of FY 2020 the Flat Rent option certification form will only be signed at time of biennial/triennial certification, however, families will have the opportunity to switch to the Flat rent once a year. Annual notice must go out to families, but signature will not be required except for at time of scheduled bi/tri certification. This change is in line with efforts to streamline the certification process; relieving staff of the additional burden and allowing families to benefit from the full extent of Rent Simplification as written.

ECC/HANH must provide sufficient information for families to make an informed choice. This information must include ECC/HANH's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year ECC/HANH is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.



## **Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]**

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If ECC/HANH determines that a financial hardship exists, ECC/HANH must immediately allow the family to switch from flat rent to the income-based rent.

### ECC/HANH Policy

Upon determination by ECC/HANH that a financial hardship exists, ECC/HANH will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Households will have the option of changing from the Income-Tiered rent to flat rent at biennial or triennial reexamination. Households choosing flat rent will need to have their income verified once every two years for biennial reexamination and three years for triennial reexaminations.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items
- Such other situations determined by ECC/HANH to be appropriate

### ECC/HANH Policy

ECC/HANH considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

## **Phasing In Flat Rents [Notice PIH 2015-13]**

When new flat rents requirements were implemented in 2014, HUD limited the increase for existing residents paying flat rent at that time to no more than 35 percent of the current tenant rent per year. In some cases, this meant that some residents had or will have their flat rents phased-in at the time of their annual recertification. To do this, PHAs conduct a flat rent impact analysis to determine whether a phase-in is or was necessary. For families whose flat rent is being phased-in, ECC/HANH must multiply the family's current rent amount by 1.35 and compare the result to the flat rent under ECC/HANH's policies. Families who have subsequently been admitted to the program or have subsequently selected flat rent will not experience a phase-in.

Notice PIH 2015-13 requires that flat rents must be phased in at the full 35 percent per year. PHAs do not have the option of phasing in flat rent increases at less than 35 percent per year.

**Example:** A family was paying a flat rent of \$500 per month. At their regular recertification, ECC/HANH has increased the flat rent for their unit size to \$700. ECC/HANH would conduct a flat rent impact analysis as follows:

$$\$500 \times 1.35 = \$675$$

Since ECC/HANH'S increased flat rent of \$700 would result in a rent increase of more than 35 percent, ECC/HANH would offer the family the choice to pay either \$675 per month or an income-based rent. The flat rent increase was phased in. At their next regular reexamination, ECC/HANH will again multiply the family's current flat rent by 1.35 and compare the results to ECC/HANH's current flat rent.

### **Flat Rents and Earned Income Disallowance [A&O FAQs]**

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

A family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their 48 month period would have the 12 cumulative months of full (100 percent) and phase-in (50 percent) exclusion continue while paying flat rent as long as the employment that is the subject of the exclusion continues, and the 48-month lifetime limit would continue uninterrupted. A family paying flat rent could therefore see a family member's 48-month lifetime limit expire while the family is paying flat rent.

### **Flat Rents for Units Subject to Demolition**

ECC/HANH recognizes that developments for which the Commissioners have approved demolition should not be considered to be of the same quality as non-subsidized units even if these private sector units are comparable to the public housing units.

A special form of Flat Rent will be available for developments that:

- Have Board of Commissioner authorization directing staff to submit a demolition application to HUD; or
- Have a demolition application that has been submitted to HUD and approved by the Special Application Center (SAC).

Households who reside at developments covered by this section of the ACOP will be given the choice of either using the Flat Rent for Units Subject to Demolition or using the Income Tiered rent. Households will be allowed to move from one form of rent to the other and back again (a "round trip") once each twelve-month period. ECC/HANH will make exceptions to this rule in the case of a family's financial hardship.

Households that elect to use the Flat Rent for Units Subject to Demolition will not be required to complete an annual recertification for three years from the effective date of the Flat Rent.

Households that elect to be subject to the Flat Rent for Units Subject to Demolition will be required to acknowledge that the development is to be demolished and that there is a formal

understanding that the household relocate when required by the ECC/HANH. The manner of relocation and the relocation options are subject to the requirements of the Uniform Relocation Act (URA).

Once a household relocates to a development or housing option that does not meet the threshold defined in this section of the ACOP, the household is not entitled to the Flat Rent for Units Subject to Demolition described herein, and the household rent either reverts to an income-based computation or to the general Flat Rent schedule applicable to the specific development. Households that take a Housing Choice Voucher subsidy are covered by the regulations and components of the ECC/HANH's Housing Choice Voucher Section 8 Administrative Plan and have no recourse to any form of Flat Rent.

## EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

### 24 CFR 5.609

*(a) Annual income means all amounts, monetary or not, which:*

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
  - (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
  - (3) Which are not specifically excluded in paragraph (c) of this section.
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

*(b) Annual income includes, but is not limited to:*

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property.

Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31<sup>1</sup>; and  
(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial

assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

#### **HHS DEFINITION OF "ASSISTANCE"**

#### **45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES**

#### **260.31 What does the term "assistance" mean?**

(a)(1) The term "assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of "assistance"] excludes:

(1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(2) Work subsidies (i.e., payments to employers or third parties to help cover the

<sup>1</sup> Text of 45 CFR 260.31 follows (next page).

costs of employee wages, benefits, supervision, and training);  
(3) Supportive services such as child care and transportation provided to families who are employed;  
(4) Refundable earned income tax credits;  
(5) Contributions to, and distributions from, Individual Development Accounts;  
(6) Services such as counseling, case management, peer support, child care

information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and  
(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance

## EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS

### 24 CFR 5.609

(c) Annual income does not include the following:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in Sec. 5.403;
- (6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD;  
(ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;
- (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- (9) Temporary, nonrecurring or sporadic income (including gifts);
- (10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

(15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See the following chart for a list of benefits that qualify for this exclusion.]



## EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

### 24 CFR 5.603(b) Net Family Assets

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

(2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609.

(3) In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor.

In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

## EXHIBIT 6-4: EARNED INCOME DISALLOWANCE

### 24 CFR 960.255 Self-sufficiency incentive—Disallowance of increase in annual income.

(a) *Definitions.* The following definitions apply for purposes of this section.

*Disallowance.* Exclusion from annual income.

*Previously unemployed* includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

*Qualified family.* A family residing in public housing:

(i) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;

(ii) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or

(iii) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least \$500.

(b) *Disallowance of increase in annual income.*

(1) *Initial twelve month exclusion.* During the cumulative twelve month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income (as defined in 5.609 of this title) of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.

(2) *Second twelve month exclusion and phase-in.* During the second cumulative twelve month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

(3) *Maximum four year disallowance.* The disallowance of increased income of an individual family member as provided in paragraph (b)(1) or (b)(2) of this section is limited to a lifetime 48 month period. It only applies for a maximum of twelve months for disallowance under paragraph (b)(1) and a maximum of twelve months for disallowance under paragraph (b)(2), during the 48 month period starting from the initial exclusion under paragraph (b)(1) of this section.

(c) *Inapplicability to admission.* The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

(d) *Individual Savings Accounts*. As an alternative to the disallowance of increases in income as a result of employment described in paragraph (b) of this section, a PHA may choose to provide for individual savings accounts for public housing residents who pay an income-based rent, in accordance with a written policy, which must include the following provisions:

- (1) The PHA must advise the family that the savings account option is available;
- (2) At the option of the family, the PHA must deposit in the savings account the total amount that would have been included in tenant rent payable to the PHA as a result of increased income that is disallowed in accordance with paragraph (b) of this section;
- (3) Amounts deposited in a savings account may be withdrawn only for the purpose of:
  - (i) Purchasing a home;

- (ii) Paying education costs of family members;
  - (iii) Moving out of public or assisted housing;  
or
  - (iv) Paying any other expense authorized by the PHA for the purpose of promoting the economic self-sufficiency of residents of public housing;
- (4) The PHA must maintain the account in an interest bearing investment and must credit the family with the net interest income, and the PHA may not charge a fee for maintaining the account;
  - (5) At least annually the PHA must provide the family with a report on the status of the account; and
  - (6) If the family moves out of public housing, the PHA shall pay the tenant any balance in the account, minus any amounts owed to the PHA

## EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

### 24 CFR 5.615

#### **Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.**

*(a) Applicability.* This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

*(b) Definitions.* The following definitions apply for purposes of this section:

*Covered families.* Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

*Economic self-sufficiency program.* See definition at Sec. 5.603.

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

*Specified welfare benefit reduction.*

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

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

- (i) at expiration of a lifetime or other time limit on the payment of welfare benefits;
- (ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
- (iii) because a family member has not complied with other welfare agency requirements.

*(c) Imputed welfare income.*

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition,

during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).

(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

*(d) Review of PHA decision.*

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

*(e) PHA relation with welfare agency.*

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

**EXHIBIT 6-6: SIMPLIFIED RENT SCHEDULE**

Income Range		TTP	Income Range		TTP
\$0	\$2,499	\$50	\$34,500	\$35,499	\$819
\$2,500	\$3,499	\$59	\$35,500	\$36,499	\$843
\$3,500	\$4,499	\$83	\$36,500	\$37,499	\$867
\$4,500	\$5,499	\$107	\$37,500	\$38,499	\$891
\$5,500	\$6,499	\$131	\$38,500	\$39,499	\$914
\$6,500	\$7,499	\$154	\$39,500	\$40,499	\$938
\$7,500	\$8,499	\$178	\$40,500	\$41,499	\$962
\$8,500	\$9,499	\$202	\$41,500	\$42,499	\$986
\$9,500	\$10,499	\$226	\$42,500	\$43,499	\$1,009
\$10,500	\$11,499	\$249	\$43,500	\$44,499	\$1,033
\$11,500	\$12,499	\$273	\$44,500	\$45,499	\$1,057
\$12,500	\$13,499	\$297	\$45,500	\$46,499	\$1,081
\$13,500	\$14,499	\$321	\$46,500	\$47,499	\$1,104
\$14,500	\$15,499	\$344	\$47,500	\$48,499	\$1,128
\$15,500	\$16,499	\$368	\$48,500	\$49,499	\$1,152
\$16,500	\$17,499	\$392	\$49,500	\$50,499	\$1,176
\$17,500	\$18,499	\$416	\$50,500	\$51,499	\$1,199
\$18,500	\$19,499	\$439	\$51,500	\$52,499	\$1,223
\$19,500	\$20,499	\$463	\$52,500	\$53,499	\$1,247
\$20,500	\$21,499	\$487	\$53,500	\$54,499	\$1,271
\$21,500	\$22,499	\$511	\$54,500	\$55,499	\$1,294
\$22,500	\$23,499	\$534	\$55,500	\$56,499	\$1,318
\$23,500	\$24,499	\$558	\$56,500	\$57,499	\$1,342
\$24,500	\$25,499	\$582	\$57,500	\$58,499	\$1,366
\$25,500	\$26,499	\$606	\$58,500	\$59,499	\$1,389
\$26,500	\$27,499	\$629	\$59,500	\$60,499	\$1,413
\$27,500	\$28,499	\$653	\$60,500	\$61,499	\$1,437
\$28,500	\$29,499	\$677	\$61,500	\$62,499	\$1,461
\$29,500	\$30,499	\$701	\$62,500	\$63,499	\$1,484
\$30,500	\$31,499	\$724	\$63,500	\$64,499	\$1,508
\$31,500	\$32,499	\$748	\$64,500	\$65,499	\$1,532
\$32,500	\$33,499	\$772	\$65,500	\$66,499	\$1,556
\$33,500	\$34,499	\$796			

Income Range		TTP	\$99,500	\$100,499	\$2,363
Income Range		TTP	Income Range		TTP
\$66,500	\$67,499	\$1,579	\$100,500	\$101,499	\$2,387
\$67,500	\$68,499	\$1,603	\$101,500	\$102,499	\$2,411
\$68,500	\$69,499	\$1,627	\$102,500	\$103,499	\$2,434
\$69,500	\$70,499	\$1,651	\$103,500	\$104,499	\$2,458
\$70,500	\$71,499	\$1,674	\$104,500	\$105,499	\$2,482
\$71,500	\$72,499	\$1,698	\$105,500	\$106,499	\$2,506
\$72,500	\$73,499	\$1,722	\$106,500	\$107,499	\$2,529
\$73,500	\$74,499	\$1,746	\$107,500	\$108,499	\$2,553
\$74,500	\$75,499	\$1,769	\$108,500	\$109,499	\$2,577
\$75,500	\$76,499	\$1,793	\$109,500	\$110,499	\$2,601
\$76,500	\$77,499	\$1,817	\$110,500	\$111,499	\$2,624
\$77,500	\$78,499	\$1,841	\$111,500	\$112,499	\$2,648
\$78,500	\$79,499	\$1,864	\$112,500	\$113,499	\$2,672
\$79,500	\$80,499	\$1,888	\$113,500	\$114,499	\$2,696
\$80,500	\$81,499	\$1,912	\$114,500	\$115,499	\$2,719
\$81,500	\$82,499	\$1,936	\$115,500	\$116,499	\$2,743
\$82,500	\$83,499	\$1,959	\$116,500	\$117,499	\$2,767
\$83,500	\$84,499	\$1,983	\$117,500	\$118,499	\$2,791
\$84,500	\$85,499	\$2,007	\$118,500	\$119,499	\$2,814
\$85,500	\$86,499	\$2,031	\$119,500	\$120,499	\$2,838
\$86,500	\$87,499	\$2,054	\$120,500	\$121,499	\$2,862
\$87,500	\$88,499	\$2,078	\$121,500	\$122,499	\$2,886
\$88,500	\$89,499	\$2,102	\$122,500	\$123,499	\$2,909
\$89,500	\$90,499	\$2,126	\$123,500	\$124,499	\$2,933
\$90,500	\$91,499	\$2,149	\$124,500	\$125,499	\$2,957
\$91,500	\$92,499	\$2,173	\$125,500	\$126,499	\$2,981
\$92,500	\$93,499	\$2,197	\$126,500	\$127,499	\$3,004
\$93,500	\$94,499	\$2,221	\$127,500	\$128,499	\$3,028
\$94,500	\$95,499	\$2,244	\$128,500	\$129,499	\$3,052
\$95,500	\$96,499	\$2,268	\$129,500	\$130,499	\$3,076
\$96,500	\$97,499	\$2,292	\$130,500	\$131,499	\$3,099
\$97,500	\$98,499	\$2,316	\$131,500	\$132,499	\$3,123
\$98,500	\$99,499	\$2,339	\$132,500	\$133,499	\$3,147



Income Range		TTP
\$133,500	\$134,499	\$3,171
\$134,500	\$135,499	\$3,194
\$135,500	\$136,499	\$3,218
\$136,500	\$137,499	\$3,242
\$137,500	\$138,499	\$3,266
\$138,500	\$139,499	\$3,289
\$139,500	\$140,499	\$3,313
\$140,500	\$141,499	\$3,337
\$141,500	\$142,499	\$3,361
\$142,500	\$143,499	\$3,384
\$143,500	\$144,499	\$3,408
\$144,500	\$145,499	\$3,432
\$145,500	\$146,499	\$3,456
\$146,500	\$147,499	\$3,479
\$147,500	\$148,499	\$3,503
\$148,500	\$149,499	\$3,527
\$149,500	\$150,499	\$3,551
\$150,500	\$151,499	\$3,574
\$151,500	\$152,499	\$3,598
\$152,500	\$153,499	\$3,622
\$153,500	\$154,499	\$3,646
\$154,500	\$155,499	\$3,669
\$155,500	\$156,499	\$3,693
\$156,500	\$157,499	\$3,717
\$157,500	\$158,499	\$3,741
\$158,500	\$159,499	\$3,764
\$159,500	\$160,499	\$3,788
\$160,500	\$161,499	\$3,812
\$161,500	\$162,499	\$3,836
\$162,500	\$163,499	\$3,859
\$163,500	\$164,499	\$3,883
\$164,500	\$165,499	\$3,907
\$165,500	\$166,499	\$3,931
\$166,500	\$167,499	\$3,954

Income Range		TTP
\$167,500	\$168,499	\$3,978
\$168,500	\$169,499	\$4,002
\$169,500	\$170,499	\$4,026
\$170,500	\$171,499	\$4,049
\$171,500	\$172,499	\$4,073
\$172,500	\$173,499	\$4,097
\$173,500	\$174,499	\$4,121
\$174,500	\$175,499	\$4,144
\$175,500	\$176,499	\$4,168
\$176,500	\$177,499	\$4,192
\$177,500	\$178,499	\$4,216
\$178,500	\$179,499	\$4,239
\$179,500	\$180,499	\$4,263
\$180,500	\$181,499	\$4,287
\$181,500	\$182,499	\$4,311
\$182,500	\$183,499	\$4,334
\$183,500	\$184,499	\$4,358
\$184,500	\$185,499	\$4,382
\$185,500	\$186,499	\$4,406
\$186,500	\$187,499	\$4,429
\$187,500	\$188,499	\$4,453
\$188,500	\$189,499	\$4,477
\$189,500	\$190,499	\$4,501
\$190,500	\$191,499	\$4,524
\$191,500	\$192,499	\$4,548
\$192,500	\$193,499	\$4,572
\$193,500	\$194,499	\$4,596
\$194,500	\$195,499	\$4,619
\$195,500	\$196,499	\$4,643
\$196,500	\$197,499	\$4,667
\$197,500	\$198,499	\$4,691
\$198,500	\$199,499	\$4,714
\$199,500	\$200,499	\$4,738
\$200,500	\$201,499	\$4,762

## **EXHIBIT 6-7: PUBLIC HOUSING PROGRAM RENT SIMPLIFICATION**

### **INTRODUCTION**

ECC/HANH believes there is a better way to administer essential housing programs, one that encourages long-term self-sufficiency for both the program participants as well as the agency.

#### **Rent Simplification: Equity & Efficiency**

The proposed system rewards families who increase their incomes, and provides them with more opportunities to save while easing ECC/HANH's burden of administering these housing programs.

#### **Everyone Should Contribute**

ECC/HANH believes that every family should contribute towards their housing. Under Rent Simplification, the criteria under which a family can claim zero income and not pay any rent are not changed. What will change is the amount of time families will be permitted to request an interim adjustment. The minimum rent will remain at \$50.00 per month.

### **Fiscal Equity for ECC/HANH/ELM CITY COMMUNITIES**

Rent Simplification is forecast to be revenue-neutral. In other words, the implementation of Rent Simplification will not increase the amount of rental revenue to ECC/HANH.

#### **Approvable Method**

Rent Simplification allows all stakeholders to easily understand how tenant rents are determined, and armed with some basic income data, anticipate what future rents will be. This will allow families to easily plan for future expenses and savings.

#### **Measurable Reduction in Administrative Time**

By simplifying the rent determination and deduction procedures in Federal Public Housing, Rent Simplification makes the job of recertifying tenants significantly easier.

#### **Transition to Avoid Hardships**

ECC/HANH has devised a system that is not only revenue neutral for the organization, but will not result in any undue hardship to our families. There will be a transition period of one year from the current income based rent determination process to the new income tiered rent determination process. No family will have an increase in Total Tenant Payment (TTP) during the first year they are subject to the requirements of this Rent Simplification Policy. Please

note that this hold harmless provision does not apply to increases in TTP that result from an increase in family annual income above the amount earned in the reporting period immediately preceding the family being subject to Rent Simplification. No family shall be subject to an increase in TTP of greater than \$25.00 a month during the second year that the family is subject to the Rent Simplification Policy. The increase in TTP during the third year the family is subject to Rent Simplification shall not exceed \$50; \$75 a month during the fourth year; and \$100 a month above the monthly TTP in the year immediately following the implementation of Rent Simplification

### **Asset Exclusion**

Asset exclusion is raised to \$50,000.00. Increasing the asset exclusion amount allows residents to accumulate more assets before they are calculated as income. Families will ~~self-certify~~self-certify that they do not have assets in excess of \$50,000.00.

### **Earned Income Disallowance**

The Federal Earned Income Disregard (EID) will continue to be implemented. The maximum amount of time a family can be enrolled in the Federal EID is 24 months. After the 24 months have been exhausted, the family may elect to participate in the Family Self Sufficiency (FSS) program for the remaining 24 months so long as any family member is enrolled in FSS. Both program s combined cannot exceed 48 months. When the family joins the FSS program 50% of incremental earnings are excluded for 12 additional months after the end of receiving EID for 24 months and 25% for another 12 months for a total for 48 months of income disallowance The optional income disregard provided under this paragraph is limited to lifetime eligibility of 48 months.

For families who do not receive the Federal EID, it may choose to enroll directly into the optional FSS Earned Income Disregard so long as any member of the household is enrolled in FSS Program. Incremental earnings from wages or salaries are excluded in the first 12 months; 75 percent in the second 12 months; 50% in the third 12 months; and 25% in the fourth 12 months. A family is limited to 48 months of eligibility for this optional EID. This will allow more families to enter and benefit from the program. In no event shall the family receive the FSS exclusion and the Federal EID during the same time period.

### **Family Self Sufficiency (FSS) Income Exclusion**

The average income of our public housing residents is approximately \$15,000.00 per year. In order to promote long-term sustainable economic self-sufficiency of the residents, all families that enroll in the FSS program who are members of Very Low Income families will have all incremental earnings and benefits from any qualified Federal, State or Local employment training program training of a family member (including programs not affiliated with the local government) excluded from the determination of Annual Income so long as the family member is enrolled in ECC/HANH's FSS Program.

Additionally, any incremental earning by any family member while enrolled in the FFS Program will be excluded from the determination of Annual Income, 100% during the 1<sup>st</sup> year, 75% in 2<sup>nd</sup> year, 50% in 3<sup>rd</sup> year, 25% in 4<sup>th</sup> year and 0% during the 5<sup>th</sup> year of FFS participation. In addition to regularly scheduled recertifications, the family member will have their rent re-determined at the conclusion of the FFS Program or termination from the FFS Program.

In addition to expanding the scope of the existing exclusion to include Federal and State programs, an optional exclusion will be provided to cover the incremental increases and wages and salaries so long as that family member is enrolled in the ECC/HANH FFS Program.

There is not a requirement that these increases in rental income must go into an escrow account. Families will be permitted to retain these additional earnings.

### **Other Exclusions**

All adoption assistance payments will be excluded from income calculations under Section 5.609(c) (8) (11) as the \$480 dependent deduction is eliminated. All income earned by full-time college students will no longer be included in the determination since there will no longer be the \$480 dependent deduction to offset income.

### **Annualized Income Calculation**

Prospective and past income may be used to calculate resident rents, especially for families with irregular or sporadic employment histories. For families with income of up to and including \$5,000.00 we will accept a self-certification. For families earning more than \$5,000.00 of wages and salaries we want pay stubs covering the most recent four weeks of employment or a W-2 or 1099 within 180 days of the effective date of recertification. We must complete EIV or other UIV as required by HUD.

### **Annual Reexaminations**

Since 2008, under Rent Simplification, annual reexaminations will occur every two years for non-elderly households and every three years for elderly and/or disabled households. These changes will allow families who experience increases in income to retain all of their increased earnings between the biennial/triennial reexaminations. Note that families with individuals who are subject to the eight hour community services requirement will be reviewed annually for all household members exempt from having to meet the community services requirement. During the first year all families will be recertified. This process will be phased in over a three-year period.

Effective FY2015 (October 2014), ECC/HANH updated its definitions of elderly/disabled and work-able families. Under the policy change, an elderly/disabled family will be defined as one in which all adult members (excluding live-in attendants) are elderly and/or disabled.

A work-able family will be one that doesn't meet the new elderly/disabled definition. If one adult family member is not elderly and/or disabled, the family will be considered a work-able family. Work-able households under the new definition will have reexaminations every two years (biennial schedule) and elderly/disabled households will have annual reexaminations every three years (triennial schedule).

ECC/HANH believes this new definition more closely matches the spirit of a "work-able" family since all work-able families would have at least one work-able adult. Under the prior definition, an elderly/disabled family only needed a head, co-head, or spouse to be elderly or disabled which led to some families with work-able adults being categorized as elderly/disabled. This change will also give ECC/HANH the ability to better track earnings and employment for work-able families; and the better population division will give ECC/HANH the flexibility to implement work-able specific rent policy changes in the future if it so chooses.

### **Deductions for Exceptional Expenses**

Excess resources are dedicated to verifying deductions for childcare, medical and disability allowances. Third party verifications of these amounts are difficult to accomplish and the agency more often than not relies upon second and first party verifications of these deductions. Obtaining verification data also places an undue burden on the resident. To simplify this process, ECC/HANH will eliminate standard deductions for these amounts for elderly, disabled and non-elderly households.

Households with exceptional expenses may request a rent reduction. This includes large families (with more than two (2) dependents). It also includes families with high medical expenses, disability assistance expenses, or childcare expenses.

The amount of expense is set in \$2,000.00 tiers. This allows to move away from verifying every last dollar. Tenants are not required to provide documentation of every dollar of expense; rather, tenants need only provide documentation sufficient to meet the appropriate tier.

The amount of monthly rent reduction is established at the mid-range of the tier.

Households with exceptional expenses will receive a direct reduction of the monthly rent. However, no tenant's rent will be reduced below a rent of \$50.00 as a result.

<b>Tiered Amount of Expenses</b>	<b>Monthly Rent Reduction</b>
\$ 2,000 - \$ 3,999	\$ 75 (equivalent to \$3,000 deduction)
\$ 4,000 - \$ 5,999	\$ 125 (equivalent to \$5,000 deduction)
\$ 6,000 +	Hardship Review

### **Changes in Family Composition**

Residents are still required to get permission from the Housing Manager and the Vice President of Operations to add anyone to a household and to report changes in family composition. A family's rent is recalculated if the addition or subtraction of a household member results in an income change of \$200.00 per month or more, or that causes the family to move from one income tier to another. This increase in rent does not count as an interim reexamination, in the Optional Interim Reexamination Policy.

### **Mandatory Interim Reexaminations Policy**

Residents must request an interim reexamination if any of the following conditions occur:

- Change in family composition that affects the bedroom size.
- The addition of a family member 18 years of age or older
- Change in family composition that causes the family to move from one income tier to another with a higher rent schedule.
- Addition of a live-in aid
- Income Increase following an interim rent reduction
- If ECC/HANH grants an exceptional deduction for any family and there is a subsequent change then the family must report that change to ECC/HANH.

### **Optional Interim Reexaminations Policy**

Residents have the option to request three (3) interim reexaminations during every twelve (12) month period. Interims may be granted in the following instances:

- Decrease in family income that is expected to last 90 days or more if it will result in a change in the family's income tier (exclude seasonal workers; see below)
- Increase in Exceptional Expenses of at least \$2,000.00

Interim rents normally remain in place until the next scheduled biennial/triennial reexamination. If a family experiences an increase in income it is not necessary for the family to report this increase in income until the next scheduled certification date, except when the increase occurs after an interim decrease has been processed.

Households receiving a requested interim rent reduction must report any subsequent income increase to ECC/HANH within thirty (30) days of occurrence. Failure to report the change within thirty (30) days results in retroactive rent changes, and depending on the severity of the circumstances, lease termination.

Seasonal workers who are employed for a period of time less than 12 months annually will have their rent calculated over a 12-month period using the 9 or 10 months of income earned. During the months the worker is not actively working, the family will not be able to request a rent reduction as the rent has already been adjusted over a 12 month period.

Permanent loss of income (i.e., death of an income earner) results in a permanent, rather than interim, rent reduction. This decrease in rent does not count as an interim reexamination. Under this circumstance, the family is not required to report a subsequent increase in income until the next scheduled certification.

### **Verification of Annual Income from Wages and Salaries and Assets**

To reduce the administrative burden associated with the verification of income ECC/HANH will amend its Admission and Continued Occupancy (ACOP) to specify that:

- For earnings from wages and salaries where Annual Income for the prior period of up to and including \$5,000.00, self-certification from family is all that shall be required as verification of income.
- For earnings from and salaries of more than \$5,000.00 the most recent pay stubs for recent 4 weeks of employment, or W-2 or 1099 within 180 days of the anniversary date shall be required in addition to the self-certification, but only to the extent that verification of Annual Income is not available from a third party source of Upfront Income Verification.
- Self-certification of all sources of Annual Income shall be required in all cases.
- For families with total assets of \$50,000.00 or less a self-certification of said assets shall be required.

### **Income Tiered Rents Calculated within \$1,000 Bands**

**Rents are based on \$1,000.00 income bands starting at \$2,500.00. Using a band-based rent schedule allows the ECC/HANH and residents to move away from verifying every last dollar earned and deducted. (See Exhibit A)**

**At January 31, 2007, both the median and mode percentage of Total Tenant Payment (TTP) to annual income is 28.5 percent. That is, most families pay 28.5 percent of their family income (before utility allowance) as rent. Fifty two (52) percent of households pay 28 percent or more of annual income for TTP; six percent pay less than 10 percent; 13 percent pay between 10 and 20 percent; and 26 percent pay between 20 and 27 percent of income as TTP.**

Rent will be set at 28.50 percent of income for income tiers of \$1000.00 starting at \$2,500.00. The rent will be calculated at the lower end of each tier. For example, for the \$2,500.00 to \$3,499.00 tier, the rent will be calculated at 28.50 percent of \$2,500.00. Families with incomes below \$2,500.00 will be charged the minimum rent of \$50.00. Families will be permitted to apply for a hardship if verifiable proof is provided that their total expenses exceed \$2,000.00

## **Minimum Rents and Flat Rents**

**Families with annual income below \$2,500.00 will pay a minimum rent of \$50.00. In no event shall any family pay less than 25 percent of its Annual Income for TTP.**

All residents at a rent of \$50.00, except for the elderly and persons with disabilities, are referred to the Family Self Sufficiency (FSS) Program for job or benefit counseling. Families may still choose the existing Flat Rent option for public housing.

## **Zero Income Households**

Families with Annual Income below \$2,500 annually shall pay the minimum rent of \$50.00 per month.

All families placed on minimum rent with the exception of elderly and disabled families will be referred to the Family Self Sufficiency Program.

If a family is unable to pay the minimum rent because of a financial hardship, the family is eligible for a temporary or long-term hardship exemption from the minimum rent requirements.

All families placed on minimum rent must be informed in writing of the procedures for applying for a hardship exemption from the Minimum Rent Requirement and the ability to have minimum rent waived.

All families who apply for such hardship exemption, with the exception of elderly persons and persons with disabilities, will be referred to the Family Self Sufficiency Program in order to assist the family in moving towards self-sufficiency.

ECC/HANH will notify all families of their right to request a hardship exemption from the minimum rent requirements. Residents will be notified of their right to request a hardship exemption through the Application for Exemption from Minimum Rent, a copy of which will be provided to tenants at lease-up and at each recertification appointment and mailed to residents at each interim recertification. The policy and procedures for requesting such hardship exemption will also be included in tenant rent change notifications, the form lease agreement and all form documents related to the exemption process.

## **Criteria for Hardship Exemption From Minimum Rent Requirement**

A family is automatically exempt from the minimum rent requirements for a 90-day period when the family's circumstances fall into any one of the following criteria:

1. When a family has lost eligibility or is awaiting eligibility determination from a Federal, State or local assistance program;



2. When the family would be evicted because it is unable to pay the minimum rent;
3. When the income of the family has decreased because of changed circumstances, including loss of employment;
4. When a death in the family has occurred; or
5. Other circumstances determined by ECC/HANH to be reasons to waive the minimum rent requirement (collectively, the "Criteria for Minimum Rent Exemption").

If a family is unable to pay the minimum rent because of a financial hardship, the family is eligible for a temporary or long-term hardship exemption from the minimum rent requirement.

A temporary hardship exemption exists when none of the above criteria is expected to last for more than 90 days.

A long-term hardship exemption exists when at least one of the above criteria is expected to last for more than 90 days.

A family may only receive one hardship exemption from the minimum rent requirement during a twelve-month period, unless a tenant is elderly, disabled, or is enrolled in ECC/HANH's Family Self Sufficiency Program. The minimum rent requirement may be waived more than once during a twelve-month period if at least one adult member of the household enrolls in the Family Self Sufficiency Program (the "FSS Program"). Elderly and disabled families are not required to enroll in the FSS Program.

Once the Authority identifies a resident's need for a hardship exemption from the minimum rent requirement or the family requests such exemption, the minimum rent shall be suspended immediately for a period of 90 days.

### **Hardship Review Committee**

All "Applications for Exemption from Minimum Rent" shall be forwarded to the Hardship Review Committee.

The Hardship Review Committee shall consist of the Executive Director/President or his/her designee, the Sr. Vice President of Operations or his/her designee, the Vice President or his/her designee, and the Director of Community and Economic Development or his/her designee. At the family's option, the Hardship Review Committee may include one (1) resident of ECC/HANH who is in good standing.

The Application for Exemption from Minimum Rent shall originate from the family or from an ECC/HANH employee whenever evidence exists that the family falls into any one of the Criteria for Minimum Rent Exemption.

When a resident submits an application or an ECC/HANH employee submits an application on behalf of a resident, ECC/HANH will suspend the minimum rent requirement commencing on the first of the month following the date of the application for a period of 90 days.

The resident cannot be evicted for nonpayment of minimum rent while resident's Application for Exemption from Minimum Rent is pending or during the 90 day period of suspension, whichever is longer.

The Hardship Review Committee shall send a letter to all resident families who have applied for hardship exemption from minimum rent stating:

- (a) that ECC/HANH has received an Application for Exemption from Minimum Rent,
- (b) that ECC/HANH will suspend the minimum rent requirement for 90 days effective as of the first of the next month and the effective dates of the 90-day suspension,
- (c) that there can be no eviction for non-payment of rent during the suspension period;
- (d) the date for a meeting with the resident to discuss the hardship exemption request, giving the resident family at least ten days advance notice of such meeting and informing the resident that he or she may have one opportunity to reschedule the meeting; and
- (e) with the exception of elderly and disabled families, the resident family has been referred to the FSS program and will not be able to receive a hardship exemption in excess of 90 days without enrolling in the program.

The Hardship Review Committee will review the circumstances surrounding the request and determine if the request is temporary, long term or nonexistent.

1. If the Committee determines that ***the hardship is of a temporary nature (the hardship is expected to last less than 90 days)***, at the end of the 90-day period, the resident's rent will be reinstated to the minimum rent retroactively to the initial date of suspension. The resident will have an opportunity to enter into a reasonable repayment agreement with ECC/HANH for any back rent that is due and owing to ECC/HANH.
2. If the Committee determines that the ***hardship is of a long-term nature (the hardship is expected to last more than 90 days)***, the tenant shall be exempt from the minimum rent requirement from the first of the month following the date of the application for exemption from the minimum rent until such time that the hardship no longer exists.

ECC/HANH may deny a resident a long-term exemption from the minimum rent requirement, if the resident fails to attend the scheduled meeting with the Hardship Review Committee. ECC/HANH will provide each resident one opportunity to

reschedule the meeting. If the resident fails to attend the scheduled meetings, ECC/HANH may deny the long-term exemption from the minimum rent requirement. The letter scheduling the meeting shall inform residents that persons with disabilities are entitled to reasonable accommodation with regard to this requirement.

Except for Elderly or Disabled families, no tenant shall be exempt from the minimum rent requirement for more than 90 days during a one year period unless at least one member of the family who is 18 years of age or older enrolls and actively participates in ECC/HANH's FSS Program for job or benefit counseling. Such family member(s) shall enroll in the FSS Program within 30 days from the date of the Application for Exemption from Minimum Rent.

3. If the *hardship is determined to be non-existent*, the resident will be responsible for paying rent to ECC/HANH for any rent that was suspended while tenant's Application for Exemption from Minimum Rent was pending. The minimum rent shall be re-instated retroactively to the initial date of the suspension. The resident will have an opportunity to enter into a reasonable repayment agreement with ECC/HANH for any back rent that is due and owing to ECC/HANH.

Upon completion of the review process, the Hardship Review Committee shall render a written recommendation to the President, who shall then adopt or reject the recommendation and shall issue a written decision that states as follows:

**1. If the hardship exemption is determined to be temporary:**

- (a) that a temporary hardship exemption was granted;
- (b) the effective dates of the exemption;
- (c) the basis for the decision to grant a temporary hardship exemption, including that a long-term exemption was denied and the reason that such long-term exemption was denied; and
- (d) that the resident has a right to enter into a reasonable repayment agreement with ECC/HANH for the minimum rent that was suspended and is now owing to ECC/HANH.

**2. If the hardship exemption is determined to be long-term:**

- (a) that a long-term hardship exemption was granted;
- (b) whether the long-term exemption is permanent or subject to periodic review and, if subject to periodic review, when such review will take place;
- (c) that all non-elderly, non-disabled residents are required to comply with FSS requirements as a condition of the receipt of a long-term exemption; and

- (d) that the resident must notify ECC/HANH within 10 days if the hardship ceases to exist because the resident has obtained a source of income sufficient to pay (at least) the minimum rent.

**3. If the hardship is determined to be non-existent:**

- (a) that a hardship exemption was denied;
- (b) the reason for such determination; and
- (c) the terms and conditions on which the resident family must pay back the minimum rent that was suspended and is now owing to ECC/HANH.

All letters concerning Hardship Review Committee determinations shall state that any resident who disagrees with the decision may request a grievance in accordance with ECC/HANH grievance procedures, a copy of which will be included with the written decision. In cases where a grievance is sought, no action shall be taken by ECC/HANH until the grievance process is completed.

**Mixed Families**

For mixed families, where some households include members with citizenship or eligible immigration status as well as those without, rents are calculated using the simplification model; subsidy is then prorated using current methods.

**Fraud Prevention**

After two or more instances of job loss or income drop within ninety (90) days of a scheduled reexamination (based on current and prior reexamination history), ECC/HANH sets a rent based on the past year's W-2 or other information available for income verification. Households are advised that this is a potential fraud issue and that they have the right to grieve through the normal process to more fully explain the reasons for the pattern of income loss. ECC/HANH will set the rent after the Conference Panel review.

Households with two or more instances of job loss or income drop within ninety (90) days of a scheduled certification do not have access to the Hardship Review Committee.

**Rent Simplification Implementation - Public Housing**

Residents received notice of the new policy on July 1, 2007 and the policy was effective on January 1, 2008 for all reexaminations with an anniversary effective date on or after January 1, 2008 and for all new lease-ups and residents requesting interim reexaminations after January 1, 2008.

**Low Income Public Housing (LIPH) Program  
Rent Simplification Rent Tier Schedule**

<b>Rent Tier</b>						
<b>Income Range</b>						
\$0	\$2,499	\$50		\$36,500	\$37,499	\$867
\$2,500	\$3,499	\$59		\$37,500	\$38,499	\$891
\$3,500	\$4,499	\$83		\$38,500	\$39,499	\$914
\$4,500	\$5,499	\$107		\$39,500	\$40,499	\$938
\$5,500	\$6,499	\$131		\$40,500	\$41,499	\$962
\$6,500	\$7,499	\$154		\$41,500	\$42,499	\$986
\$7,500	\$8,499	\$178		\$42,500	\$43,499	\$1,009
\$8,500	\$9,499	\$202		\$43,500	\$44,499	\$1,033
\$9,500	\$10,499	\$226		\$44,500	\$45,499	\$1,057
\$10,500	\$11,499	\$249		\$45,500	\$46,499	\$1,081
\$11,500	\$12,499	\$273		\$46,500	\$47,499	\$1,104
\$12,500	\$13,499	\$297		\$47,500	\$48,499	\$1,128
\$13,500	\$14,499	\$321		\$48,500	\$49,449	\$1,152
\$14,500	\$15,499	\$344		\$49,500	Above	\$1,176
\$15,500	\$16,499	\$368				
\$16,500	\$17,499	\$392				
\$17,500	\$18,499	\$416				
\$18,500	\$19,499	\$439				
\$19,500	\$20,499	\$463				
\$20,500	\$21,499	\$487				
\$21,500	\$22,499	\$511				
\$22,500	\$23,499	\$534				
\$23,500	\$24,499	\$558				
\$24,500	\$25,499	\$582				
\$25,500	\$26,499	\$606				

\$26,500	\$27,499	\$629				
\$27,500	\$28,499	\$653				
\$28,500	\$29,499	\$677				
\$29,500	\$30,499	\$701				
\$30,500	\$31,499	\$724				
\$31,500	\$32,499	\$748				
\$32,500	\$33,499	\$772				
\$33,500	\$34,499	\$796				
\$34,500	\$35,499	\$819				
\$35,500	\$36,499	\$843				

### **Hardship Waiver Policy and Guidelines**

Families with Annual Income below \$2,500 annually shall pay the minimum rent of \$50.00 per month.

All families placed on minimum rent with the exception of elderly and disabled families will be referred to the Family Self Sufficiency Program.

If a family is unable to pay the minimum rent because of a financial hardship, the family is eligible for a temporary or long-term hardship exemption from the minimum rent requirements.

All families placed on minimum rent must be informed in writing of the procedures for applying for a hardship exemption from the Minimum Rent Requirement and the ability to have minimum rent waived.

All families who apply for such hardship exemption, with the exception of elderly persons and persons with disabilities, will be referred to the Family Self Sufficiency Program in order to assist the family in moving towards self-sufficiency.

ECC/HANH will notify all families of their right to request a hardship exemption from the minimum rent requirements and in accordance with the provisions set forth herein. Residents will be notified of their right to request a hardship exemption through the Application for Exemption from Minimum Rent, a copy of which will be provided to tenants at lease-up and at each recertification appointment and mailed to residents at each interim recertification. The policy and procedures for requesting such hardship exemption will also be included in tenant rent change notifications, the form lease agreement and all form documents related to the exemption process.

## **1. Criteria for Hardship Exemption from Minimum Rent Requirement**

A family is automatically exempt from the minimum rent requirements for a 90-day period when the family's circumstances fall into any one of the following criteria:

1. When a family has lost eligibility or is awaiting eligibility determination from a Federal, State or local assistance program;
2. When the family would be evicted because it is unable to pay the minimum rent;
3. When the income of the family has decreased because of changed circumstances, including loss of employment;
4. When a death in the family has occurred; or
5. Other circumstances determined by ECC/HANH to be reasons to waive the minimum rent requirement (collectively, the "Criteria for Minimum Rent Exemption").

If a family is unable to pay the minimum rent because of a financial hardship, the family is eligible for a temporary or long-term hardship exemption from the minimum rent requirement.

A temporary hardship exemption exists when none of the above criteria is expected to last for more than 90 days.

A long-term hardship exemption exists when at least one of the above criteria is expected to last for more than 90 days.

A family may only receive one hardship exemption from the minimum rent requirement during a twelve month period, unless a tenant is elderly, disabled, or is enrolled in ECC/HANH's Family Self Sufficiency Program. The minimum rent requirement may be waived more than once during a twelve-month period if at least one adult member of the household enrolls in the Family Self Sufficiency Program (the "FSS Program"). Elderly and disabled families are not required to enroll in the FSS Program.

Once the Authority identifies a resident's need for a hardship exemption from the minimum rent requirement or the family requests such exemption, the minimum rent shall be suspended immediately for a period of 90 days.

## **2. Initiation of Hardship Exemption Review**

An Application for Exemption from Minimum Rent may originate from either a ECC/HANH employee or the resident family.

ECC/HANH employees must complete and submit an Application for Exemption from Minimum Rent on behalf of a resident family whenever any evidence exists that the family falls into any one of the Criteria for Minimum Rent Exemption (as set forth above).

A resident family also has the right to request a hardship exemption from minimum rent. Such request must be in writing and must state the family circumstances that qualify the family for a hardship exemption.

### **3. Notification of the Right to a Hardship Exemption**

ECC/HANH will notify all families of the ability to receive a hardship exemption from minimum rent and the procedures for applying for such a hardship exemption in the Application for Exemption from Minimum Rent, a copy of which will be provided to residents at lease up and at each recertification appointment or mailed to residents for interim recertifications.

ECC/HANH will also notify all families in writing of the ability to receive a hardship exemption from minimum rent and the procedures for applying for such a hardship exemption in the following documents: resident rent change notifications when monthly rent is set at the minimum rent, the form lease agreement and all form documents related to the hardship exemption process.

ECC/HANH will also notify all families in all of the above documents that all families that are exempt from the minimum rent requirement will be referred to the Family Self Sufficiency (FSS) Program in order to assist the family in moving toward self-sufficiency. Elderly and disabled families are not required to participate in the FSS program.

### **4. Hardship Review Committee**

All “Applications for Exemption from Minimum Rent” shall be forwarded to the Hardship Review Committee.

The Hardship Review Committee shall consist of the Executive Director/President or his/her designee, the Sr. V.P. of Operations or his/her designee, the V.P of Housing Choice Voucher or his/her designee, and the Director of Community and Economic Development



or his/her designee. At the family's option, the Hardship Review Committee may include one (1) resident of ECC/HANH who is in good standing.

The Application for Exemption from Minimum Rent shall originate from the family or from a ECC/HANH employee whenever evidence exists that the family falls into any one of the Criteria for Minimum Rent Exemption.

When a resident submits an application or a ECC/HANH employee submits an application on behalf of a resident, ECC/HANH will suspend the minimum rent requirement commencing on the first of the month following the date of the application for a period of 90 days.

The resident cannot be evicted for nonpayment of minimum rent while resident's Application for Exemption from Minimum Rent is pending or during the 90-day period of suspension, whichever is longer.

The Hardship Review Committee shall send a letter to all resident families who have applied for hardship exemption from minimum rent stating:

- (a) that ECC/HANH has received an Application for Exemption from Minimum Rent,
- (b) that ECC/HANH will suspend the minimum rent requirement for 90 days effective as of the first of the next month and the effective dates of the 90-day suspension,
- (c) that there can be no eviction for non-payment of rent during the suspension period;
- (d) the date for a meeting with the resident to discuss the hardship exemption request, giving the resident family at least ten days advance notice of such meeting and informing the resident that he or she may have one opportunity to reschedule the meeting; and
- (e) that, with the exception of elderly and disabled families, the resident family has been referred to the FSS program and will not be able to receive a hardship exemption in excess of 90 days without enrolling in the program.

The Hardship Review Committee will review the circumstances surrounding the request and determine if the request is temporary, long term or nonexistent.

1. If the Committee determines that *the hardship is of a temporary nature (the hardship is expected to last less than 90 days)*, at the end of the 90-day period, the resident's rent will be reinstated to the minimum rent retroactively to the initial date of suspension. The resident will have an opportunity to enter into a reasonable repayment agreement with ECC/HANH for any back rent that is due and owing to ECC/HANH/ELM CITY COMMUNITIES.
2. If the Committee determines that the *hardship is of a long-term nature (the hardship is expected to last more than 90 days)*, the tenant shall be exempt from the minimum rent requirement from the first of the month following the date of the application for exemption from the minimum rent until such time that the hardship no longer exists.

ECC/HANH may deny a resident a long-term exemption from the minimum rent requirement, if the resident fails to attend the scheduled meeting with the Hardship Review Committee. ECC/HANH will provide each resident one opportunity to reschedule the meeting. If the resident fails to attend the scheduled meetings, ECC/HANH may deny the long-term exemption from the minimum rent requirement. The letter scheduling the meeting shall inform residents that persons with disabilities are entitled to reasonable accommodation with regard to this requirement.

Except for Elderly or Disabled families, no tenant shall be exempt from the minimum rent requirement for more than 90 days during a one year period unless at least one member of the family who is 18 years of age or older enrolls and actively participates in ECC/HANH/ELM CITY COMMUNITIES's FSS Program for job or benefit counseling. Such family member(s) shall enroll in the FSS Program within 30 days from the date of the Application for Exemption from Minimum Rent.

3. If the *hardship is determined to be non-existent*, the resident will be responsible for paying rent to ECC/HANH for any rent that was suspended while tenant's Application for Exemption from Minimum Rent was pending. The minimum rent shall be re-instated retroactively to the initial date of the suspension. The resident will have an opportunity to enter into a reasonable repayment agreement with ECC/HANH for any back rent that is due and owing to ECC/HANH/ELM CITY COMMUNITIES.

Upon completion of the review process, the Hardship Review Committee shall render a written recommendation to the Executive Director/President, who shall then adopt or reject the recommendation and shall issue a written decision that states as follows:

4. **If the hardship exemption is determined to be temporary:**
  - (a) That a temporary hardship exemption was granted;
  - (b) the effective dates of the exemption;

- (c) the basis for the decision to grant a temporary hardship exemption, including that a long-term exemption was denied and the reason that such long-term exemption was denied; and
- (d) that the resident has a right to enter into a reasonable repayment agreement with ECC/HANH for the minimum rent that was suspended and is now owing to ECC/HANH/ELM CITY COMMUNITIES.

**5. If the hardship exemption is determined to be long-term:**

- (a) that a long-term hardship exemption was granted;
- (b) whether the long-term exemption is permanent or subject to periodic review and, if subject to periodic review, when such review will take place;
- (c) that all non-elderly, non-disabled residents are required to comply with FSS requirements as a condition of the receipt of a long-term exemption; and
- (d) that the resident must notify ECC/HANH within 10 days if the hardship ceases to exist because the resident has obtained a source of income enough to pay (at least) the minimum rent.

**6. If the hardship is determined to be non-existent:**

- (a) that a hardship exemption was denied;
- (b) the reason for such determination; and
- (c) the terms and conditions on which the resident family must pay back the minimum rent that was suspended and is now owing to ECC/HANH/ELM CITY COMMUNITIES.

All letters concerning Hardship Review Committee determinations shall state that any resident who disagrees with the decision may request a grievance in accordance with ECC/HANH/ELM CITY COMMUNITIES's grievance procedures, a copy of which will be included with the written decision. In cases where a grievance is sought, no action shall be taken by ECC/HANH until the grievance process is completed.

**7. Termination of Long-Term Exemptions**

ECC/HANH may conduct periodic reviews of all long-term hardship exemptions to determine if the hardship continues to exist and, for non-elderly and non-disabled residents, whether the resident is complying with FSS requirements.

If ECC/HANH determines that a family is no longer eligible for a long-term hardship exemption (because the hardship no longer exists or the non-elderly/non-disabled tenant has not

complied with FSS requirements), ECC/HANH shall notify the family of the proposed termination of the long-term hardship exemption, the effective date of the proposed termination, and the reason for such proposed termination. This letter shall be delivered to the resident by first class mail no later than thirty (30) days prior to the effective date of the proposed termination. Any resident who disagrees with the proposed termination may request a grievance in accordance with ECC/HANH/ELM CITY COMMUNITIES's grievance procedures, a copy of which will be included in the notice of termination. In cases where an appeal is sought, no action shall be taken by ECC/HANH until the grievance process is completed.

The President may waive any or all of these requirements in cases where he/she determines that the hardship conditions are likely to be permanent.

**PUBLIC HOUSING RENT SIMPLIFICATION SUMMARY**

**EXCEPTIONS TO LIPH REGULATIONS**

Topic	Regulatory Provision	Current Policy	Alternative MTW Policy for Public Housing Program
Annual Income	24 CFR Part 5.609(a)(4)  5.609(c)(8) (x11)	Any income derived from an asset to which any member of the family has access  Adoption assistance payments for any child in excess of \$480.00 received.	Excludes asset from the determination of annual income to the extent the amount does not exceed \$50,000.  All income earned by fulltime student will be excluded who is over 18. Students who are HOH or spouse are not excluded.  All income earned by a family from adoption assistance will be excluded.
Income Exclusion for Person Enrolled in FSS Program	24 CFR Part 5.609(b)(1)	Incremental earnings and benefits resulting in any family member from participation in a qualifying <b>State or local employment training</b> programs (including training programs not affiliated with a local government) and training of a family member as resident management staff.	Exclude 100 percent of any incremental earnings from wages or salaries earned by any family member during the first year of FSS program participation, 75% in 2 <sup>nd</sup> year, 50% in 3 <sup>rd</sup> year, 25% in 4 <sup>th</sup> year and 0% in 5 <sup>th</sup> year, as long as the household is enrolled in the FSS Program. This will not exceed 5 years.  A family’s eligibility to receive this optional income disallowance is limited to a total of 48 months. In addition, for families that qualify and receive the federal EID, the total number of months that a family may receive the optional income

Topic	Regulatory Provision	Current Policy	Alternative MTW Policy for Public Housing Program
			<p>disallowance provided for under this subparagraph and under the Federal Earned Income Disregard (EID) may not exceed 48 months. In no event shall the family receive the exclusion provided for under this subparagraph during the same period said family member is receiving the federal EID as set forth in 24 CFR Part 5.617.</p> <p>Additionally, the current exclusion covering incremental earnings of any family participating in a state or local program will be expanded to include any qualifying <b>federal</b> program, whether or not the member is enrolled in the FSS program</p>
Business Income for Resident Owned Businesses	24 CFR Part 5.609(b)(2)	The net income from the operation of a business or profession is included in determining annual income.	Exclude 100 Percent of any net income derived from the operation of a businesses; provided the business qualifies as <b>a resident owned business</b> under 24 CFR Part 963.5. During the first year of enrollment in FSS program 100 percent; 75 percent in the second year; 50 percent in the third year; 25 percent in the fourth year; 0 percent exclusion thereafter.

Topic	Regulatory Provision	Current Policy	Alternative MTW Policy for Public Housing Program
Earned Income Disallowance	24 CFR Part 960.255	Incremental income earned by a family member, provided the increase in income is the result (1) of employment of a family member was previously unemployed for one or more years prior to employment; (2) increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or (3) result of new employment or increased earnings of a family member during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families	<p>ECC/HANH will continue to implement the Earned Income Disregard (EID). The maximum amount of time a family may participate in the program combined with the Family Self Sufficiency Program (FSS) is 48 months. After 24 months, when the EID is exhausted, the family member may enter the FSS Program and 50% of their earnings may be excluded. They will then continue to exclude 25% in the fourth year and 0% thereafter. This will allow more families to enter and benefit from the program.</p> <p>In no event shall the family receive the exclusion provided for under this subparagraph during the same period said family member is receiving EID as set forth in 24 CFR Part 5.617. In addition, the total number of months that a family may receive the exclusion provided for under this subparagraph and under the EID may not exceed 48 months.</p>
Mandatory Deductions	24 CFR Part 5.611	(1) \$480 for each dependent; (2) \$400 for any elderly family or disabled family; (3) The sum of the following to the extent the sum exceeds three percent of annual income: (i) Un-reimbursed medical expenses of any elderly family or disabled family; and (ii) reimbursed reasonable attendant care and auxiliary apparatus expenses for	Eliminate the outlined mandatory deductions under this part. These deductions will be considered as Exceptional Expense Deductions

Topic	Regulatory Provision	Current Policy	Alternative MTW Policy for Public Housing Program
		<p>each member of the family who is a person with disabilities</p> <p>(4) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.</p>	
Additional (Exception) Expenses Deductions	24 CFR 5.611	A PHA may adopt additional deductions from annual income. ECC/HANH had none	Families with verifiable deductions in excess of \$2,000 will be allowed to request that these additional expenses be used in determining TTP. These verifiable deductions must exceed \$2,000 and shall be the sum of (1) Mandatory Deductions determined in accordance with Section 5.611 (2), plus non-reimbursed utility expenses (except telephone and cable)
Total Tenant Payment	24 CFR 5.628	<p>(a) Determining total tenant payment (TTP). Total tenant payment is</p> <p>the highest of the following amounts, rounded to the nearest dollar:</p> <p>(1) 30 percent of the family's monthly adjusted income;</p>	The Total Tenant Payment (TTP) will be based upon (1) income tiered TTP structure or the minimum TTP \$50 for a family with income of up to \$2,500 annually.



Topic	Regulatory Provision	Current Policy	Alternative MTW Policy for Public Housing Program
		<p>(2) 10 percent of the family's monthly income;</p> <p>(3) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated; or</p> <p>(4) The minimum rent, as determined in accordance with Sec. 5.630.</p>	
<p>Hardship Provision for Exceptional Expenses</p>	<p>24 CFR 5.611(2))</p>	<p>A PHA may adopt additional deductions from annual income. The PHA must establish a written policy for such deductions.</p>	<p>A family may be exempt from minimum rent as follows;</p> <ul style="list-style-type: none"> <li>(a) When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or local assistance program, including a family that includes a member who is a non-citizen</li> <li>(b) When the family would be evicted because it is unable to pay the minimum rent</li> <li>(c) When the income of the family has decreased because of changed circumstances, including loss of employment.</li> </ul> <p>Family whose shelter expenses, plus un-reimbursed medical,</p>

Topic	Regulatory Provision	Current Policy	Alternative MTW Policy for Public Housing Program
			childcare and disability expenses exceed 40 percent of annual income or whose medical, childcare or disability expenses of \$6,000 or more annually may seek a deduction in rent for exceptional expenses.
Minimum Rent	24 CFR 5.630	<p>A family may be exempt from minimum rent of \$50.00 as follows: (i) When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a non-citizen; (ii) When the family would be evicted because it is unable to pay the minimum rent; (iii) When the income of the family has decreased because of changed circumstances; (iv) a death has occurred in the family's household; (v) any other circumstances to be considered by the PHA to be reason to waive the minimum rent requirement.</p>	A family may only receive one hardship exemption from the minimum rent requirement during a twelve month period, unless a tenant is elderly, disabled, or is enrolled in ECC/HANH/ELM CITY COMMUNITIES's Family Self Sufficiency Program. The minimum rent requirement may be waived more than once during a twelve-month period if at least one adult member of the household enrolls in the Family Self Sufficiency Program (the "FSS Program"). Elderly and disabled families are not required to enroll in the FSS Program.
Utility Allowances and Reimbursements	24 CFR 5.632(a) and (b)	Tenant Paid Utilities to be deducted from TTP to determine tenant rent.	No. Change. ECC/HANH will pay all utilities except for electricity at Westville Manor, Fairmont Heights, McConaughy Terrace and all Scattered Site properties.
Annual Reexamination of Income and	24 CFR 960 Part 257	Reexamination of income must occur every year, except every two years for elderly or disabled households.	Reexamination of income will occur every three years for Elderly and Disabled families and every two years for all other

Topic	Regulatory Provision	Current Policy	Alternative MTW Policy for Public Housing Program
Family Composition			families. Annual update of changes in family composition for persons 18 years of age and older that are added or subtracted from the family. ECC/HANH will do UIV and submit a 50058 annually. Additionally, the Community Service requirement will be reviewed annually for all household members who are not disabled, working less than 20 hours per week or enrolled in classes under the FSS program.
Interim Reexamination	24 CFR 960 Part 257	A family may request an interim reexamination of family income because of any changes since the last examination. The owner must make the interim reexamination within a reasonable time after the family request. Currently, family must report any change in income that amounts to \$200 or more a month.	A family can request only three interim re-examinations each 12 months with the exceptions of those conditions where they are required to report certain changes in family composition or certain changes in family income. A family, except for elderly or disabled or a family enrolled in FSS may make <b>one</b> request for an <b>interim</b> for a hardship exemption each 12 months.
Verification of Wages, Salaries and Assets below \$5,000 and Assets below \$50,000	24 CFR 5.659	The owner must obtain and document in the family's file third party verification of the following factors, or must document in the file why third party verification was not available :(1) Reported family annual 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.	Only a self-certification will be required for income up to and including \$5,000.00. For income above \$5,000.00 two most recent pay stubs or a W-2 or 1099 dated within 90 days of effective date of re-examination. ECC/HANH will continue to conduct EIV or UIV.  Asset exclusion is raised to \$50,000.00 and only self-certification will be required.

Topic	Regulatory Provision	Current Policy	Alternative MTW Policy for Public Housing Program
Determination of Tenant Total Payment (TTP)	24 CFR 5.628	<p>a) Determining total tenant payment (TTP). Total tenant payment is</p> <p>the highest of the following amounts, rounded to the nearest dollar: (1) 30 percent of the family's monthly adjusted income; (2) 10 percent of the family's monthly income; (3) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated; or (4) The minimum rent</p>	<p>TTP based upon income-tiered approach. No family shall be subject to an increase in TTP of greater than \$25.00 a month during the second year that the family is subject to the Rent Simplification Policy. The increase in TTP during the third year the family is subject to Rent Simplification shall not exceed more than \$50 during the third year; \$75 a month during the fourth year; and \$100 a month above the monthly TTP in the year immediately preceding the implementation of Rent Simplification. The families TTP after the fifth year shall be whatever amount is determined under Rent Simplification. These limitations on rent increase shall only apply to increases in TTP that result from the imposition of Rent Simplification and not for increases that result from changes in family composition or changes in family income.</p>

## Chapter 8

### LEASING AND INSPECTIONS

[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

#### INTRODUCTION

Public housing leases are the contractual basis of the legal relationship between ECC/HANH and the tenant. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD regulations.

HUD regulations require ECC/HANH to inspect each dwelling unit prior to move-in, at move-out, and annually during the period of occupancy. In addition, ECC/HANH may conduct additional inspections in accordance with ECC/HANH policy.

This chapter is divided into two parts as follows:

Part I: Leasing. This part describes pre-leasing activities and ECC/HANH's policies pertaining to lease execution, lease modification, and payments under the lease.

Part II: Inspections. This part describes ECC/HANH's policies for inspecting dwelling units.

#### PART I: LEASING

##### 8-I.A. OVERVIEW

It is ECC/HANH's policy that all units must be occupied pursuant to a dwelling Lease Agreement that complies with HUD's regulations. This ACOP Chapter describes pre-leasing activities and ECC/HANH's policies pertaining to Lease execution, security deposits, other charges, and additions to the Lease.

An eligible family may occupy a public housing dwelling unit under the terms of a lease. The lease must meet all regulatory requirements and must also comply with applicable state and local laws and codes.

The term of the lease must be for a period of 12 months. The lease must be renewed automatically for another 12-month term, except that ECC/HANH may not renew the lease if the family has violated the community service requirement [24 CFR 966.4(a)(2)].

Part I of this chapter contains regulatory information on leasing, where applicable, as well as the ECC/HANH's leasing policies.

##### 8-I.B. LEASE ORIENTATION

###### ECC/HANH Policy

Applicants shall have an opportunity to see the unit being offered before they accept the offer and lease the unit in accordance with **ECC/HANH's Procedure on Showing Units Prior to Leasing.**

On or after January 1, 2024, prior to the tenant's occupancy of a dwelling unit, ECC/HANH shall offer the prospective tenant the opportunity to conduct a walk-through of the dwelling unit. If the tenant requests such a walk-through, ECC/HANH and tenant, shall use a copy of the preoccupancy walk-through checklist prepared by the Commissioner of Housing.

ECC/HANH and the tenant, or their designees, shall specifically note on the walk-through checklist any existing conditions, defects or damages to the dwelling unit present at the time of the walk-through.

After the walk-through, ECC/HANH and the tenant, or their designees, shall sign duplicate copies of the walk through checklist and each shall receive a copy.

At lease up, **prior to occupancy**, an ECC/HANH representative will conduct a lease orientation with the family. The head of household, spouse/cohead, and all adult family members are required to attend. All adult family members and head of spouse/cohead regardless of age, must sign the lease prior to move-in.

On or after January 1, 2024, whenever ECC/HANH rents a unit in a building or complex of five or more units, ECC/HANH must provide notice to every tenant of the rights of tenants who are 62 or older or disabled, which notice shall be a form created by the Department of Housing no later than December 1, 2023. This notice must be provided to all tenants in English and Spanish.

## **Lease Orientation Agenda**

### ECC/HANH Policy

When families attend the lease orientation, they will be provided with:

- A copy of the lease
- Flat Rent Notice
- Pet policy
- Lead paint disclosures
- ECC/HANH rules and procedures
- Applicable City ordinances
- Satellite dish policy
- Drug addendum
- Reasonable accommodation form
- Intent to vacate form
- Resident handbook

Incident report form

Nuisance complaint form

Community service & self-sufficiency requirement form

Applicable lease addenda

A copy of ECC/HANH's grievance procedure

A copy of ECC/HANH's schedule of maintenance charges

[A copy of the pamphlet Protect Your Family from Lead in Your Home](#)

A copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse

A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19

Information about the protections afforded by the Violence against Women Act of 2013 (VAWA) to victims of domestic violence, dating violence, sexual assault, and stalking (see section 16-VII.C)

[A copy of the form HUD-5380 Notice of Occupancy Rights Under the Violence Against Women Act](#)

[A copy of form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation](#)

[A copy of the PHA's smoke-free policy](#)

[A notice that includes the procedures for requesting relief and the PHA's criteria for granting requests for relief for excess utility surcharges](#)

[A copy of the Community Service and Self-Sufficiency Requirement and a copy of the acknowledgement form](#)

Topics to be discussed and explained to all families include:

Applicable deposits and all other charges

Review and explanation of lease provisions

Unit maintenance requests and work orders

ECC/HANH's interim reporting requirements

Review and explanation of occupancy forms

Community service [and Self Sufficiency](#) requirements [\(CSSR\)](#)

Family choice of rent [including information on minimum rent and hardship requests](#)

Visitor policies

VAWA protections

[Smoke-free policies](#)

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In addition to incorporating references to the lease in this ACOP, the following schedules and reference documents must be publicly posted in a conspicuous place in each development's office and provided to applicants and tenants upon their request (24 CFR Part 966.5):

- Grievance procedures (24 CFR § 966.52(b)).
- Rules adopted and implemented by the ECC/HANH for the benefit and well-being of the housing project and the tenants (24 CFR § 966.4(f)(4)).
- Schedules of utilities, if used to determine charges to tenants (e.g., utility allowances, excess utility charges) (24 CFR § 966.4(b)(2)).
- Schedules of repairs, if used to determine charges to tenants (e.g., maintenance charges) (24 CFR § 966.4(b)(2)).
- Schedules of maintenance service charges, if used to determine charges to tenants (e.g., lockout charges) (24 CFR § 966.4(b)(2)).
- Pet rules (if any) **must** be incorporated in leases for projects designated for elderly or disabled households (24 CFR § 5.321(a)(1)(ii)).
- The two HUD rules related to lead-based paint that affect public housing leases are the **Lead Disclosure Rule** and the Lead Safe Housing Rule (24 CFR Part 35). These rules apply to all housing that was constructed prior to 1978, except housing for the elderly, persons with disabilities, or any zero-bedroom dwelling, unless a child of less than 6 years of age resides or is expected to reside in such housing for the elderly, persons with disabilities, or zero-bedroom dwelling (24 CFR § 35.86 and 35.110).
- ECC/HANH must ensure that the lease, lease addendum, or tenant addendum describes specific protections afforded to victims of domestic violence, dating violence, sexual assault, or stalking. This includes incorporating appropriate regulatory definitions, provisions regarding documenting Violence Against Women Act (VAWA) status and describing the remedies available to victims of domestic violence, dating violence, sexual assault, or stalking as applicable to the Public Housing program, including emergency transfers. This includes providing tenants with the **HUD-5380** Notice of Occupancy Rights Under the Violence Against Women Act and **HUD-5382** Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation.

### ***Periodic Lease Orientation***

ECC/HANH may hold additional lease orientation sessions on an ongoing basis. Residents will be informed if an orientation session is mandatory.

Such periodic lease orientation sessions are intended to ensure that residents are fully aware of their rights and responsibilities under the lease and this ACOP, and/or to address problems within the community.



When resident attendance at such lease orientation sessions is required, ECC/HANH shall provide at least 7 days notice of the required session.

If a head of household (or adult designee) is not able to attend the scheduled lease orientation session for good cause, he or she may arrange in advance a rescheduled or individual session.

A family who has failed to participate in a required lease orientation session is responsible for complying with any lease terms, including specific rules and regulations for lease compliance, that are discussed in this orientation session. Repeated failure to participate in required lease orientation sessions, without advance notice and alternate arrangements, may be grounds for termination of tenancy.

Housekeeping classes that are a result of a referral to Resident Services are mandatory. ECC/HANH shall provide at least 7 days notice of the required session.

### **8-I.C. EXECUTION OF LEASE**

The lease must be executed by the tenant and ECC/HANH, except for automatic renewals of a lease [24 CFR 966.4(a)(3)].

A lease is executed at the time of admission for all new residents. A new lease is also executed at the time of transfer from one ECC/HANH unit to another (with no change in reexamination date).

The lease must state the composition of the household as approved by ECC/HANH (family members and any ECC/HANH-approved live-in aide) [24 CFR 966.4(a)(1)(v)]. See Section 8-I.D. for policies regarding changes in family composition during the lease term.

#### ECC/HANH Policy

The lease must identify the following information (24 CFR §966.4(a)(1)):

- ECC/HANH and the name of the tenant.
- The unit rented (address, apartment number, and any other information needed to identify the dwelling unit).
- The term of the initial lease and renewal terms (24 CFR § 966.4(a)(1)(iii)).
- The lease term must be for twelve months and the lease term must be automatically renewed for the same period (24 CFR § 966.4(a)(2)(i)).
- A statement of what utilities, services, and equipment are to be supplied ECC/HANH without additional cost, and what utilities and appliances are to be paid for by the tenant.
- The composition of the household as approved by ECC/HANH (family members and any approved live-in aide). The family must promptly inform ECC/HANH of the birth, adoption, or court-awarded custody of a child. The family must request ECC/HANH approval to add any other family member as an occupant of the unit.
- HUD's regulations in 24 CFR part 5, subpart L about the Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. This is also known as VAWA.
- ECC/HANH's smoke-free rules (24 CFR § 965.655).

The lease must include a Lead Disclosure Addendum that is signed and dated by the ECC/HANH, any leasing agent of ECC/HANH, and the tenant(s).

The Lead Disclosure Lease Addendum must:

- Contain the required Lead Warning Statement;
- Disclose the presence of known lead-based paint and lead-based paint hazards;
- Disclose whether the **USA HOUSING AGENCY** has records or reports that are being provided or that there are no records or reports to disclose;
- Document the receipt by the tenant of the EPA pamphlet and of records and reports on lead-based paint and lead-based paint hazards; and
- Include a statement that acknowledges that the tenant received the lead disclosure statement, including any records or reports, and the pamphlet and certifies the accuracy of these statements.

The lease, lease addendum, or tenant addendum must include the specific protections afforded to victims of domestic violence, dating violence, sexual assault, or stalking. This includes regulatory definitions, provisions regarding documenting Violence Against Women Act (VAWA) status and descriptions of the remedies available to victims of domestic violence, dating violence, sexual assault, or stalking as applicable to the Public Housing program, including emergency transfers.

The head of household, spouse or cohead, and all other adult members of the family will be required to sign the public housing lease prior to occupancy. An appointment will be scheduled for the parties to execute the lease. The head of household will be provided a copy of the executed lease and ECC/HANH will retain a copy in the resident's file.

Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to ECC/HANH assistance. The live-in aide is only approved to live in the unit while serving as the care attendant for the family member who requires the care.

Households that include a live-in aide are required to execute a Live-in Aide Addendum authorizing the arrangement and describing the status of the attendant.

If, for any reason, the head of household ceases to be a member of the household, ECC/HANH will consider executing a Lease with the remaining adult family member(s).

- Lease signers must be persons legally eligible to execute contracts.
- The names, Social Security numbers, and date of birth of all household members are listed on the Lease at initial occupancy and on the Reexamination Form each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.
- Whenever there is a change in the family composition, a Lease amendment will be executed.

- Changes to tenant rents are made upon the preparation and execution of a “Notice of Rent Adjustment” which becomes an attachment to the Lease. Documentation will be included in the tenant file to support proper notice.
- Households that include a Live-In Aide will contain file documentation and a lease provision that the Live-In Aide is not a party to the Lease and is not entitled to assistance, except for occupancy while serving as the attendant for the tenant family member. Only one additional bedroom can be assigned to a Live-In Aide to accommodate the Live-In Aide only.

If a resident transfers from one unit to another, a new lease will be executed for the dwelling into which the family moves.

If a resident has a pending summary process matter or has an outstanding balance due ECC/HANH and is transferring to another unit, execution of a lease addendum will be required in order for ECC/HANH to transfer the resident’s current balance and legal case.

### **When a New Lease is Required**

#### ECC/HANH Policy

A new lease will be required when:

The family transfers to another LIPH unit;

The head of household changes; or

ECC/HANH modifies or revises its LIPH lease.

### **When a New Lease is Not Required**

#### ECC/HANH Policy

The lease automatically renews except for the situations above. A new lease will not be executed at regular reexamination (lease renewal).

## **8-I.D. MODIFICATIONS TO THE LEASE**

The lease may be modified at any time by written agreement of the tenant and ECC/HANH [24 CFR 966.4(a)(3)].

### **Modifications to the Lease Form**

ECC/HANH may modify its lease from time to time. However, ECC/HANH must give residents at least thirty (30) days advance notice of the proposed changes and an opportunity to comment on the changes. ECC/HANH must also consider any comments before formally adopting a new lease [24 CFR 966.3].

After proposed changes have been incorporated into the lease and approved by the Board, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(l)(2)(iii)(E)].

#### ECC/HANH Policy

The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30-day timeframe, the family's tenancy will be terminated for other good cause in accordance with the policies in Chapter 13.

Schedules of special charges and rules and regulations are subject to modification or revision. Because these schedules are incorporated into the lease by reference, residents and resident organizations must be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions and must be given an opportunity to present written comments. The notice must be delivered directly or mailed to each tenant; or posted in at least three conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the project office, if any, or if none, a similar central business location within the project. Comments must be taken into consideration before any proposed modifications or revisions become effective [24 CFR 966.5].

After the proposed revisions become effective, they must be publicly posted in a conspicuous manner in the project office and must be furnished to applicants and tenants on request [24 CFR 966.5].

#### ECC/HANH Policy

When ECC/HANH proposes to modify or revise schedules of special charges or rules and regulations, ECC/HANH will post a copy of the notice in the central office, and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file.

## Other Modifications

### ECC/HANH Policy

The lease will be amended to reflect all changes in family composition.

If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:

- a. New lease agreement will be executed, or
- b. A Notice of Rent Adjustment will be executed, or
- c. An appropriate rider (Live-in-Aide Addendum) will be prepared and made a part of the existing lease. All copies of such riders or insertions are to be dated and signed by the Resident and by the authorized representative of ECC/HANH.

If a new household member is approved by ECC/HANH to reside in the unit, the person's name and birth date will be added to the lease. The head of household and ECC/HANH will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease.

Policies governing when and how changes in family composition must be reported are contained in Chapter 9, Reexaminations.

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

At the option of ECC/HANH, the lease may require security deposits. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by ECC/HANH. ECC/HANH may allow for gradual accumulation of the security deposit by the family, or the family may be required to pay the security deposit in full prior to occupancy. Subject to applicable laws, interest earned on security deposits may be refunded to the tenant after vacating the unit, or used for tenant services or activities.

### ECC/HANH Policy

Residents must pay a security deposit to ECC/HANH at the time of admission. The amount of the security deposit will be the amount of the family's total tenant payment at the time of move-in (prior to adjustments for utility allowances), or, for households who elect a flat rent, the amount of the monthly flat rent.

The security deposit is to be paid in full at or before execution of the lease, unless a security deposit payment agreement is executed by the housing manager on a case-by-case basis due to hardship. In no case shall an agreement for payments toward the security deposit extend more than three months. The amount of the security deposit shall be noted in the lease.

ECC/HANH will accept alternatives to the security deposit including promises to pay from any agency of the State of Connecticut, the City of New Haven, or community mediation agencies or any Social Service Agency.

ECC/HANH will hold the security deposit for the period the family occupies the unit. ECC/HANH will not use the security deposit for rent or other charges while the resident

is living in the unit. ECC/HANH shall keep the resident's security deposit in escrow as required by state law; interest will be paid on the security deposit according to the rate and other requirements provided by state law.

Within 30 calendar days of move-out, ECC/HANH will refund to the resident the amount of the security deposit (including interest earned on the security deposit), less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

Upon vacating unit, ECC/HANH may not retain any part of the security deposit collected or seek payment from the tenant for any condition, defect or damage that was noted in the preoccupancy walk-through checklist.

The walk-through checklist shall be admissible as evidence of the condition of the dwelling unit at the beginning of a tenant's occupancy in any administrative or judicial proceeding, if necessary. The checklist will be effective January 1, 2024.

Upon termination of a tenancy, the tenant may notify ECC/HANH in writing of the forwarding address. Not later than twenty-one (21) days after termination of a tenancy or fifteen days after receiving written notification of such tenant's forwarding address, whichever is later, ECC/HANH shall deliver to the former tenant at such forwarding address either.

(A) the full amount of the security deposit paid by such tenant plus accrued interest, or

(B) the balance of such security deposit and accrued interest after deduction for any damages caused by the tenant's failure to comply with such tenant's obligations. The security deposit should be returned with a written statement itemizing the nature and amount of such damages.

Any landlord who violates any provision of this subsection shall be liable for twice the amount of any security deposit paid by such tenant, except that, if the only violation is the failure to deliver the accrued interest, such landlord shall be liable for ten dollars or twice the amount of the accrued interest, whichever is greater.

~~ECC/HANH will provide the resident or the person designated by the former resident in the event of the former resident's incapacitation or death with a written list of any charges against the security deposit within thirty (30) days of the resident's move out and notification of new address~~

~~-If the resident disagrees with the amount charged to the security deposit, ECC/HANH will provide a meeting to discuss the charges.~~

~~The resident must give 30 days notice, in writing, prior to vacating, as required by the lease, must leave the dwelling unit in a clean and undamaged (beyond normal wear and tear) condition and must furnish a forwarding address to ECC/HANH. All keys to the unit must be returned to the Property Management office upon vacating the unit.~~

The interest rate for each calendar year shall be not less than the deposit index, as defined in section 36a-26, for that year. On the anniversary date of the tenancy and annually thereafter, such interest shall be paid to the tenant or resident or credited toward the next rental payment due from the tenant or resident, as the landlord or owner shall determine.

If a resident transfers from one unit to another, a new lease will be executed for the dwelling into which the family moves. The security deposit will transfer to the new unit. ECC/HANH will charge the resident for any unpaid rent, damages beyond normal wear and tear, and/or other charges for the former unit.

## **8-I.F. PAYMENTS UNDER THE LEASE**

### **First Month's Rent**

#### ECC/HANH Policy

~~Residents will pay the prorated first month's rent to ECC/HANH at the time of admission. Prorated rent will be calculated based on the move-in date.~~

### **Rent Payments [24 CFR 966.4(b)(1)]**

Families must pay the amount of the monthly tenant rent determined by ECC/HANH in accordance with HUD regulations and other requirements. The amount of the tenant rent is subject to change in accordance with HUD requirements.

The lease must specify the initial amount of the tenant rent at the beginning of the initial lease term, and ECC/HANH must give written notice stating any change in the amount of tenant rent and when the change is effective in accordance with HUD requirements (24 CFR § 966.4(b)(1)(ii)).

▸

#### ECC/HANH Policy

The tenant rent is due and payable at the ECC/HANH -designated location on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter. If ECC/HANH does not receive payment by the agreed-upon date, a delinquent rent notice will be sent.

If a family's tenant rent changes, ECC/HANH will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease at least 30 days before the effective date.

### **First Month's Rent**

#### ECC/HANH Policy

Residents will pay the prorated first month's rent to ECC/HANH at the time of admission. Prorated rent will be calculated based on the move-in date.

### **Flat Rent v Income Based Rent**

Tenants have the right to choose between income-based or flat rent annually (24 CFR § 960.253).

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## Late Fees and Nonpayment

At the option of ECC/HANH, the lease may provide for payment of penalties when the family is late in paying tenant rent [24 CFR 966.4(b)(3)].

The lease must provide that late payment fees are not due and collectible until two weeks after ECC/HANH gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under ECC/HANH grievance procedures. ECC/HANH must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

### ECC/HANH Policy

If the family fails to pay their rent on or before 11:59 pm on the 10<sup>th</sup> day of the month, and ECC/HANH has not agreed to accept payment at a later date, a 14 day Notice to Vacate will be issued to the resident for failure to pay rent, demanding payment in full or the surrender of the premises.

When there is a Presidential declaration of a national emergency and Federal funding for emergency rental assistance is available for tenants, HUD may determine that tenants need a longer notification period for lease termination in order to apply for and access assistance. When HUD issues a notice to that effect (as happened in 2021 with Notice PIH 2021-29), ECC/HANH must provide at least a 30-day notification of lease termination for nonpayment of rent (24 CFR § 966.8). The expanded timeframe remains in effect until a subsequent HUD notice rescinds it.

While the 30-day notification requirement is in effect, ECC/HANH's notification must additionally provide information on the availability of emergency rental assistance and how to secure it. The HUD notice activating the 30-day requirement provides specific language that must be incorporated into this notification (see Notice PIH 2021-29).

ECC/HANH is not required to incorporate the minimum 30-day notification requirement into tenants' leases. Instead, when the 30-day notification requirement is activated, ECC/HANH is required to notify all public housing families of the expanded timeframe.

ECC/HANH may comply with this notification requirement by providing such notifications in writing or through electronic communications. If a PHA's ACOP references a lease termination process for nonpayment of rent of less than 30 days, the PHA must update the ACOP.

Many state statutes draw a distinction between lease termination and eviction actions for non-payment of rent and lease termination actions for other good cause. When evicting for failure to pay non-rent charges, PHAs must follow state laws (if any) that apply to eviction for good cause (24 CFR § 966.4(l)(3)(i)(C)).

In addition, if the resident fails to make payment on or before 11:59 pm on the 10<sup>th</sup> day of the month, a late fee of \$25.00 will be charged. Notices of late fees will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, ECC/HANH may not take action for nonpayment of the fee until the conclusion of the grievance process. If the resident can document financial hardship, the late fee may be waived on a case-by-case basis.

When a check is returned for insufficient funds, or is written on a closed account, or is returned by the bank for any other reason, the rent will be considered unpaid and a returned check fee of \$15.00 will be charged to the family. The fee will be due and payable 14 days after billing.

Any rent payment received will be applied to the oldest rent charges in the resident's account.

### **Excess Utility Charges**

If ECC/HANH charges the tenant for consumption of excess utilities, the lease must state the basis for the determination of such charges. The imposition of charges for consumption of excess utilities is permissible only if the charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant-supplied appliances [24 CFR 966.4(b)(2)].

#### ECC/HANH Policy

ECC/HANH currently does not have excess utility charges.

#### Reasonable Accommodations in Adjusting the Utility Allowance

On request from a family that includes a person with a disability ECC/HANH must approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed to make the program accessible to and usable by the family.

The policy of ECC/HANH is to adjust the amount of tenant-paid utilities or ECC/HANH consumption levels for tenant allowances in documented situations when a qualified family is entitled to the adjustments.

Such adjustments shall be made based on the qualification of the individual's disability-related need, and the relief granted to the resident should be commensurate with the estimated value of the utility consumption necessitated by the equipment or condition causing the excess consumption.

Residents wishing to request relief under this procedure should submit a Reasonable Accommodation request. Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of a disability.

Residents who disagree with an ECC/HANH decision may request an informal hearing in accordance with the Grievance Procedure, a copy of which is maintained in the management offices.

## **Maintenance and Damage Charges**

If ECC/HANH charges the tenant for maintenance and repair beyond normal wear and tear, the lease must state the basis for the determination of such charges [24 CFR 966.4(b)(2)].

Schedules of special charges for services and repairs which are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for maintenance and repair beyond normal wear and tear are not due and collectible until two weeks after ECC/HANH gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the ECC/HANH grievance procedures. ECC/HANH must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

### ECC/HANH Policy

Residents will be charged for maintenance service only when the service is required due to use beyond normal wear and tear (tenant abuse). This may include charges for responding to lockouts, broken doors, broken windows, toilet stoppages or clogged drains caused by items being dropped into toilets or drains and other areas caused by neglect or misuse.

Any maintenance charge will be clearly indicated on the resident's bill.

Schedules of special charges for services, repairs, utilities and rules and regulations which are required to be incorporated into the lease by reference shall be publicly posted in a conspicuous manner in the property management office, and they will be provided to applicants and residents upon request.

Schedules of special charges and rules and regulations are subject to modification or revision. Residents and resident organizations will be provided at least thirty (30) days written notice of the reason(s) for any proposed modifications or revisions, and they will be given an opportunity to present written comments. A copy of this notice shall be posted in the central office. Comments will be taken into consideration before any proposed modifications or revisions become effective.

Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, ECC/HANH may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

## **8-I.G. LEASE TERMINATIONS**

The lease must describe the grounds for termination, as well as the procedures used by ECC/HANH and the tenant to terminate tenancy (24 CFR § 966.4(1)(1)).

The lease must indicate that ECC/HANH may terminate tenancy only for:

- Serious or repeated violations of material terms of the lease, such as the failure to make payments due under the lease (24 CFR § 966.4(1)(2)(i)(A)), or failure to fulfill household obligations, as described in tenant obligations (24 CFR § 966.4(1)(2)(i)(B)).
- Being over the income limits for the program (24 CFR § 966.4(1)(2)(ii); 24 CFR §960.261; Notice PIH 2019-11 (HA)).
- Other good cause such as discovering facts that make the tenant ineligible after admission (24 CFR § 966.4(1)(2)(iii)(B)), or discovery of material, false statements, or fraud by the tenant in connection with an application for assistance or with re-examination of income (24 CFR § 966.4(1) (2)(iii)(C)).
- Failure to accept ECC/HANH's offer of a lease revision to an existing lease (24 CFR § 966.4(1)(2) (iii)(E)).
  - Criminal activity or alcohol abuse as stated in the lease.
  - Required lifetime participation in a state sex offender registration program.

### **Termination by Tenant**

The tenant may terminate the Lease with ECC/HANH, by submitting a written 30-day advance notice as defined in the lease agreement. When a tenant must give less than 30 days' notice due to circumstances beyond their control ECC/HANH, at its discretion, may waive the 30-day requirement.

The notice of lease termination must be signed by the head of household, spouse, or co-head of household.

### **Termination by ECC/HANH**

Termination of tenancy will be in accordance with ECC/HANH 's Lease. All eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR § 5.105.

### **ECC/HANH Policy**

#### **Mandatory Lease Termination**

ECC/AHNH must immediately initiate the lease termination process to terminate tenancy if ECC/HANH determines that any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing (24 CFR § 966.4(1)(5)(i)(A)).

When initiating the process for termination of tenancy for individuals who commit sexual crimes, note that current HUD regulations at 24 CFR § 960.204(a)(4) only require that persons subject to lifetime registration requirements under a state sex offender registration program be banned from admission, not be terminated from tenancy.

Lease provisions regarding grounds for termination must also address the circumstances of domestic violence, including:

- Prohibiting construing incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking to be a serious or repeated violation of the lease or good cause for termination of the tenancy, occupancy rights of, or assistance to the victim or the threatened victim of domestic violence, dating violence, sexual assault, or stalking (24 CFR § 5.2005(c) (1)).
- Prohibiting termination or denial of tenancy, occupancy rights, or assistance to the victim because of criminal activities directly related to domestic violence, dating violence, sexual assault, or stalking engaged in by a member of the tenant's household, or any guest, or other person under the tenant's control, if the tenant or affiliated individual of the tenant is the victim or threatened victim (24 CFR § 5.2005(b)(2)).

ECC/HANH may not have a general policy of holding tenants liable for rent through the remainder of the lease term if the tenant terminates before the end of the lease term and provides notice as required under the lease.

- Violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises;
- Nonpayment of rent or other charges due under the Lease, or repeated chronic late payment of rent;
- Failure to provide timely and accurate statements of income, assets, expenses and family composition as may be necessary for ECC/HANH to make determinations with respect to rent, eligibility, and the appropriateness of the dwelling unit size at Admission, Interim, Special or Annual Rent Reexaminations;
- Assignment or subleasing of the premises or providing accommodation for boarders or lodgers;
- Use of the premises for purposes other than solely as a dwelling unit for the Tenant and Tenant's household as identified in the Lease, or permitting its use for any other purposes;
- Failure to abide by necessary and reasonable rules made by ECC/HANH for the benefit and well-being of the housing project and the Tenants;
- Failure to abide by applicable building and housing codes materially affecting health or safety;
- Repeated failure to dispose of garbage waste and rubbish in a safe and sanitary manner;
- Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner;

- Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts;
- Failure to pay reasonable charges (other than for normal wear and tear) for the repair of damages to the premises, project buildings, facilities, equipment, or common areas;
- The tenant, any member of the tenant's household, or a guest or other person under the Tenant's control engaging in criminal activity including drug-related criminal activity, on or off public housing premises (as defined in the Lease and this policy);
- Alcohol and drug abuse that ECC/HANH determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Failure to attend ECC/HANH mandatory meetings;
- Failure of a non-exempt family member to comply with community service provisions, as grounds only for non-renewal of the Lease and termination of tenancy at the end of the 12-month lease term;
- Discovery after admission of facts that make the tenant ineligible;
- Discovery of material false statements or fraud by the Tenant in connection with an application for assistance or with reexamination of income;
- Failure to accept ECC/HANH's offer of a Lease revision to an existing Lease that is on a form adopted by ECC/HANH in accordance with HUD regulations, with written notice of the offer of the revision at least 30 calendar days before the lease revision is scheduled to take effect; and with the offer specifying a reasonable time limit within that period for acceptance by the family;
- Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by ECC/HANH that such a dwelling unit is available;
- Not giving prompt notice to ECC/HANH of tenant's leaving dwelling unit unoccupied for 30 days;
- Maintaining unauthorized pets in violation of the Pet Ownership policies;
- Tenants of the household and guests engaging in any abusive or harassing behavior, either verbal or physical, or any form of intimidation or aggression directed at other residents, occupants, guests, invitees, or directed at management, its agents, its employees, or vendors. Failure to abide constitutes grounds for lease termination and eviction from the unit; or
- Any other good cause set forth by the Lease.

### **CRITERIA FOR TERMINATING THE LEASE**

ECC/HANH will use the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

### **CONSIDERATION OF CIRCUMSTANCES**



Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, ECC/HANH may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease. Such relevant circumstances can also be considered when terminating the lease for any other reason.

ECC/HANH will consider the following factors before deciding whether to terminate the lease for any of the HUD-required lease provisions or for any other reasons:

- The seriousness of the offending action, especially with respect to how it would affect other residents.
- The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking.
- The effects that the eviction will have on other family members who were not involved in the action or failure to act.
- The effect on the community of the termination, or of ECC/HANH's failure to terminate the tenancy.
- The effect of ECC/HANH's decision on the integrity of the Public Housing program.
- The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action.
- The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future.
- In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family.
- The successful completion of a supervised drug or alcohol rehabilitation program for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse. For this purpose, ECC/HANH will require the tenant to submit evidence of the household member's successful completion of a supervised drug or alcohol rehabilitation program.
- If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, in a manner compliant with resident medical privacy rights, ECC/HANH will determine whether the behavior is related to the disability. If so, upon the family's request, ECC/HANH will determine whether alternative measures are appropriate as a reasonable accommodation.
- Provisions of VAWA for victims of domestic violence, dating violence, sexual assault, or stalking.

## ALTERNATIVES TO TERMINATION OF THE LEASE

### Exclusion of Culpable Household Member

ECC/HANH will consider requiring the tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit.

### **Repayment of Tenant Debt**

Any amount owed to ECC/HANH by a public housing family must be repaid. If the family is unable to repay the debt within 30 days, ECC/HANH will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, ECC/HANH will terminate the family's tenancy in accordance with the policies in this Chapter. ECC/HANH will also pursue other modes of collection.

General repayment guidelines include:

- Before executing a repayment agreement with a family, the ECC/HANH will generally require a down payment of 10 percent of the total amount owed. If the family can provide evidence satisfactory to ECC/HANH that a down payment of 10 percent would impose an undue hardship, ECC/HANH may, in its sole discretion, require a lower percentage or waive the requirement.
- The minimum monthly payment amount will be the greater of: (1) the difference between 40 percent of the family's monthly adjusted income (MAI) and the TTP at the time the agreement is executed, or (2) twenty-five dollars (\$25).
- If a family can provide evidence satisfactory to ECC/HANH that a monthly payment amount of \$25 would impose an undue hardship, ECC/HANH may, in its sole discretion, require a lower monthly payment amount.
- If the family's income increases or decreases during the term of a repayment agreement, either ECC/HANH or the family may request that the monthly payment amount be adjusted accordingly.
- Any repayment agreement between ECC/HANH and a family must be signed and dated by ECC/HANH and by the head of household and spouse/co-head (if applicable).
- All payments are due by the close of business on the 15th day of the month. If the 15th does not fall on a business day, the due date is the close of business on the first business day after the 15th.
- If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by ECC/HANH, ECC/HANH will send the family a delinquency notice giving the family 10 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and ECC/HANH will terminate tenancy in accordance with the policies herein.
- Late and missed payments constitute default of the repayment agreement. If a family receives three delinquency notices for non-payment in a 12-month period,



the repayment agreement will be considered in default, and ECC/HANH will terminate tenancy in accordance with the policies herein.

- ECC/HANH generally will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family, or if the resident has committed fraud.

## **8-I.hG. GOOD STANDING FOR RESIDENT PARTICIPATION IN PROGRAMS AND ACTIVITIES**

### ECC/HANH Policy

A resident must be in “Good Standing” for the following: Election to office, Resident Advisory Board (RAB), Tenant Resident Council (TRC), Resident Commissioner, specialized training, and resident appointed committee; i.e. implementation committee, and/or oversight committee.

“Good Standing” is defined as the following.

- A. Current on rent without unpaid balance at any time in the past six months or current on a repayment agreement; and
- B. Have no utilities currently disconnected due to lack of tenant payment; and
- C. Are in compliance with the terms of the lease and any additional terms required to be added to that lease by Federal law. Violations of the lease must be documented by notices or other evidence of serious or repeated violations of the material terms of the lease; and
- D. Meet reasonable housekeeping standards and have no housekeeping lease violations as documented by housekeeping inspection reports or work orders reflecting a pattern of damage caused by poor housekeeping; and
- E. Have not destroyed, defaced, damaged or removed any part of an apartment or the development as documented by housekeeping inspection reports or work orders reflecting a pattern of damage or abuse.
- F. Tenants in process of relocating, ready to relocate or already relocated temporarily as the result of a RAD Conversion Activity or relocation activities as defined under Federal Universal Relocation Act requirements, must remain in good standing. If the tenant does not remain in good standing, ECC/HANH, its affiliate or instrumentality, has the right to begin lease enforcement or termination. Refer to Chapter 13, Section 13-III Terminations by ECC/HANH.

Tenants who have received a pre-termination notice and who are utilizing the grievance process to contest that notice will not be excluded from RAB/TRC participation unless and until the grievance officer/panel authorizes the termination of the tenant’s lease.

If the resident is not in Good Standing, the resident will be notified in writing.

If the resident disagrees with the notice received, a resident may request a hearing within 10 business days of receipt of ECC/HANH’s decision/action. The request must be submitted in writing and shall specify:

- Reason for the grievance; and
- Action or relief sought

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

- a. If back rent is owed, the resident will not be able to participate until they have paid their rent in full, or have established a payment plan.

For complete policy on transfer; please refer to chapter 12 of the ACOP.

## **PART II: INSPECTIONS**

### **8-II.A. OVERVIEW**

HUD regulations require ECC/HANH to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, ECC/HANH may require additional inspections, in accordance with ECC/HANH Policy. This part contains the ECC/HANH policies governing inspections, notification of unit entry, and inspection results.

### **8-II.B. TYPES OF INSPECTIONS**

#### **Move-In Inspections [24 CFR 966.4(i)]**

The lease must require ECC/HANH and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by ECC/HANH and the tenant, must be provided to the tenant and retained in the resident file.

#### ECC/HANH Policy

Head of household, spouse or cohead must attend the initial inspection and sign the inspection form for the head of household.

#### **Move-Out Inspections [24 CFR 966.4(i)]**

ECC/HANH must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to ECC/HANH. ECC/HANH must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear.

The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

#### ECC/HANH Policy

ECC/HANH will encourage the family to participate in the move-out inspection. The family must contact ECC/HANH prior to move-out to schedule a joint inspection. If the family participates in the move-out inspection, a written statement of the unit condition and the appliances provided will be signed by the family representative and the ECC/HANH representative.

When applicable, ECC/HANH will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 10 business days of conducting the move-out inspection.

#### **Annual Inspections [24 CFR 5.705]**

Section 6(f)(3) of the United States Housing Act of 1937 requires that PHAs inspect each public housing project annually to ensure that the project's units are maintained in decent, safe, and sanitary condition. ECC/HANH shall continue using the Uniform Physical Condition Standards (UPCS) in 24 CFR 5, Subpart G, Physical Condition Standards and Inspection Requirements, to conduct project inspections. These standards address the inspection of the site area, building systems and components, and dwelling units.

ECC/HANH Policy

ECC/HANH inspects 100% of its developments annually. ECC/HANH will inspect a random sampling of no less than 20% of all occupied units annually using HUD’s Uniform Physical Condition Standards (UPCS) and REAC protocols as a guideline. ECC/HANH reserves the right to make more frequent inspections.

The unit will be considered to have failed HUD’s Uniform Physical Condition Standards if there are any life-threatening Health and Safety deficiencies.

Damage beyond “normal wear and tear” will be billed to the resident.

Residents whose units repeatedly display resident-caused damages are in violation of their lease and are subject to lease termination.

**Quality Control Inspections**

The purpose of quality control inspections is to assure that all defects were identified in the original inspection, and that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

ECC/HANH Policy

Supervisory quality control inspections will be conducted in accordance with ECC/HANH’s maintenance plan.

**Special Inspections**

ECC/HANH Policy

HUD representatives or local government officials review ECC/HANH operations periodically and as a part of their monitoring will inspect a sampling of the ECC/HANH’s inventory.

Special inspections may also include energy audit inspections, physical needs assessment conducted by a third-party, and other third-party inspections.

ECC/HANH staff may conduct a special inspection for any of the following reasons:

- Housekeeping
- Unit condition
- Suspected lease violation
- Preventive maintenance
- Routine maintenance

If there is reasonable cause to believe an emergency exists

A copy of all reports generated during special inspections will be available for the resident’s inspection.

## **Emergency Inspections**

### ECC/HANH Policy

Housing management staff, including ECC/HANH inspectors may initiate an emergency inspection report to generate a work order if they believe that an emergency exists in the unit or on a Public Housing site. In addition, ECC/HANH staff may conduct an emergency inspection without a work order and generate a work order after the inspection has been conducted (see Entry of Premises Notice in this chapter.) Emergency repairs are to be completed within 24 hours from the time the work order is issued.

### Emergency Repairs to be completed in Less than 24 Hours

The following items are to be considered emergency in nature and require immediate (less than 24 hour) response:

- Any condition determined to be an emergency by HUD REAC inspectors
- Lock-outs (with proper identification of resident) or lock-ins where safety and security is an issue
- Broken locks (where there is only one lock) entry doors, or windows which affect unit security
- Plumbing leaks that can cause flooding or damage to the unit, including pipe leaks and water coming through walls or ceilings
- Natural gas leaks or smell of fumes
- Main sewer line stoppage
- No heat or inadequate heat (unable to maintain the internal temperature at 65 degrees Fahrenheit) between October 15th and April 15th
- Electrical hazards, exposed electrical wire, including sparking wires or smoke coming from outlets or fixtures
- Electrical outage of the entire apartment or building
- Fires, fire alarm activation, or other fire safety issues
- The breakdown of an elevator if it is the only elevator in a building or if both elevators in a 2-elevator building are down. Also, if anyone is trapped in an elevator, this is considered an emergency
- No hot water in entire building on a Friday night, Saturday, or day before a holiday.

## **Other Inspections**

### ECC/HANH Policy

Building exteriors, grounds, common areas and systems will be inspected according to ECC/HANH's maintenance plan.

## **8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS**

### **Notice of Entry**

#### ***Non-emergency Entries [24 CFR 966.4(j)(1)]***

ECC/HANH may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing. A written statement specifying the purpose of ECC/HANH entry delivered to the dwelling unit at least two days before such entry is considered reasonable advance notification.

#### ECC/HANH Policy

ECC/HANH will notify the resident in writing at least 48 hours prior to any non-emergency inspection.

For regular inspections, the family will receive at least 5 business days written notice of the inspection to allow the family to prepare the unit for the inspection.

Entry for repairs requested by the family will not require prior notice. Resident-requested repairs presume permission for ECC/HANH to enter the unit.

#### ***Emergency Entries [24 CFR 966.4(j)(2)]***

ECC/HANH may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, ECC/HANH must leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

#### ECC/HANH Policy

ECC/HANH staff will allow access to the unit to proper authorities when issues of health or safety are concerned.

### **Scheduling of Inspections**

#### ECC/HANH Policy

Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify ECC/HANH at least 24 hours prior to the scheduled inspection. ECC/HANH will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. ECC/HANH may request verification of such cause.

### **Attendance at Inspections**

Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

#### ECC/HANH Policy

Except at move-in and move-out inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes.

If no one is at home, the inspector will enter the unit, conduct the inspection and leave a copy of the inspection report in the unit.

If, at time of inspection, a minor(s) is present with no adult household member, the inspector will not conduct the inspection, and the inspection will be rescheduled. As above, ECC/HANH will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection.

## **8-II.D. INSPECTION RESULTS**

ECC/HANH is obligated to maintain dwelling units and the development in decent, safe and sanitary conditions and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

### **Emergency Repairs [24 CFR 966.4(h)]**

If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify ECC/HANH of the damage, and ECC/HANH must make repairs within a reasonable time frame.

If the damage was caused by a household member or guest, ECC/HANH must charge the family for the reasonable cost of repairs. ECC/HANH may also take lease enforcement action against the family.

If ECC/HANH cannot make repairs quickly, ECC/HANH must offer the family standard alternative accommodations. If ECC/HANH can neither repair the defect within a reasonable time frame nor offer alternative housing, rent shall be abated in proportion to the seriousness of the damage and loss in value as a dwelling. Rent shall not be abated if the damage was caused by a household member or guest, or if the resident rejects the alternative accommodations.

### ECC/HANH Policy

When conditions in the unit are hazardous to life, health, or safety, ECC/HANH will make repairs or otherwise abate the situation within 24 hours.

Defects hazardous to life, health or safety include, but are not limited to, the following:

- Any condition that jeopardizes the security of the unit

- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling

- Natural or LP gas or fuel oil leaks

- Any electrical problem or condition that could result in shock or fire

- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit

- ECC/HANH -provided utilities not in service, including no running hot water

- Conditions that present the imminent possibility of injury

- Obstacles that prevent safe entrance or exit from the unit

- Absence of a functioning toilet in the unit

- Inoperable smoke detectors

- Inoperable carbon monoxide detectors



## **Non-emergency Urgent Repairs**

### ECC/HANH Policy

Urgent work orders include items that, if not repaired, pose potential threat to life, facilities, health and/or safety of residents. Urgent items must be corrected/abated within 72 hours of notification. Samples include: refrigerator not working or broken window.

If ECC/HANH is unable to make repairs within that period due to circumstances beyond ECC/HANH's control (e.g. required parts or services are not available, weather conditions, etc.) ECC/HANH will notify the family of an estimated date of completion.

The family must allow ECC/HANH access to the unit to make repairs.

## **Routine Repairs**

### ECC/HANH Policy

Most of the work that is not classified as emergency or urgent, includes: repair screen door, paint occupied unit, change air conditioning filter, general maintenance in unit.

The family must allow ECC/HANH access to the unit to make repairs.

## **Resident-Caused Damages**

### ECC/HANH Policy

Damages to the unit beyond wear and tear will be billed to the tenant in accordance with the policies in 8-I.G., Maintenance and Damage Charges.

Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

## ***Housekeeping***

### ECC/HANH Policy

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, ECC/HANH will provide proper notice of a lease violation.

A reinspection will be conducted within 30 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a reinspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13.

Notices of lease violation and charges will also be issued to residents who purposely disengage the unit's smoke detector. Only one warning will be given. A second incidence will result in lease termination.

## Chapter 9

### REEXAMINATIONS

[24 CFR 960.257, 960.259, 966.4]

#### INTRODUCTION

ECC/HANH is required to reexamine each family's income, assets and family composition periodically, and to adjust the family's rent accordingly. ECC/HANH must adopt policies for conducting annual and interim reexaminations that are consistent with regulatory requirements, and must conduct reexaminations in accordance with such policies [24 CFR 960.257(c)].

##### ECC/HANH Policy

ECC/HANH has added the terms Work-Able and NonWork-Able families for purposes of biennial and triennial reexaminations.

NonWork-Able families are families where all adult family members are elderly (age 62 or more) and/or disabled.

MTW families, where all adult family members age 18 or older, don't meet the definition of a NonWork-Able family will be considered Work-Able families.

This chapter discusses both annual and interim reexaminations.

Part I: Bi/Triennial Reexaminations. This part discusses the process for conducting bi/triennial reexaminations of income and family composition.

Part II: Reexaminations for Families Paying Flat Rents. This part contains ECC/HANH's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every 3 years. This part also contains ECC/HANH's policies for conducting annual updates of family composition for flat rent families.

Part III: Interim Reexaminations. This part details the requirements related to when a family may and must report changes that occur between bi/triennial reexaminations, and when interim reexaminations will be conducted.

Part IV: Recalculating Tenant Rent. After gathering and verifying required information for an annual or interim reexamination, ECC/HANH must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 6, this part describes the policies that affect these calculations during a reexamination.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this ACOP, apply to bi/triennial and interim reexaminations.

## PART I: BI/TRIENNIAL REEXAMINATIONS [24 CFR 982.516]

### 9-I.A. OVERVIEW

ECC/HANH must conduct a reexamination of family income and composition at least biennially or triennially. This includes gathering and verifying current information about family composition, income, assets and expenses, including those families on a flat rent. Based on this updated information, the family's income and rent must be recalculated. This part discusses the schedule for bi/triennial reexaminations, the information to be collected and verified, and bi/triennial reexamination effective dates.

When discussing the regular (annual) reexamination process, the term "bi/triennial" reexaminations will be used.

This part contains ECC/HANH's policies for conducting regular reexaminations.

### 9-I.B. SCHEDULING BI/TRIENNIAL REEXAMINATIONS

#### ECC/HANH Policy

ECC/HANH will conduct biennial reexaminations for Work-Able families. ECC/HANH will conduct triennial reexaminations for NonWork-Able families, [per Initiative 3.1 – rent Simplification of the Annual MTW Plan](#).

ECC/HANH will begin the bi/triennial reexamination process 120 days in advance of its scheduled effective date. Generally, ECC/HANH will schedule bi/triennial reexamination effective dates to coincide with the family's anniversary date.

ECC/HANH defines the annual certification and bi/triennial certification date as 24 or 36 months from the effective date of the family's last bi/triennial reexamination or from the effective date of the family's initial examination (new admission).

For families approved to move to a new unit within ECC/HANH's jurisdiction, ECC/HANH will not perform a new (bi/tri) reexamination, unless an interim adjustment is required per ECC/HANH interim reexamination policy.

If there is any change in rent, a Notice of Rent Adjustment will be issued and this shall constitute an amendment to the family's lease.

All participants in Family Self Sufficiency (FSS) will have income certified annually by the [FSS Department](#).

ECC/HANH may schedule a bi/triennial reexamination for completion prior to the anniversary date or scheduled bi/triennial reexamination for administrative purposes.

Commented [ER1]: Is this being done?

### Notification of and Participation in the Bi/Triennial Reexamination Process

ECC/HANH is required to obtain the information needed to conduct bi/triennial reexaminations. How that information will be collected is left to the discretion of ECC/HANH. However, ECC/HANH should give tenants who were not provided the opportunity the option to complete Form HUD-92006 at this time [Notice PIH 2009-36].

#### ECC/HANH Policy

Families undergoing a biennial or triennial reexamination will be required to participate in a face-to-face reexamination interview via face to face, video chat, phone or other way that is comparable and beneficial to residents and ECC/HANH. Participation is required of all adult household members. If the head of household, spouse, or cohead is unable to participate, the appointment will be rescheduled. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact ECC/HANH to request a reasonable accommodation (see Chapter 2).

Notification of bi/triennial reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview or scanned, dropped off or mailed in no later than 5 business days prior to interview to assure ECC/HANH staff members have received the packet in advance. If the packet is not received in time, the ECC/HANH representative may reschedule the scheduled video chat, or phone call if the packet has not yet been received by day of appt.

If the family is unable to attend a scheduled interview, the family should contact ECC/HANH in advance of the interview to schedule a new appointment. If a family does not attend the scheduled interview, ECC/HANH will send a second notification with a new interview date and appointment time.

If a family fails to attend two scheduled interviews without ECC/HANH approval, or if the notice is returned by the post office with no forwarding address, a notice of termination (see Chapter 12) will be sent to the family's address of record, and to any alternate address provided in the family's file.

An advocate, interpreter, or other assistant may assist the family in the interview process. The family and ECC/HANH may be requested to execute a certification attesting to the role and the assistance provided by any such third party.

**Commented [ER2]:** Is this still a requirement or are they allowed to mail in the packets?

## 9-I.C. CONDUCTING BI/TRIENNIAL REEXAMINATIONS

As part of the bi/triennial reexamination process, families are required to provide updated information to ECC/HANH regarding the family's income, expenses, assets and composition [24 CFR 982.551(b)].

### ECC/HANH Policy

Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include an ECC/HANH-designated reexamination form, [an a Form HUD-9886](#) Authorization for the Release of Information/Privacy Act Notice, as well as supporting documents or forms related to the family's income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 10 business days after the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. ECC/HANH will grant one 10 business day extension upon request. Exceptions may be made for granting an additional extension on a case-by-case basis.

If the family does not provide the required documents or information within the required time period (plus any extensions), the family will be sent a notice of termination (See Chapter 12).

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

### **Change in Unit Size**

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. ECC/HAANH may use the results of the bi/triennial reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

## Criminal Background Checks

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)(1)(ii)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

### ECC/HANH Policy

Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the biennial/triennial reexamination process.

Additionally, HUD recommends that at reexaminations ECC/HANH ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state [Notice PIH 2012-28].

### ECC/HANH Policy

At the bi/triennial reexamination, ECC/HANH will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state. ECC/HANH will use a database available to the public to verify the information provided by the tenant.

If ECC/HNH proposes to terminate assistance based on lifetime sex offender registration information, ECC/HANH must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to termination. [24 CFR 5.903(f) and 5.905(d)]. (See Chapter 13.)

### ECC/HANH Policy

In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, ECC/HANH will notify the household in writing of the proposed adverse action and will provide the tenant and the subject of the record the opportunity to review a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

## Compliance with Community Service

CSSR requirements will be reviewed at time of bi-tri certification for families and individuals who are not exempt and required to complete the required 96 hours per year. Household members exempt from having to meet the CSSR will be required to certify exemption at time of biennial/triennial recertification. This change relieves staff of the additional burden of annual tracking, and allowing families to benefit from the full extent of Rent Simplification as written. Tracking in Elite will only occur at time of bi/tri certifications. (See Chapter 11)

### **LIPH Community Service Significant Change MTW FY20 Amendment #1:**

Community Service requirements will not be required for families who experience a decrease in income due to loss of employment or decrease in hours as a result of COVID19 and any similar pandemic or national, state or local emergency that affects a significant number of families in the community. Residents will not be expected to make up these hours. The requirement will be reinstated when the stay at home and social distancing requirements are lifted. The 96

**Commented [ER3]:** Are we running criminal background checks at the biennial or triennial?

**Commented [ER4]:** Have the requirements been reinstated?

community service hours per year will be calculated by 8 hours a month and families will not be required to make up hours during months affected. ECC/HANH will establish time period for hold on CSSR as needed.

#### **9-1.D. EFFECTIVE DATES**

As part of the regular reexamination process, ECC/HANH must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a)(1)].

##### ECC/HANH Policy

In general, an *increase* in the tenant rent that results from a regular reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If the family causes a delay in processing the regular reexamination, *increases* in the tenant rent will be applied retroactively, to the scheduled effective date of the regular reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the tenant rent that results from a regular reexamination may result in an interim reexamination, or if not applicable, will take effect on the family's anniversary date. See Part III of this chapter for interim reexamination policies.

If the family causes a delay in processing the regular reexamination, *decreases* in the tenant rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by ECC/HANH by the date specified, and this delay prevents ECC/HANH from completing the reexamination as scheduled.

**PART II: REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS**  
**[24 CFR 960.257(2)]**

**9-II.A. OVERVIEW**

HUD requires that ECC/HANH offer all families the choice of paying income-based rent or flat rent at least annually. ECC/HANH's policies for offering families a choice of rents are located in Chapter 6.

For families who choose flat rents, ECC/HANH must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. ECC/HANH is only required to provide the amount of income-based rent the family might pay in those years that ECC/HANH conducts a full reexamination of income and family composition, or upon request of the family after the family submits updated income information [24 CFR 960.253(e)(2)].

As it does for families that pay income-based rent, ECC/HANH must also review compliance with the community service requirement for families with nonexempt individuals.

This part contains ECC/HANH's policies for conducting reexaminations of families who choose to pay flat rents.

**9-II.B. FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION**

**Frequency of Reexamination**

ECC/HANH Policy

Under ECC/HANH's MTW Plan, ECC/HANH will offer the family the choice between flat and income-based rent upon admission and at regular reexaminations thereafter.

According to the Annual MTW Plan, Initiative 3.1 – Rent, as of FY 2020 the Flat Rent option certification form will only be signed at time of bi-tri certification, however, families will have the opportunity to switch to the Flat rent once a year. Annual notice must go out to families, but signature will not be required except for at time of scheduled bi/tri certification. This change is in line with efforts to streamline the certification process; relieving staff of the additional burden and allowing families to benefit from the full extent of Rent Simplification as written.

**Reexamination Policies**

ECC/HANH Policy

In conducting full reexaminations for families paying flat rents, ECC/HANH will follow the policies used for the biennial/triennial reexamination of families paying income-based rent as set forth in Sections 9-I.B through 9-I.D above.

**9-II.C. REEXAMINATION OF FAMILY COMPOSITION (“ANNUAL UPDATE”)**

As noted above, full reexaminations are conducted at least once every 3 years for families paying flat rents. In the years between full reexaminations, regulations require ECC/HANH to conduct a reexamination of family composition (“annual update”) [24 CFR 960.257(a)(2)].



The annual update process is similar to the regular reexamination process, except that ECC/HANH does not collect information about the family's income and expenses, and the family's rent is not recalculated following an annual update.

### **Scheduling**

ECC/HANH must establish a policy to ensure that the reexamination of family composition for families choosing to pay the flat rent is completed at least annually [24 CFR 960.257(a)(2)].

#### ECC/HANH Policy

For families paying flat rents, updates will be conducted at the regularly scheduled (biannual or triennial) reexamination.

In scheduling the annual update, ECC/HANH will follow the policy used for scheduling the annual reexamination of families paying income-based rent as set forth in Section 9-I.B.

### **Conducting Updates**

The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c)(2)].

#### ECC/HANH Policy

The family will be required to provide the flat rent update at the regularly scheduled (bi/triennial) reexamination. However, if ECC/HANH determines that an interview is warranted before a regularly scheduled reexamination, the family may be required to attend.

Notification of the reexamination update for flat rent will be sent by first-class mail and will inform the family of the information and documentation that must be provided to ECC/HANH. The family will have 10 business days to submit the required information to ECC/HANH. If the family is unable to obtain the information or documents within the required time frame, the family may request an extension. ECC/HANH will accept required documentation by mail or in person.

If the family's submission is incomplete, or the family does not submit the information in the required time frame, ECC/HANH will send a second written notice to the family. The family will have 10 business days from the date of the second notice to provide the missing information or documentation to ECC/HANH.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

### ***Change in Unit Size***

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. ECC/HANH may use the results of the annual update to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

### ***Criminal Background Checks***

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

#### ECC/HANH Policy

Each household member age 18 and over will be required to execute a consent form for criminal background check as part of the annual update process.

### ***Compliance with Community Service***

For families who include nonexempt individuals, ECC/HANG must determine compliance with the community service requirement. See Chapter 11 for ECC/HANH policies governing compliance with the community service requirement.

## **PART III: INTERIM REEXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]**

### **9-III.A. OVERVIEW**

Family circumstances may change during the period between annual reexaminations. HUD and ECC/HANH policies define the types of information about changes in family circumstances that must be reported, and under what circumstances ECC/HANH must process interim reexaminations to reflect those changes. HUD regulations also permit ECC/HANH to conduct interim reexaminations of income or family composition at any time.

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition change. ECC/HANH must complete the interim reexamination within a reasonable time after the family's request.

#### ECC/HANH Policy

Per ECC/HANH's MTW Plan, there are limitations in interim reexaminations. See Section 9-III.C.

This part includes HUD and ECC/HANH policies that describe the changes families are *required* to report, the changes families *may choose* to report, and how ECC/HANH will process both ECC/HANH- and family-initiated interim reexaminations.

### **9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION**

ECC/HANH must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to provisions of the public housing lease, ECC/HANH has limited discretion in this area.

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 12.

#### ECC/HANH Policy

All families, those paying income-based rent as well as flat rent, are required to get permission from the Housing Manager to add anyone, over the age of 18 to a household and to report changes in family composition. A family's rent is recalculated if the addition or subtraction of a household member results in an income change of more than \$200.00 per month.

ECC/HANH will conduct interim reexaminations to account for:

- Change in family composition that affects the bedroom size of two degrees or more.
- The addition of a family member 18 years of age or older.
- Change in family composition that causes the family to move from one income tier to another with a higher rent schedule.

### **New Family Members Not Requiring Approval**

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require ECC/HANH approval. However, the family is required to promptly notify ECC/HANH of the addition [24 CFR 966.4(a)(1)(v)].

#### ECC/HANH Policy

The family must inform ECC/HANH of the birth, adoption, or court-awarded custody of a child within 30 days with proper documentation. Documentation can include, but is not limited to; long form birth certificate, social security card, court documentation, and/or documents from the Department of Social Services.

### **New Family and Household Members Requiring Approval**

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request ECC/HANH approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)].

ECC/HANH may adopt reasonable policies concerning residence by a foster child or a live-in aide, and defining the circumstances in which ECC/HANH consent will be given or denied. Under such policies, the factors considered by ECC/HANH may include [24 CFR 966.4(d)(3)(i)]:

- Whether the addition of a new occupant may necessitate a transfer of the family to another unit, and whether such units are available.
- ECC/HANH's obligation to make reasonable accommodation for persons with disabilities.

#### ECC/HANH Policy

1. Families must request ECC/HANH approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 14 consecutive days or a total of 30 cumulative calendar days during any 12-month period and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by ECC/HANH no less than 10 business days prior to the individual moving into the unit.

If adding a person to a household (other than a child by birth, adoption, or court-awarded custody) will require a transfer to a larger size unit (under the transfer policy in Chapter 12), ECC/HANH will approve the addition only if the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by ECC/HANH. Exceptions will be made on a case-by-case basis.

2. ECC/HANH will not approve the addition of a new family or household member unless the individual meets ECC/HANH's eligibility and tenant selection criteria (see Chapter 3), including the Criminal History Report, and documentation requirements (See Chapter 7, Part II), with the exception of the Community Reunification Program

and the Community Re-Entry Pilot Program (see paragraph 3, below, and section 4-III.B.)

3. ECC/HANH will allow family members, who would otherwise be ineligible, to be added to the lease through the Community Reunification Program. The Community Reunification Program describes ECC/HANH's policy of waiving the criminal background screening criteria, with the exception of the HUD mandatory denial of admission, for individuals who seek to join a family member's existing lease. Credit screening is waived for the elderly and disabled. Family members for the Community Reunification Program will be screened for suitability for housing by reviewing compliance with probation and/or parole, employment or educational programs and treatment and case management plans. Family members will be added during an interim recertification and will sign a lease addendum demonstrating willingness for compliance.
4. A resident eligible for transfer to a larger or smaller unit as the result of approved changes in household composition may request a transfer and be placed on the transfer list effective the date the transfer request is approved. Temporary custody of minors for less than 12 months in duration is not eligible for transfer to a larger or smaller unit as the result of approved changes in household composition.
5. Foster children may be considered a part of the household provided that the foster parent(s) has been granted a license through the appropriate Child and Family Services agency and that the addition to the household does not violate ECC/HANH's occupancy standards for the current leased unit. Foster parents may apply for a transfer to a larger unit only if the foster placement is expected to last more than twelve months.

For individuals ineligible for the Community Reunification Program and the Community Re-Entry Pilot Program, if ECC/HANH determines that an individual does not meet ECC/HANH's tenant selection criteria, including the Criminal History Report, or documentation requirements, ECC/HANH will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

ECC/HANH will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

#### **Departure of a Family or Household Member**

##### ECC/HANH Policy

If a family member ceases to reside in the unit, the family must inform ECC/HANH within 10 business days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent.

Family members age 18 and over who move from the dwelling unit to establish new households shall be removed from the lease. The resident must notify ECC/HANH of the move-out within 10 business days of its occurrence.

These individuals may not be readmitted to the unit and must apply as a new applicant for placement on the waiting list. Return of an adult family member that necessitates a transfer to a larger unit will only be considered as a reasonable accommodation or in case of a medical hardship. If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform ECC/HANH within 10 business days.

### **9-III.C. CHANGES AFFECTING INCOME OR EXPENSES**

Interim reexaminations can be scheduled either because ECC/HANH has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, ECC/HANH may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

#### **ECC/HANH-Initiated Interim Reexaminations**

##### ECC/HANH Policy

ECC/HANH will conduct interim reexaminations in each of the following instances:

If at the time of the bi/triennial reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), ECC/HANH will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.

If at the time of the bi/triennial reexamination, tenant declarations were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, ECC/HANH will conduct an interim reexamination.

ECC/HANH may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

ECC/HANH will *not* conduct an interim reexamination:

- For families receiving the Earned Income Disallowance (EID) except for new employment. ECC/HANH will not conduct an interim at the start, during or conclusion of the second 12 month exclusion period (50 percent phase-in period).
-

**Example 1:** Mr. Quinn works in construction 8 months of the year, earning \$1,500 a month. He is paid cash. The remaining months he receives no income.

At Mr. Quinn's biennial reexamination, ECC/HANH annualized his income as follows:  $\$1,500 \times 8 = \$12,000$ .

No interim will be conducted if Mr. Quinn was working at the time of his biennial reexamination and then reports that income stopped due to this regular layoff. Nor will an interim be conducted when Mr. Quinn resumes work.

**Example 2:** Ms. Marie works as a school bus driver 10 months out of the year earning \$15,000 from this employment. The remaining 2 months, she draws \$1,500 a month in unemployment benefits. At her triennial reexamination, ECC/HANH calculated Ms. Marie's annual income to be \$18,000 ( $\$15,000 + \$3,000 (\$1,500 \times 2)$ ).

No interim will be conducted when Ms. Marie starts or stops working.

- When ECC/HANH averaged income across 12 months when annualizing income for a seasonal employee (see section 6-I.C).
- Income from the previous year may be analyzed to determine the amount to anticipate when third party verification is not available or reliable.

### **Resident-Initiated Interim Reexaminations**

ECC/HANH must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)].

### **Required Reporting**

HUD regulations give ECC/HANH the discretion to determine the circumstances under which families will be required to report changes affecting income.

#### ECC/HANH Policy

Interim rents remain in place until the next scheduled reexamination. If a family experiences an increase in income it is not necessary for the family to report this increase in income until the next scheduled annual certification date.

Households receiving a requested interim rent reduction must report any subsequent income increase to ECC/HANH within thirty (30) days of occurrence. Failure to report the change within thirty (30) days results in retroactive rent changes, and depending on the severity of the circumstances, lease termination.

Seasonal workers who are employed for a period of time less than 12 months annually will have their rent calculated over a 12 month period using the 9 or 10 months of income earned. During the months the worker is not actively working, the family will not be able to request a rent reduction as the rent has already been adjusted over a 12 month period.

Families are not required to report any other changes in income or expenses.

### ***Optional Reporting***

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)]. ECC/HANH must process the request if the family reports a change that will result in a reduced family income [PH Occ GB, p. 159].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

#### ECC/HANH Policy

If a family reports a change that it was not required to report and that would result in an increase in the tenant rent, ECC/HANH will note the information in the tenant file, but will not conduct an interim reexamination. This includes a family reporting increased income below \$200 per month from a non-wage source between bi/triennial reexaminations.

If a family reports a change that it was not required to report and that would result in a decrease in the tiered rent (TTP), ECC/HANH will conduct an interim reexamination. See Section 9-III.D. for effective dates.

## **9-III.D. PROCESSING THE INTERIM REEXAMINATION**

### **Method of Reporting**

#### ECC/HANH Policy

The family may notify ECC/HANH of changes either orally or in writing. ECC/HANH will require the family to submit the changes in writing by completing an interim packet supplied by ECC/HANH.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if ECC/HANH determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, ECC/HANH will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from ECC/HANH. This time frame may be extended for good cause with ECC/HANH approval. ECC/HANH will accept required documentation by mail, by fax, or in person.



## Effective Dates

ECC/HANH must make the interim reexamination within a reasonable time after the family request [24 CFR 960.257(b)].

### ECC/HANH Policy

If the tenant rent is to *increase*:

The increase generally will be effective on the first of the month following 30 days' notice to the family.

If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If the tenant rent is to *decrease*:

The decrease will be effective on the first day of the month following the month in which the change was reported. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

## **PART IV: RECALCULATING TENANT RENT**

### **9-IV.A. OVERVIEW**

For those families paying income-based rent, ECC/HANH must recalculate the rent amount based on the income information received during the reexamination process and notify the family of the changes [24 CFR 966.4, 960.257]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

### **9-IV.B. CHANGES IN UTILITY ALLOWANCES [24 CFR 965.507, 24 CFR 966.4]**

The tenant rent calculations must reflect any changes in ECC/HANH's utility allowance schedule [24 CFR 960.253(c)(3)]. Chapter 16 discusses how utility allowance schedules are established.

#### ECC/HANH Policy

Unless ECC/HANH is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

### **9-IV.C. NOTIFICATION OF NEW TENANT RENT**

The public housing lease requires ECC/HANH to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When ECC/HANH redetermines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of ECC/HANH's schedule of Utility Allowances for families in ECC/HANH's Public Housing Program, or determines that the tenant must transfer to another unit based on family composition, ECC/HANH must notify the tenant that the tenant may ask for an explanation stating the specific grounds of ECC/HANH's determination, and that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under ECC/HANH's grievance procedure [24 CFR 966.4(c)(4)].

#### ECC/HANH Policy

The notice to the family will include the annual income and tiered rent (TTP) amounts that were used to calculate the tenant rent.

### **9-IV.D. DISCREPANCIES**

During an annual or interim reexamination, ECC/HANH may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, ECC/HANH may discover errors made by the ECC/HANH. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 15.

## Chapter 10

### PETS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

#### INTRODUCTION

This chapter explains ECC/HANH's policies on the keeping of pets and describes any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of ECC/HANH to provide a decent, safe and sanitary living environment for all tenants, and to protect and preserve the physical condition of the property, as well as the financial interest of ECC/HANH.

The chapter is organized as follows:

Part I: Service and Assistive Animals. This part explains the difference between service animals, assistance animals, and pets, and contains policies related to the designation of a service animal or assistance animal as well as their care and handling.

Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

Part III: Pet deposits and fees for elderly/disabled developments. This part contains policies for pet deposits and fees that are applicable to elderly/disabled developments.

Part IV: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.

#### **PART I: SERVICE ANIMALS AND ASSISTIVE ANIMALS**

[Section 504; Fair Housing Act (42 U.S.C.); 24 CFR 5.303; 24 CFR 960.705;  
Notice FHEO 2020-01]

#### **10-I.A. OVERVIEW**

This part discusses situations under which permission for a service animal or an assistive animal may be denied, and also establishes standards for the care of service and assistive animals.

Notice FHEO 2020-01 was published January 28, 2020 the notice explains the difference between service animals and assistive animals. While the ADA applies to the premises of public housing agencies and to "public accommodations" such as stores and movie theaters, it does not apply to private-market rental housing. Therefore, in public housing ECC/HANH must evaluate a request for a service animal under both the ADA and the Fair Housing Act. Service animals are limited to trained dogs.

Neither service animals nor assistive animals are pets, and thus, are not subject to ECC/HANH's pet policies described in Parts II through IV of this chapter [24 CFR 5.303; 960.705; Notice FHEO 2020-01].

## **10-I.B. APPROVAL OF SERVICE, ASSISTANCE AND SUPPORT ANIMALS AND ASSISTIVE ANIMALS**

Assistance, support and service animals for persons with disabilities are not subject to the PHA pet policy per 24 CFR § 5.303 and 24 CFR § 960.705. These animals are not considered pets. Rather, they are animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities.

For an animal to be excluded from the pet policy and be considered a service animal, the person seeking to use and live with the animal must have a disability; and the person seeking to use and live with the animal must have a disability-related need for the service or assistance the animal provides.

Notice FHEO 2020-01 states that ECC/HANH should first evaluate the request as a service animal under the ADA. ECC/HANH may only ask whether the dog is a service animal required due to a disability, and what tasks the animal has been trained to perform.

ECC/HANH cannot require proof of training or certification for a service animal, even if the disability and/or tasks performed are not readily apparent. If the disability and/or tasks performed are not readily apparent, no further inquiries may be made.

ECC/HANH may only deny a request for a service animal in limited circumstances:

- The animal is out of control and the handler does not take effective action to control it
- The animal is not housebroken, or
- The animal poses a direct threat to health or safety that cannot be eliminated or reduced by a reasonable modification of other policies

There are two types of assistance animals:

(1) service animals, and

(2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities, which are referred to as “support animals.”

A service animal must be permitted in all areas of the facility where members of the public are allowed.

If the animal does not qualify as a service animal under the ADA, ECC/HANH must next determine whether the animal would qualify as an assistive animal under the reasonable accommodation provisions of the Fair Housing Act. Such assistive animals may include animals other than dogs.

See FHEO-2020-01 for more information and best practices.

A person with a disability is not automatically entitled to have an assistive animal. Reasonable accommodation requires that there is a relationship between the person’s disability and his or her need for the animal [PH Occ GB, p. 179].

ECC/HANH may not refuse to allow a person with a disability to have an assistive animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistive animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistive or provides the benefit needed by the person with the disability [PH Occ GB, p. 178].

ECC/HANH's refusal to permit persons with a disability to use and live with an assistive animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless [PH Occ GB, p. 179]:

- There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation
- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others

ECC/HANH has the authority to regulate service animals and assistive animals under applicable federal, state, and local law [24 CFR 5.303(b)(3); 960.705(b)(3)].

#### ECC/HANH Policy

For an animal to be excluded from the pet policy and be considered a service animal, it must be a trained dog, and there must be a person with disabilities in the household who requires the dog's services.

For an animal to be excluded from the pet policy and be considered an assistive animal, there must be a person with disabilities in the household, and the family must request and ECC/HANH approve a reasonable accommodation in accordance with the policies contained in Chapter 2.

Residents must care for service animals and assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that service animals and assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

Requests for reasonable accommodation for assistance animals must be processed in accordance with the Fair Housing and Equal Opportunity section in the Fair Housing and Nondiscrimination Requirements chapter. The reasons for denying an accommodation request include, but are not limited, to:

- The specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation; or
- The specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

No deposit is charged for assistance animals. There are no height, weight, or breed limits for assistance animals, and assistance animals may accompany the resident anywhere the resident is allowed to go.

Assistance animals may, however, be denied access to any area or facility if the animal is out of control and its handler does not control it; or the animal has a history of eliminating in common areas; or the animal in question poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices, and procedures.

#### **10-I.C. CARE AND HANDLING**

HUD regulations do not affect any authority ECC/HANH may have to regulate service animals and assistive animals under federal, state, and local law [24 CFR 5.303; 24 CFR 960.705].

#### ECC/HANH Policy

Residents must care for service animals and assistive animals in a manner that complies with state and local laws, including anti-cruelty and leash laws.

Residents must ensure that service animals and assistive animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

When a resident's care or handling of a service animal or assistive animal violates these policies, ECC/HANH will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If ECC/HANH determines that no such accommodation can be made, ECC/HANH may withdraw the approval of a particular service or assistive animal.

All assistance animals must be reported to ECC/HANH. Such reporting shall consist of providing the following:

- Basic information about the animal (type, age, description, name, etc.).
- A picture of the animal for identification purposes;
- Veterinarian written verification of inoculations against rabies and certification of spay/neuter;
- Inoculations and license of the animal must be kept current, in accordance with city regulation; and
- The animal owner's signature on a copy of the Assistance Animal Lease Addendum

## PART II: PET POLICIES FOR ALL DEVELOPMENTS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

### 10-II.A. OVERVIEW

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments.

### 10-II.B. MANAGEMENT APPROVAL OF PETS

#### Registration of Pets

ECC/HANH may require registration of the pet with ECC/HANH [24 CFR 960.707(b)(5)].

#### ECC/HANH Policy

All pets must be approved in advance by ECC/HANH management. To receive ECC/HANH approval of a pet, the pet owner should provide the following:

- Evidence that the pet meets the standards described below in this policy
- Evidence that the pet has been spayed or neutered
- Evidence that the pet has been properly immunized
- Names, addresses, and telephone numbers of 2 adult individuals who will take immediate full responsibility of the pet if needed.
- Pet deposit (see below)

The terms of this Pet Policy are an addendum to ECC/HANH's lease and thereby are basic lease requirements.

ECC/HANH staff will photograph the pet for verification of the pet approved under this policy.

#### Refusal to Register Pets

#### ECC/HANH Policy

ECC/HANH will refuse to register a pet if:

- The pet is not *a common household pet* as defined in Section 10-II.C. below
- Keeping the pet would violate any pet restrictions listed in this policy
- The pet owner fails to provide complete pet registration information, or fails to update the registration bi/triennially as needed, per ECC/HANH discretion



The applicant or resident has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order

ECC/HANH reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations.

The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If ECC/HANH refuses to register a pet, a written notification will be sent to the pet owner within 10 business days of ECC/HANH's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with ECC/HANH's grievance procedures.

## **Pet Agreement**

### ECC/HANH Policy

Residents who have been approved to have a pet must enter into a pet agreement with ECC/HANH or the approval of the pet will be withdrawn.

The pet agreement is the resident's certification that he or she has received a copy of ECC/HANH's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the pet agreement that he or she understands that noncompliance with ECC/HANH's pet policy and applicable house rules may result in the withdrawal of ECC/HANH approval of the pet or termination of tenancy.

## **Pet Renewal**

Residents who have been approved to have a pet must renew authorization to own that pet through a written renewal agreement with ECC/HANH at regular reexamination.

## 10-II.C. STANDARDS FOR PETS [24 CFR 5.318; 960.707(b)]

ECC/HANH may establish reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals in a unit, based on unit size
- Prohibitions on types of animals that ECC/HANH classifies as dangerous, provided that such classifications are consistent with applicable state and local law
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal
- Requiring pet owners to have their pets spayed or neutered

ECC/HANH may not require pet owners to have any pet's vocal cords removed.

### Definition of "Common Household Pet"

There is no regulatory definition of common household pet for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the term. The regulations for pet ownership in elderly/disabled developments expressly authorizes ECC/HANH to define the term [24 CFR 5.306(2)].

#### ECC/HANH Policy

*Common household pet* means a domesticated animals such as a dog, cat, bird, rodent (guinea pig, hamster, or gerbil), fish, frog, or turtle that are traditionally kept in the home for pleasure rather than for commercial use.

~~domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a household animal and is kept in the home for pleasure rather than commercial purposes.~~

The following animals are not considered common household pets:

- Reptiles
- Rodents
- Rabbits
- Insects
- Arachnids
- Wild animals or feral animals
- Pot-bellied pigs
- Animals used for commercial breeding

## Pet Restrictions

### ECC/HANH Policy

The following animals are not permitted:

Any animal whose adult weight will exceed 25 pounds

Dogs of the pit bull, Rottweiler, chow, or boxer breeds

Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations

Any animal normally found in the wild (raccoons, skunks, squirrels etc.) and also pigeons, chickens, ducks, and birds of prey (hawks, falcons, etc.), rabbits, and domestic farm animals.

Exotic animals not normally considered a household pet

Any animal not permitted under state or local law or code

Any animal whose adult weight will exceed 25 pounds.

Dogs such as:

- Pit Bulls,
- Rottweilers,
- Doberman Pinchers,
- German Shepherds,
- Bull Dogs or
- breeds not permitted under state or local law or code.

Reptiles such as:

- snakes,
- alligators,
- lizards,
- iguanas,
- chameleons, etc.

Farm animals such as:

- chickens,
- pigs,
- cows,
- mules,
- horses, etc.

Wild animals such as:

- lions,
- leopards,
- bears,
- tigers,
- wolves, etc.

Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations

Any animal not permitted under state or local law or code.

## **Number of Pets**

### ECC/HANH Policy

Residents may own a maximum of 1 pet.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as 1 pet.

## **Other Requirements**

### ECC/HANH Policy

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

## **10-II.D. PET RULES**

Pet owners must maintain pets responsibly, in accordance with ECC/HANH policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations [24 CFR 5.315; 24 CFR 960.707(a)].

### **Pet Area Restrictions**

#### ECC/HANH Policy

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried. Pet owners are not allowed to leave a pet unattended outside at any time. They must be under the control of the resident or other responsible individual at all times.

Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

### **Designated Pet/No-Pet Areas [24 CFR 5.318(g), PH Occ GB, p. 182]**

ECC/HANH may designate buildings, floors of buildings, or sections of buildings as no-pet areas where pets generally may not be permitted. Pet rules may also designate buildings, floors of building, or sections of building for residency by pet-owning tenants.

ECC/HANH may direct initial tenant moves as may be necessary to establish pet and no-pet areas. ECC/HANH may not refuse to admit, or delay admission of, an applicant on the grounds that the applicant's admission would violate a pet or no-pet area. ECC/HANH may adjust the pet and no-pet areas or may direct such additional moves as may be necessary to accommodate such applicants for tenancy or to meet the changing needs of the existing tenants.

ECC/HANH may not designate an entire development as a no-pet area, since regulations permit residents to own pets.

#### ECC/HANH Policy

ECC/HANH has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, ECC/HANH has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.

### **Cleanliness**

[Pet owners must maintain pets in accordance with ECC/HANH policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations \(24 CFR § 5.315; 24 CFR § 960.707\(a\)\).](#)

#### ECC/HANH Policy

The pet owner shall be responsible for the removal of waste from all outdoor and common areas by placing it in a sealed plastic bag and disposing of it in a container provided by ECC/HANH.

The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:

Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.

Litter must not be disposed of by being flushed through a toilet as this causes damage to the sewage system.

Litter boxes shall be kept inside the resident's dwelling unit.

### **Alterations to Unit**

#### ECC/HANH Policy

Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

### **Noise**

#### ECC/HANH Policy

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

### **Pet Care**

#### ECC/HANH Policy

Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage ECC/HANH property.

No animals may be tethered or chained inside or outside the dwelling unit at any time.

### **Responsible Parties**

#### ECC/HANH Policy

The pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

A resident who cares for another resident's pet must notify ECC/HANH and sign a statement that they agree to abide by all of the pet rules.

### **Pets Temporarily on the Premises**

#### ECC/HANH Policy

Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals.

This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by ECC/HANH.

### **Pet Rule Violations**

#### ECC/HANH Policy

All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

That the pet owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation

That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting

That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

### **Notice for Pet Removal**

#### ECC/HANH Policy

If the pet owner and ECC/HANH are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by ECC/HANH, ECC/HANH may serve notice to remove the pet.

The notice will contain:

A brief statement of the factual basis for ECC/HANH's determination of the pet rule that has been violated

The requirement that the resident /pet owner must remove the pet within 30 calendar days of the notice

A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures

### **Pet Removal**

### ECC/HANH Policy

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

If the responsible party is unwilling or unable to care for the pet, or if ECC/HANH after reasonable efforts cannot contact the responsible party, ECC/HANH may contact the appropriate state or local agency and request the removal of the pet.

## **Termination of Tenancy**

### ECC/HANH Policy

ECC/HANH may initiate procedures for termination of tenancy based on a pet rule violation if:

The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified

The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

## **Emergencies**

### ECC/HANH Policy

ECC/HANH will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for ECC/HANH to place the pet in a shelter facility, the cost will be the responsibility of the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.



## **PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS**

### **10-III.A. OVERVIEW**

This part describes ECC/HANH's policies for pet deposits and fees in elderly, disabled and mixed population developments. Policies governing deposits and fees in general occupancy developments are described in Part IV.

### **10-III.B. PET DEPOSITS**

#### **Payment of Deposit**

ECC/HANH may require tenants who own or keep pets in their units to pay a refundable pet deposit. This deposit is in addition to any other financial obligation generally imposed on tenants of the project [24 CFR 5.318(d)(1)].

The maximum amount of pet deposit that may be charged by ECC/HANH on a per dwelling unit basis, is the higher of the total tenant payment (TTP) or such reasonable fixed amount as ECC/HANH may require. ECC/HANH may permit gradual accumulation of the pet deposit by the pet owner [24 CFR 5.318(d)(3)].

The pet deposit is not part of the rent payable by the resident [24 CFR 5.318(d)(5)].

#### ECC/HANH Policy

Pet owners are required to pay a pet deposit in addition to any other required deposits. The amount of the deposit is the higher of the family's total tenant payment or \$50.00, and must be paid in full before the pet is brought on the premises. Pet deposits will not exceed \$300.

#### **Refund of Deposit [24 CFR 5.318(d)(1)]**

ECC/HANH may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the costs of repairs and replacements to, and fumigation of, the tenant's dwelling unit. ECC/HANH must refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the project or no longer owns or keeps a pet in the unit.

#### ECC/HANH Policy

ECC/HANH will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

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

## **10-III.C. OTHER CHARGES**

### **Pet-Related Damages During Occupancy**

#### ECC/HANH Policy

All reasonable expenses incurred by ECC/HANH as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

### **Pet Waste Removal Charge**

The regulations do not address ECC/HANH's ability to impose charges for house pet rule violations. However, charges for violation of ECC/HANH pet rules may be treated like charges for other violations of the lease and ECC/HANH tenancy rules.

#### ECC/HANH Policy

A separate pet waste removal charge of \$25.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, ECC/HANH may not take action for nonpayment of the charge until the conclusion of the grievance process.

Charges for pet waste removal are not part of rent payable by the resident.

## **PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS**

### **10-IV.A. OVERVIEW**

This part describes ECC/HANH's policies for pet deposits and fees for those who reside in general occupancy developments.

### **10-IV.B. PET DEPOSITS**

ECC/HANH may require a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered [24 CFR 960.707(b)(1)].

ECC/HANH requires a resident to pay a pet deposit must place the deposit in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. ECC/HANH must comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements [24 CFR 960.707(d)].

#### **Payment of Deposit**

##### ECC/HANH Policy

Pet owners are required to pay a pet deposit equal to the security deposit, up to \$300, in addition to any other required deposits. The deposit must be paid in full before the pet is brought on the premises.

The pet deposit is not part of rent payable by the resident.

#### **Refund of Deposit**

##### ECC/HANH Policy

ECC/HANH will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

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

### **10-IV.C. NON-REFUNDABLE NOMINAL PET FEE**

ECC/HANH may require payment of a non-refundable nominal pet fee to cover the reasonable operating costs to the development relating to the presence of pets [24 CFR 960.707(b)(1)].

##### ECC/HANH Policy

ECC/HANH does not require pet owners to pay a non-refundable nominal pet fee.

## Chapter 11

### COMMUNITY SERVICE

#### INTRODUCTION

This chapter explains HUD regulations requiring ECC/HANH to implement a community service program for all nonexempt adults living in public housing.

This chapter describes HUD regulations and ECC/HANH's policies related to these topics in two parts:

Part I: Community Service Requirements. This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency.

Part II: ECC/HANH Implementation of Community Service. This part provides ECC/HANH policy regarding ECC/HANH implementation and program design.

#### PART I: COMMUNITY SERVICE REQUIREMENT

##### 11-I.A. OVERVIEW

HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). ECC/HANH and residents must comply with the community service requirement, effective with ECC/HANH fiscal years that commenced on or after October 1, 2000. Per 903.7(l)(1)(iii), the ECC/HANH Plan must contain a statement of how ECC/HANH will comply with the community service requirement, including any cooperative agreement that ECC/HANH has entered into or plans to enter into.

ECC/HANH must establish community service and self-sufficiency requirements in accordance with the Quality Housing and Work Responsibility Act of 1998 (P.L. 105-276).

In this ACOP, ECC/HANH should describe eligible activities, responsibilities of both ECC/HANH and residents, and how compliance is documented. All PHAs operating a Public Housing Program, including PHAs participating in the Moving to Work demonstration, must comply with the CSSR.

ECC/HANH Policy

ECC/HANH is a Moving To Agency and according to Initiative 3.1 – Rent Simplification:

Community Service Requirement (LIPH)

CSSR requirements will be reviewed at time of bi-tri certification for families and individuals who are not exempt and required to complete the required 96 hours per year. Household members exempt from having to meet the CSSR will be required to certify exemption at time of bi-tri certification. This change relieves staff of the additional burden of annual tracking and allowing families to benefit from the full extent of Rent Simplification as written. Tracking in Elite will only occur at time of bi/tri certifications.

In addition to the applicable regulations, ECC/HANH should reference the following PIH Notices when establishing CSSR policies and rules in the ACOP:

- [Notice PIH-2015-12 \(HA\): Administering the Community Service and Self-Sufficiency Requirement](#)
- [Notice PIH-2016-06 \(HA\): Administering the Self-Certification Flexibility when Verifying Community Service and Self Sufficiency Requirement \(CSSR\) Compliance when drafting CSSR policies,](#)

Community service is 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 [24 CFR 960.601(b)].

In administering community service requirements, ECC/HANH must comply with all nondiscrimination and equal opportunity requirements [24 CFR 960.605(c)(5)].

ECC/HANH must provide the family a copy of the CSSR policy describing, at a minimum, the service requirement, the process for claiming exempt status and how ECC/HNH will verify compliance (24 CFR § 960.605(c)).

### **11-I.B APPLICABILITY**

ECC/HANH is mandated by Section 6(1) of the United States Housing Act of 1937 as amended by Section 512 of the Quality Housing and Work Responsibility Act (QHWRA) to implement and administer a Public Housing Community Service and Self-Sufficiency requirement for all non-exempt public housing residents 18 years and older to perform at least eight (8) hours per month in community service or an economic self- sufficiency program.

ECC/HANH may not renew or extend any lease for a dwelling unit in public housing for any household that includes an adult member who was subject to the requirement and failed to comply with this requirement.

ECC/HANH will provide the family with a copy of the Community Service and Self-Sufficiency Requirement Policy at admission, at lease renewal, when a family member is determined to be subject to the community service and self-sufficiency requirement during the lease term, and at any time upon the family’s request.

In administering the community service and self-sufficiency requirement, ECC/HANH will comply with all applicable nondiscrimination and equal opportunity requirements.

### **11-I.CB. REQUIREMENTS**

Each adult resident of ECC/HANH, [\(18 years or older\)](#), who is not exempt, must [24 CFR 960.603(a)]:

- Contribute 8 hours per month of community service; or
- Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).

- 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 of compliance [Notice PIH 2015-12].

**Definitions**

***Exempt Individual [24 CFR 960.601(b), Notice PIH 2015-12]***

An *exempt individual* is an adult who:

- Is age 62 years or older
- Is blind or disabled (as defined under section 216[i][1] or 1614 of the Social Security Act), and who certifies that because of this disability s/he is unable to comply with the service provisions

ECC/HANH Policy

ECC/HANH will provide a form to allow a Disabled Person (HUD definition) to self-certify whether they are able to comply. If resident self-certifies they are unable to comply, they will be considered exempt. At the regular reexamination, the resident will be given this opportunity to certify.

If resident self-certifies that they are able to comply with the requirement, they will not be considered exempt. The resident may self-certify at any time during the lease term that they are unable to comply due to a disability as defined above.

- Is a primary caretaker of such an individual

ECC/HANH Policy

ECC/HANH will require the caretaker to self-certify that s/he is the primary caretaker of the Disabled Person who is unable to comply with the community service requirement.

If the Disabled Person is an adult, s/he will be required to self-certify that the person stating that s/he is the caregiver is his or her primary caregiver.

- Is engaged in work activities

ECC/HANH Policy

ECC/HANH will consider 20 hours per week as the minimum number of hours needed to qualify for a work activity exemption.

- Is able to meet requirements of being exempted under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which ECC/HANH is located, including a state-administered welfare-to-work program

- This exemption applies to anyone whose characteristics or family situation meet the welfare agency exemption criteria and can be verified.

- Is a member of a family receiving assistance, benefits, or services under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which the ECC/HANH is located, including a state-administered welfare-to-work program and the supplemental nutrition assistance program (SNAP), and has not been found by the state or other administering entity to be in noncompliance with such program.

### ***Work Activities [42 U.S.C. 607(d)]***

As it relates to an exemption from the community service requirement, *work activities* means:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency

#### ECC/HANH Policy

Example of attendance at a high school includes but is not limited to:

25-year old family member (including head of house or spouse) earning their G.E.D.

- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate

### ***Community Service [24 CFR 960.601(b), Notice PIH 2015-12]***

*Community service* is 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.

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

- Local public or nonprofit institutions such as schools, head start programs, before or after school programs, child care centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing)
- Nonprofit organizations serving ECC/HANH residents or their children such as: Boy or Girl Scouts, Boys or Girls Club, 4-H clubs, Police Assistance 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
- ECC/HANH housing to improve grounds or provide gardens (so long as such work does not alter ECC/HANH's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board
- Care for the children of other residents so parent may volunteer

ECC/HANH may form its own policy in regard to accepting community services at profit-motivated entities, acceptance of volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work.

ECC/HANH Policy

In addition to the above, for purposes of satisfying the community service requirement, ECC/HANH has included the following as eligible community service volunteer work:

Work with a nonprofit organization that serves ECC/HANH residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H program, PAL, Garden Center, Community clean-up programs, beautification programs, other youth or senior organizations, on or off ECC/HANH property;

Service as an ECC/HANH Building Attendant, or other volunteer work at ECC/HANH;

Helping resident organizations or neighborhood groups with special projects, such as Food Banks and community gardens;

Unpaid care for the children of other residents so parent may volunteer for any local agency or program;

Volunteer work at voting booths for the Registrar of Voters (this is not considered a political activity):

Serving as an officer of a TRC or other resident organization;

Performing community service on ECC/HANH property or with or through ECC/HANH programs to assist with or enhance work done by an ECC/HANH employee; or

Any other relevant volunteer activity as approved by ECC/HANH.

Community services at profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work will not be considered eligible community service activities.



### ***Economic Self-Sufficiency Program [24 CFR 5.603(b), Notice PIH 2015-12]***

For purposes of satisfying the community service requirement, an *economic self-sufficiency program* is defined by HUD as any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families.

Eligible self-sufficiency activities include, but are not limited to:

- Job readiness or job training
- Training programs through local one-stop career centers, workforce investment boards (local entities administered through the U.S. Department of Labor), or other training providers
- Employment counseling, work placement, or basic skills training
- Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes
- Apprenticeships (formal or informal)
- English proficiency or English as a second language classes
- Budgeting and credit counseling
- Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)

### **Notification Requirements [24 CFR 960.605(c)(2), Notice PIH 2015-12]**

ECC/HANH must give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process for ECC/HANH verification of exempt status. ECC/HANH must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt. In addition, the family must sign a certification, such as Attachment A of Notice PIH 2015-12, that they have received and read the policy and understand that if they are not exempt, failure to comply with the requirement will result in nonrenewal of their lease. The family must also sign a certification at annual reexamination, such as Attachment B of Notice PIH 2015-12, certifying that they understand the requirement.

#### ECC/HANH Policy

ECC/HANH will provide the family with a copy of the Community Service Policy found in Exhibit 11-1 of this chapter, at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the family's request.

Three months prior to the annual anniversary date, ECC/HANH will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt. If the family includes nonexempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform, and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

**11-I.D. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]**

ECC/HANH must review and verify family compliance with service requirements annually at least thirty days before the end of the twelve month lease term. The policy for documentation and verification of compliance with service requirements may be found at Section 11-I.D., Documentation and Verification.

ECC/HANH Policy

ECC/HANH will review and verify family compliance with service requirements three months prior to the anniversary date.

**Determination**

*Determination of Exemption Status*

An exempt individual is exempt from the community service requirement [24 CFR 960.603(a)].

ECC/HANH Policy

At least three months prior to the anniversary date, ECC/HANH will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or ECC/HANH has reason to believe that an individual's exemption status has changed. For individuals who are exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial examination.

Upon completion of the verification process, ECC/HANH will notify the family of its determination in accordance with the policy in Section 11-I.B., Notification Requirements.

*Determination of Compliance*

ECC/HANH must review resident family compliance with service requirements annually at least 30 days before the end of the twelve month lease term [24 CFR 960.605(c)(3)]. As part of this review, ECC/HANH must verify that any family member that is not exempt from the community service requirement has met his or her service obligation.

ECC/HANH Policy

ECC/HANH monitors compliance with community service. Approximately 45 days prior to the end of the lease term, ECC/HANH will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have 10 business days to submit ECC/HANH required documentation form(s).

The family must also sign Attachment B, Annual Renewal, of Notice 2015-12, certifying that they understand the requirement.

If the family fails to submit the required documentation within the required timeframe, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 11-I.E., Noncompliance.

ECC/HANH must provide written notification to the tenant of the non-compliance which must include a brief description of the finding of non-compliance with the CSSR and a statement that the PHA will not renew the lease at the end of the current 12-month lease term unless the tenant

enters into a written work-out agreement with ECC/HANHH, or the family provides written assurance that is satisfactory to ECC/HANH explaining that the tenant or other noncompliant resident no longer resides in the unit.

Additionally, ECC/HANH's notice to the tenant must state that the tenant may request a grievance hearing on the ECC/HANH determination, in accordance with 24 CFR Part 966, subpart B, and the tenant may exercise any available judicial remedy to seek timely redress for ECC/HANH's nonrenewal of the lease because of such determination (24 CFR § 960.607(b)).

If the tenant or another family member has violated the service requirement, ECC/HANH may not renew the lease upon expiration of the term unless (24 CFR § 960.607(c)) the tenant, or other noncompliant family member, enters into a written agreement with ECC/HANH, as prescribed by ECC/HANH, to remedy the noncompliance by completing the additional service hours needed to make up the total number of hours required over the 12-month term of the new lease, and all other nonexempt family members are currently complying with the service requirement or are no longer residing in the unit.

If a family member refuses to sign a written work-out agreement or fails to comply with the terms of the work-out agreement, ECC/HANH must initiate termination of tenancy proceedings at the end of the current 12-month lease since the family is failing to comply with lease requirements.

When initiating termination of tenancy proceedings, the PHA will provide the following procedural safeguards in accordance with its grievance procedure (24 CFR § 966.53(c)):

- o Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease.
- o Right of the tenant to be represented by counsel.
- o Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,
- o A decision on the merits.

### ***Determination of Initial Compliance***

When an adult family member becomes subject to community service, he or she must perform the required total of community service hours for the months he or she is subject to the requirement before the end of the lease term (anniversary date). At lease-up, the CSSR requirement begins the month following the month in which the resident leases up.

For existing residents, the CSSR requirement begins the month following the month in which the resident becomes subject to CSSR.

Example 1: A public housing resident turns 18 on 5/10/15 and is not exempt from the community service requirement. His community service requirement begins on 6/1/15, and his initial compliance is reviewed before the end of the lease term (anniversary date), which is 11/30/15.

- He must perform 48 months of community service in his initial compliance period, before the end of the lease term (anniversary date).

Example 2: A public housing resident leaves her job on 9/20/15 and is not exempt from the community service requirement. Her community service requirement begins on 10/1/15, and her initial compliance is reviewed before the end of the lease term (anniversary date), which is 6/30/16.

- This resident must perform 72 months of community service in her initial compliance period, before the end of the lease term (anniversary date).

### **Change in Status between Annual Determinations**

#### ECC/HANH Policy

##### Exempt to Nonexempt Status

If an exempt individual becomes nonexempt during the twelve month lease term, it is the family's responsibility to report this change to ECC/HANH within 10 business days.

Within 10 business days of a family reporting such a change, or ECC/HANH determining such a change is necessary, ECC/HANH will provide written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

The effective date of the community service requirement will be the first of the month following the month the resident becomes subject to community service.

##### Nonexempt to Exempt Status

If a nonexempt person becomes exempt during the twelve month lease term, it is the family's responsibility to report this change to ECC/HANH within 10 business days. Any claim of exemption will be verified by ECC/HANH in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

Within 10 business days of a family reporting such a change, or ECC/HANH determining such a change is necessary, ECC/HANH will provide the family written notice that the family member is no longer subject to the community service requirement, if

ECC/HANH is able to verify the exemption. The exemption will be effective immediately.

## **11-I.~~ED~~. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4)]**

ECC/HANH must retain reasonable documentation of service requirement performance or exemption in participant files.

### **Documentation and Verification of Exemption Status**

#### ECC/HANH Policy

All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found in Exhibit 11-3.

ECC/HANH will provide a completed copy to the family and will keep a copy in the tenant file.

ECC/HANH will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7.

ECC/HANH makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with ECC/HANH's determination, s/he can dispute the decision through ECC/HANH's grievance procedures (see Chapter 14).

### **Documentation and Verification of Compliance**

At each regularly scheduled reexamination, each nonexempt family member presents a signed standardized certification form developed by ECC/HANH of community service and self-sufficiency activities performed over the last 12 months [Notice PIH 2015-12].

If qualifying community service activities are administered by an organization other than ECC/HANH, a family member who is required to fulfill a service requirement must provide certification to ECC/HANH, signed by the organization, that the family member has performed the qualifying activities [24 CFR 960.607].

#### ECC/HANH Policy

If anyone in the family is subject to the community service requirement, ECC/HANH will provide the family with community service documentation forms at admission, at lease renewal, when a family member becomes subject to the community service requirement during the lease term, or upon request by the family.

Each individual who is subject to the requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed.

Families will be required to submit the documentation to ECC/HANH, upon request by ECC/HANH.

If ECC/HANH has reasonable cause to believe that the certification provided by the family is false or fraudulent, ECC/HANH has the right to require third-party verification.

## 11-I.FE. NONCOMPLIANCE

### Noncompliant Residents

The lease specifies that it is renewed automatically for all purposes, unless the family fails to comply with the community service requirement. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve month lease term, but not for termination of tenancy during the course of the twelve month lease term [24 CFR 960.603(b)].

ECC/HANH may not evict a family due to CSSR noncompliance. However, if ECC/HANH finds a tenant is noncompliant with CSSR, then ECC/HANH must provide written notification to the tenant of the noncompliance which must include:

- A. A brief description of the finding of non-compliance with CSSR.
- B. A statement that ECC/HANH will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with ECC/HANH or the family provides written assurance that is satisfactory to ECC/HANH explaining that the tenant or other noncompliant resident no longer resides in the unit. Such written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement. [24 CFR 960.607(c), Notice PIH 2015-12].

The notice must also state that the tenant may request a grievance hearing on ECC/HANH's determination, in accordance with ECC/HANH's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for ECC/HANH's nonrenewal of the lease because of ECC/HANH's determination.

### ECC/HANH Policy

The notice of noncompliance will be sent at least 30 days prior to the end of the anniversary date. The family will have 10 business days from the date of the notice of noncompliance to enter into a written Work-Out Agreement to cure the noncompliance over the 12 month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

The Work-Out Agreement will be accompanied by a schedule, helping the resident identify how he or she will schedule the required CSSR hours in the upcoming twelve months. The resident is not required, however, to follow the schedule, as long as the noncompliance is cured.

*Example:* A resident owes 50 hours from most recent twelve months. Work-Out Agreement stipulates that 146 hours must be completed by end of next lease term. Accompanying schedule helps the resident map out monthly hours and means to achieve compliance with CSSR in the upcoming twelve months. The schedule is not binding. By the end of the next twelve months, the resident must complete the required aggregate hours as per the Work-Out Agreement.

If the family reports that a noncompliant family member is no longer in the unit, documentation must be provided that the family member has actually vacated the unit before ECC/HANH will agree to continued occupancy of the family. Documentation consists of a certification signed by the head of household and evidence of the family member's current address.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 business day timeframe, ECC/HANH will terminate tenancy in accordance with the policies in Section 13-IV.D.

### **Continued Noncompliance and Enforcement Documentation [24 CFR 960.607(b)]**

Should a family member refuse to sign a written work-out agreement, or fail to comply with the terms of the work-out agreement, ECC/HANH is required to initiate termination of tenancy proceedings at the end of the current 12-month lease (see 24 CFR 966.53(c)) due to the fact that the family is failing to comply with lease requirements. When initiating termination of tenancy proceedings, ECC/HANH will provide the following procedural safeguards:

- A. Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease;
- B. Right of the tenant to be represented by counsel;
- C. Opportunity for the tenant to refute the evidence presented by ECC/HANH, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,
- D. A decision on the merits.

#### ECC/HANH Policy

Notices of continued noncompliance will be sent at least 30 days prior to the end of the lease term (anniversary date) and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in Section 13-IV.D, Form, Delivery, and Content of the Notice.

The family will have 10 business days from the date of the notice of non-compliance to provide documentation that the noncompliant resident who signed the Work-Out Agreement no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before ECC/HANH will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 10 business day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.



## **PART II: IMPLEMENTATION OF COMMUNITY SERVICE**

### **11-II.A. OVERVIEW**

ECC/HANH must develop a policy for administration of the community service and economic self-sufficiency requirements for public housing. It is in ECC/HANH's best interests to develop a viable, effective community service program, to provide residents the opportunity to engage in the community and to develop competencies.

#### **ECC/HANH Implementation of Community Service**

ECC/HANH may not substitute any community service or self-sufficiency activities performed by residents for work ordinarily performed by ECC/HANH employees, or replace a job at any location where residents perform activities to satisfy the service requirement [24 CFR 960.609].

##### ECC/HANH Policy

ECC/HANH will notify its insurance company if residents will be performing community service at ECC/HANH. In addition, ECC/HANH will ensure that the conditions under which the work is to be performed are not hazardous.

If a disabled resident certifies that s/he is able to perform community service, ECC/HANH will ensure that requests for reasonable accommodation are handled in accordance with the policies in Ch 2.

#### **ECC/HANH Program Design**

ECC/HANH may administer qualifying community service or economic self-sufficiency activities directly, or may make community service activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions [24 CFR 960.605(b)].

##### ECC/HANH Policy

ECC/HANH will attempt to provide the broadest choice possible to residents as they choose community service activities. ECC/HANH's goal is to design a service program that gives residents viable opportunities to become involved in the community and to gain competencies and skills. ECC/HANH will work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program.

ECC/HANH will make every effort to identify volunteer opportunities throughout the community, especially those in proximity to public housing developments. To the greatest extent possible, ECC/HANH will provide names and contacts at agencies that can provide opportunities for residents, including persons with disabilities, to fulfill their community service obligations.

Any written agreements or partnerships with contractors and/or qualified organizations, including resident organizations, are described in the ECC/HANH Plan.

ECC/HANH will provide in-house opportunities for volunteer work or self-sufficiency programs when possible.

If ECC/HANH has a ROSS program, a ROSS Service Coordinator, or an FSS program, ECC/HANH will coordinate individual training and service plans (ITSPs) with the community service requirement. Regular meetings with ECC/HANH coordinators will satisfy community service activities and ECC/HANH coordinators will verify community service hours within



individual monthly logs.

**EXHIBIT 11-1:**

**Housing Authority of the City of New Haven**

**COMMUNITY SELF-SUFFICIENCY & SERVICE REQUIREMENT (CSSR) POLICY**

**A. Background**

In 1998, Congress passed a housing law that requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self-sufficiency and economic independence. This is a requirement of the Public Housing Lease.

**B. Definitions**

**Community Service** - volunteer work which includes, but is not limited to:

- Work at a local institution including but not limited to: school, childcare center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.;
- Work with a non-profit organization that serves ECC/HANH residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls clubs, 4-H program, PAL, Garden Center, Community clean-up programs, beautification programs, other youth or senior organizations;
- Service as an ECC/HANH Building Attendant;
- Work at ECC/HANH to help improve physical conditions;
- Work at ECC/HANH to help with children's programs;
- Work at ECC/HANH to help with senior programs;
- Helping resident organizations or neighborhood groups with special projects, such as Food Banks and community gardens;
- Serving as an officer of a TRC or other Resident organization, serving as a Board Member of VOICES, or serving on another Resident Advisory Board;
- Caring for the children of other residents so they may volunteer;
- Volunteer work at voting booths for the Registrar of Voters (this is not considered a political activity);
- Unpaid care for the children of other residents so parent may volunteer for any local agency or program;
- Community service on ECC/HANH property or with or through ECC/HANH programs to assist with or enhance work done by an ECC/HANH employee; and
- Any other relevant volunteer activity as approved by ECC/HANH.
- **NOTE: Political activity is excluded.**

**Self Sufficiency Activities** - activities that include, but are not limited to:

- Job readiness programs;
- Job training programs;
- Substance abuse or mental health counseling;
- English proficiency or literacy (reading) classes;
- Apprenticeships;
- Budgeting and credit counseling;
- Any kind of class that helps a person toward economic independence; and
- Full time student status at any school, college or vocational school.

**Exempt Adult - 24 CFR 960.601(b), Notice PIH 2015-12** – an adult member of the family who

- Is 62 years of age or older;
- Is blind or disabled (HUD/Social Security definition) and certifies that because of this disability he or she is unable to comply with the community service requirement;
- Is the primary caretaker of such an individual;
- Is working at least 20 hours per week (see definition of work below);
- Is able to meet requirements to receive TANF; or
- Is a member of a family receiving TANF and is not in noncompliance, including receiving SNAP.

### ***Work Activities***

As it relates to an exemption from the community service requirement, *work activities* means 20 hours of:

- Unsubsidized employment
- Subsidized private sector or public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of an individual who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at a high school (secondary school) or in a course of study leading to a G.E.D.

### **C. Community Self-Sufficiency & Service (CSSR) Requirements**

1. The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two.
2. 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 annually.
3. Family obligations
  - At lease execution and regular reexamination, all adult members (18 or older) of a public housing resident family must:
    - a) Provide documentation that they are exempt from CSSR requirement if they qualify for an exemption, except for those aged 62 and over, and
    - b) Sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the CSSR requirement will result in nonrenewal of their lease.
  - At each regular reexamination, non-exempt family members must present a completed documentation form (to be provided by ECC/HANH) of activities performed over the previous twelve (12) months. This form will include places for signatures of supervisors, instructors, or counselors certifying to the number of hours contributed.
  - If a family member is found to be noncompliant at reexamination, he/she and the Head of Household will sign a work-out agreement with ECC/HANH to make up the deficient hours over the next twelve (12) month period.
5. Change in exempt status:
  - If, during the twelve (12) month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to ECC/HANH 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 ECC/HANH. ECC/HANH will provide the person with the Recording/Certification documentation form and a list of agencies in the community that provide volunteer and/or training opportunities.

### **D. Authority obligations**

1. To the greatest extent possible and practicable, ECC/HANH will:
  - Provide names and contacts at agencies that can provide opportunities for residents, including disabled, to fulfill their SSS obligations; and
  - Provide in-house opportunities for volunteer work or self-sufficiency programs.

2. ECC/HANH will provide the family with exemption verification forms and Certification documentation forms and a copy of this policy at lease execution and regular reexamination.
3. ECC/HANH will make the final determination as to whether or not a family member is exempt from the CSSR requirement. Residents may use ECC/HANH's Grievance Procedure if they disagree with ECC/HANH's determination.
4. Noncompliance of Family Member:
  - At least thirty (30) days prior to regular reexamination/anniversary date, ECC/HANH will begin reviewing the exempt or non-exempt status and compliance of family members;
  - Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve month lease term. If ECC/HANH finds a tenant is noncompliant with CSSR, then ECC/HANH will provide written notification to the tenant of the noncompliance which will include:
    - A. A brief description of the finding of non-compliance with CSSR.
    - B. A statement that ECC/HANH will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with ECC/HANH or the family provides written assurance that is satisfactory to ECC/HANH explaining that the tenant or other noncompliant resident no longer resides in the unit.
  - If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 business day timeframe, ECC/HANH will terminate tenancy in accordance with the public housing lease.
5. Continued Noncompliance and Enforcement Documentation:
  - If a family member refuses to sign a written work-out agreement, or fails to comply with the terms of the work-out agreement, ECC/HANH is required to initiate termination of tenancy proceedings at the end of the anniversary date due to the fact that the family is failing to comply with lease requirements.
  - The family may use ECC/HANH's Grievance Procedure to protest the lease termination.

All adult family members must sign and date below, certifying that they have read and received a copy of this Community Service and Self-Sufficiency Policy.

Resident	Date
Resident	Date
Resident	Date
Resident	Date

**EXHIBIT 11-2: DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS 216(i)(1) and Section 1416(excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE**

**Social Security Act:**

**216(i)(1):** Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term “disability” means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term “blindness” means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

**Section 1416 (excerpt):**

SEC. 1614. [42 U.S.C. 1382c] (a)(1) For purposes of this title, the term “aged, blind, or disabled individual” means an individual who—

(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

(B)(i) is a resident of the United States, and is either (I) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or

(ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States.

(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.

(3)(A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

**EXHIBIT 11-3: ECC/HANH DETERMINATION OF EXEMPTION FOR COMMUNITY SERVICE**

Family: \_\_\_\_\_

Adult family member: \_\_\_\_\_

This adult family member meets the requirements for being exempted from ECC/HANH’s community service requirement for the following reason:

- 62 years of age or older (*Documentation of age in file*)
- Is a person with disabilities and self-certifies below that he or she is unable to comply with the community service requirement (*Documentation of HUD definition of disability in file*)

**Tenant certification:** I am a person with disabilities and am unable to comply with the community service requirement.

\_\_\_\_\_  
Signature of Family Member

\_\_\_\_\_  
Date

- Is the primary caretaker of such an individual in the above category. (*Documentation in file*)
- Is engaged in work activities at least 20 hours per week (*Documentation in file*)
- Is able to meet requirements under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which ECC/HANH is located, including a state-administered welfare-to-work program (*Documentation in file*)
- Is a member of a family receiving assistance, benefits, or services under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which ECC/HANH is located, including a state-administered welfare-to-work program and the supplemental nutrition assistance program (SNAP), and has not been found by the state or other administering entity to be in noncompliance with such program (*Documentation in file*)

\_\_\_\_\_  
Signature of Family Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of ECC/HANH Official

\_\_\_\_\_  
Date

## Chapter 12

### TRANSFER POLICY

#### INTRODUCTION

This chapter explains the ECC/HANH'S's transfer policy, based on HUD regulations, HUD guidance, and ECC/HANH policy decisions.

This chapter describes HUD regulations and ECC/HANH policies related to transfers in four parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: ECC/HANH Required Transfers. This part describes types of transfers that may be required by the ECC/HANH, notice requirements, and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, preferences the unit offer policy, examples of good cause, deconcentration, transferring to another development and reexamination.

ECC/HANH may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

ECC/HANH must have specific policies in place to deal with acceptable transfer requests.

#### ECC/HANH Policy

ECC/HANH's transfer list is an agency-wide transfer list and not a site-based list. A separate transfer list is maintained for scattered site transfers.

## **PART I: EMERGENCY TRANSFERS**

### **12-I.A. OVERVIEW**

HUD categorizes certain situations that require emergency transfers [PH Occ GB, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by ECC/HANH.

In the case of a structural emergency, it may be unlikely that ECC/HANH will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, ECC/HANH should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is possible.

### **12-I.B. EMERGENCY TRANSFERS**

If the structure of the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, ECC/HANH must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

#### ECC/HANH Policy

Emergency transfers must be approved by the Executive Director/President or designee.

The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours.

Examples of such unit or building conditions would include but is not limited to: fire damage, flooding, severe structural damage, a gas leak; no heat in the building during the winter; no water; toxic contamination; and serious water leaks.

ECC/HANH is not required to give prior notice of an emergency transfer.

Emergency conditions that occur due to abuse or neglect will be grounds for emergency transfer, however resident will be charged for the damages caused to the apartment.

### **12-I.C. EMERGENCY TRANSFER PROCEDURES**

#### ECC/HANH Policy

If the transfer is necessary because of maintenance or other life-threatening conditions defined above, and an appropriate unit is not immediately available, ECC/HANH will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location.



In emergency situations when no other appropriate public housing units are available, ECC/HANH may provide families with an HCV or cover the cost of hotel accommodations until repairs are made or a transfer to alternative housing is completed.

If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, ECC/HANH will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers are mandatory for the tenant. Refusal of a resident to accept an emergency transfer is grounds for termination of assistance or lease termination and eviction.

In cases where ECC/HANH does not have a unit available for an emergency transfer ECC/HANH can transfer the resident to one of its affiliated entities.

Emergency transfers from one LIHTC/RAD/PBV/LIPH development are allowable for Emergencies that cannot be immediately mediated and are subject to applicable LIHTC/LIPH income guidelines and applicable Resident Selection Plans. Emergency transfers will be placed on a centralized transfer list for LIHTC/RAD/PBV/LIPH residents.

Residents must comply with an emergency transfer.

## **12-I.D. COSTS OF TRANSFER**

### ECC/HANH Policy

ECC/HANH will bear the reasonable costs of temporarily accommodating the tenant and of long term transfers, if any, due to emergency conditions.

The reasonable cost of transfers includes the cost of packing, moving, and unloading.

ECC/HANH will move the family at ECC/HANH's expense.

All amounts owed under tenancy will follow the family regardless of transfer.

## PART II: ECC/HANH REQUIRED TRANSFERS

### 12-II.A. OVERVIEW

ECC/HANH may require that a resident transfer to another unit under some circumstances. For example, ECC/HANH may require a resident to transfer to make an accessible unit available to a disabled family or may transfer a resident in order to maintain occupancy standards based on family composition or may transfer residents in order to demolish or renovate the unit.

A transfer that is required by ECC/HANH is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

Residents must comply with an ECC/HANH required transfer.

### 12-II.B. TYPES OF ECC/HANH REQUIRED TRANSFERS

#### ECC/HANH Policy

The types of transfers that may be required by ECC/HANH, include, but are not limited to:

- transfers to make an accessible unit available for a disabled family
- transfers to comply with occupancy standards
- transfers for demolition, disposition, revitalization, or rehabilitation
- emergency transfers as discussed in Part I of this chapter.

Transfers required by ECC/HANH are **mandatory** for the tenant.

#### **Transfers to Make an Accessible Unit Available**

When a family is given an accessible unit, but does not require the accessible features, ECC/HANH may require the family to agree to move to a non-accessible unit when it becomes available. ECC/HANH's lease must include the tenant's agreement to transfer to an appropriately sized unit if a family who needs the accessible unit is identified.

#### ECC/HANH Policy

When a non-accessible unit becomes available, ECC/HANH will transfer a family living in an accessible unit that does not require the accessibility features to an available unit that is not accessible. ECC/HANH may wait until a disabled resident or applicant requires the accessible unit before transferring the family that does not require the accessible features out of the unit. ECC/HANH will give the family a 30 day notice to move, with the right to request a grievance hearing and a reasonable accommodation to remain in the unit if applicable.

#### **Occupancy Standards Transfers**

ECC/HANH may require a resident to move when an interim or bi/triennial reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to ECC/HANH policy [24 CFR 960.257(a)(4)].

On some occasions, the ECC/HANH may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The ECC/HANH lease

must include the tenant's agreement to transfer to an appropriately sized unit based on family composition [24 CFR 966.4(c)(3)].

### ECC/HANH Policy

ECC/HANH will transfer a family when the family size has changed, and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied by at least two (2) degrees.

For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

*Overcrowded:* the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the chart in Section 5-I.B, plus one person so the living room may be used as a sleeping room. For example, 5 persons could occupy a two-bedroom unit if the family wishes.

*Over-housed:* the family no longer qualifies for the bedroom size in which they are living based on the ECC/HANH'Ss occupancy standards as described in Section 5-I.B.

ECC/HANH may also transfer a family who was initially over-housed to a unit of an appropriate size based on ECC/HANH's occupancy standards, when ECC/HANH determines there is a need for the transfer.

ECC/HANH may also elect not to transfer an over-housed family in order to prevent vacancies.

A family that is required to move due to occupancy standards will be advised by ECC/HANH that a transfer is necessary and that the family has been placed on the transfer list.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) in accordance with the policies in Section 5-I.C. will only be required to transfer if it is necessary to comply with the approved exception.

Scattered site in house transfers supersede scattered site wait list applicants.

The President/Executive Director or his/her designee has the option to allow very large families with two adult members to split into two separate households and transfer to two units. ECC/HANH might offer a split family transfer if, for example, the family composition changed and now requires a seven-bedroom unit, but ECC/HANH only has four-bedroom units available. A split family transfer is a type of occupancy standards transfer.

### **Demolition, Disposition, Revitalizations, or Rehabilitation Transfers**

These transfers permit ECC/HANH to demolish, sell or do major capital or rehabilitation work at a building site [PH Occ GB, page 148].

### ECC/HANH Policy

ECC/HANH will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished. ECC/HANH's relocation plan may or may not require transferring affected families to other available public housing units.

If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the LIPH transfer list.

In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

### **12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]**

A ECC/HANH required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, ECC/HANH may not take action on the transfer until the conclusion of the grievance process.

### **12-II.D. COST OF TRANSFER**

#### ECC/HANH Policy

ECC/HANH will bear the cost of transfers that ECC/HANH requires.

ECC/HANH will bear the cost of transfer related to occupancy standards if ECC/HANH initiates the transfer.

The reasonable costs of transfers include the cost of packing, moving, and unloading.

## **PART III: TRANSFERS REQUESTED BY TENANTS**

### **12-III.A. OVERVIEW**

HUD provides ECC/HANH with discretion to consider transfer requests from tenants. The only requests that ECC/HANH is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of ECC/HANH. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by ECC/HANH.

Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

### **12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS**

#### ECC/HANH Policy

The types of requests for transfers that ECC/HANH will consider are limited to requests for:

- transfers to alleviate a serious or life threatening medical condition
- transfers to a different unit size as long as the family qualifies for the unit according to ECC/HANH's occupancy standards
- transfers to a location closer to employment
- ECC/HANH will also consider a request for transfer from a family that simply wishes to change locations as long as they meet the criteria defined later in this chapter.

### **12-III.C. HIGH PRIORITY RESIDENT REQUESTED TRANSFERS**

#### ECC/HANH Policy

ECC/HANH will consider the following as high priority transfer requests:

#### 1). Urgent

In the event of an urgent transfer, involving violence or criminal activity against a family, the family will be placed on the transfer list with LIPH – Crime and Safety preference and moved to an appropriately sized unit accordingly.

Such circumstances will include:

- Targeted violence- a family member is the actual or potential victim of a criminal attack, retaliation for testimony or hate crime and the threat of violence is verified by a law enforcement professional and/or agency.
- Inadvertent violence- to protect a family member from criminal activity that is occurring at the property of the community in which they are not the targeted victim but request to be transferred for their safety and the threat of violence is verified by a law enforcement professional or agency.

#### 2) Reasonable Accommodations:

When a transfer is needed to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common area as required by federal and state fair housing laws.

A family may request a transfer as a reasonable accommodation for a disability. Examples of a reasonable accommodation transfer include, but are not limited to:

- a transfer to accommodate a person with a mobility impairment such as a transfer to a first floor unit, a unit without stairs or to a unit with a bed and bath on the first floor

or, in the case of person who uses a wheelchair for mobility

- a transfer to a unit with accessible features.

Once a family's reasonable accommodation has been approved, the family will be placed on the Reasonable Accommodation Transfer List based on the date the family was approved for the reasonable accommodation and the bedroom size(s) and type of unit, approved for such family and will be offered an available unit that meet's such family's approved disability and bedroom size needs in a Low Income Public Housing (LIPH which includes the Scattered Site units), Project Based Voucher (PBV) or RAD/PBV development/portfolio accordingly..

If it is determined that ECC/HANH cannot accommodate the family's approved disability-related needs in the LIPH, PBV or RAD/PBV portfolio, the family may be added to the HCV/TBV Reasonable Accommodation List for an opportunity for a Tenant Based Voucher (TBV).

The family will be given the option for a TBV or may choose to remain on the Reasonable Accommodation Transfer list until a unit that meets their needs becomes available.

### 3) VAWA:

When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at ECC/HANH's discretion, include an assessment by law enforcement or social service agency indicating that a family member is the actual or potential victim of domestic violence, dating violence, sexual assault, or stalking.

The threat may also be established through documentation outlined in section 16-VII.D, or by any proof accepted by ECC/HANH.

To qualify for the VAWA preference, the incident must have taken place no more than 90 calendar days prior to date of ECC/HANH's receipt of transfer request.

## **12-III.D. REGULAR PRIORITY RESIDENT-REQUESTED TRANSFERS**

### ECC/HANH Policy

The regular priority resident requested transfer list is maintained in a first-come, first-served basis.

ECC/HANH will consider the following as regular priority transfer requests:

- When a family requests a larger bedroom size unit even though the family does not meet ECC/HANH's definition of overcrowded, as long as the

family meets ECC/HANH's occupancy standards for the requested size unit

- When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation, and public transportation is not adequate.
- When a family wishes to move to another development for any reason.

Transfers requested by the tenant are considered optional for the tenant.

### **12-III.E. ELIGIBILITY FOR TRANSFER**

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, ECC/HANH may establish other standards for considering a transfer request [PH Occ GB, p. 150].

#### ECC/HANH Policy

ECC/HANH will only consider transfer requests from residents that meet the following requirements, also referred to as a tenant in "good standing".:

- Have not engaged in criminal activity that threatens the health and safety of residents and staff
- Owe no back rent or other charges, or have a pattern of late payment as defined in the public housing residential lease
- Have no housekeeping lease violations or history of damaging property (a resident with housekeeping standard violations will not be transferred until the resident passes a follow up housekeeping inspection.
- Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

Emergency transfers and transfers for reasonable accommodations are exempt from these requirements.

Exceptions to the good standing requirement may also be made when it is to ECC/HANH's advantage to make the transfer.

Exceptions may also be made when ECC/HANH determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking and who provides documentation of abuse in accordance with section 16-VII.D of this ACOP.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of one year from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

### **12-III.F. SECURITY DEPOSITS**

#### ECC/HANH Policy

When a family transfers from one unit to another, ECC/HANH will transfer their security deposit to the new unit. The tenant will be billed for any maintenance or others charges due for the “old” unit.

### **12-III.G. COST OF TRANSFER**

ECC/HANH must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident’s disability [Notice PIH 2010-26].

#### ECC/HANH Policy

The resident will bear all of the costs of transfer s/he requests. However, ECC/HANH will bear the transfer costs when the transfer is done as a reasonable accommodation.

### **12-III.H. HANDLING OF REQUESTS**

#### ECC/HANH Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, ECC/HANH will encourage the resident to make the request in writing using a reasonable accommodation request form. However, ECC/HANH will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

ECC/HANH will respond by

- approving the transfer and putting the family on the transfer list
- by denying the transfer,
- or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, sexual assault, or stalking in accordance with section 16-VII.D of this ACOP.

Failure to provide adequate documentation will lead to a finding of “no action” by ECC/HANH.

If the family does not meet the “good standing” requirements under Section 12-III.C., the manager will deny the request and address the problem. Once resolved, the family may request the transfer again.

ECC/HANH will acknowledge the receipt of the tenant initiated transfer request within 10 business days. If ECC/HANH denies the request for transfer, the family will be informed of its grievance rights. Transfers which are requested as a reasonable accommodation to the family’s disability-related needs will be verified by a 3<sup>rd</sup> party professional, as necessary, and ECC/HANH will respond within 10 business days of the approval of the reasonable accommodation request.

### **12-III.I. SCATTERED SITE DEVELOPMENTS (SELF-SUFFICIENCY SCATTERED SITES)**

#### ECC/HANH Policy



Scattered sites are ECC/HANH designated self-sufficiency units and are eligible only to Tier III transfer families and applicant families (families who are between 50% and 80% of AMI) or families granted a Reasonable Accommodation to reside in such property.

Scattered sites are located throughout the jurisdiction ECC/HANH serves. In addition to transfer criteria described in 12.III.E., 12.III.F. and 12.III.G., eligibility for transfer to a scattered site requires:

- Residency in ECC/HANH public housing for a minimum of one year before requesting transfer to a scattered site unit
- Head of house, spouse, cohead or adult is currently employed and has been employed for at least one year
- Demonstrated ability to put and maintain utilities in an adult family member's name

The lease may provide that the tenant shall perform seasonal maintenance or other maintenance tasks, as specified in the lease, where performance of such tasks by tenants of dwellings units of a similar design and construction is customary: Provided that such provision is included in the lease in good faith and not for the purpose of evading the obligations of ECC/HANH. ECC/HANH shall exempt tenants who are unable to perform such tasks because of age or disability [966.4(g)].

#### ECC/HANH Policy

Perform seasonal tasks such as mowing the lawn, raking and removal of leaves and snow removal, as required in the lease, unless approval granted through a reasonable accommodation not to have to perform these functions.

## PART IV: TRANSFER PROCESSING

### 12-IV.A. OVERVIEW

Generally, families who request a transfer should be placed on a LIPH transfer list and processed in a consistent and appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience inequitable treatment.

### 12-IV.B. TRANSFER LIST

#### ECC/HANH Policy

ECC/HANH will maintain a centralized LIPH transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.

ECC/HANH will also maintain a centralized transfer list specifically for Reasonable Accommodation transfers, to include families from the LIPH, PBV and RAD/PBV portfolios with the ability to transfer a family with a disability to an available unit within all portfolios.

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case by case basis, upon approval by the Executive Director/President or designee.

If the emergency cannot be resolved by a temporary accommodation, and the resident requires a permanent transfer, the family will be placed at the top of the transfer list, with an “Emergency” preference.

Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance and life-threatening conditions). See Section 12-I.B.
2. ECC/HANH -required transfers (demolition, disposition, accessibility). See Section 12-II.B.
3. High priority resident-requested transfers. See Section 12-III.C.
4. Regular priority resident-requested transfers. See Section 12-III.D.

Generally, for categories 3 and 4 above, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.

With the approval of the Executive Director/President or designee, ECC/HANH may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis.

~~Demolition and renovation transfers will gain the highest priority as necessary to allow ECC/HANH to meet the demolition or renovation schedule.~~

Demolition and renovation transfers will gain the highest priority as necessary to allow ECC/HANH to meet the demolition, renovation, revitalization program, or RAD schedules.

In the event the next available unit is greater in size than the family requires according to occupancy standards and no suitable family is on the transfer list, ECC/HANH may transfer and temporarily over-house the family to maintain the demolition or renovation schedule. All mandatory transfers will take precedence over waiting list admissions.

Emergency transfers required transfer and high-priority transfers take precedence over waiting list applicants.

Excluding the transfers listed above, one out of every ten offers will be made to a resident-requested transfer.

Existing elderly families transferring to elderly-designated properties are not subject to the one-in-ten transfer vs. applicant policy.

**The order of Preferences for Resident Transfers are as follows:**

- 1) Emergency
- 2) Urgent- Non-VAWA Crime and Safety related transfers
- 3) Reasonable Accommodation for Accessible Units
- 4) Reasonable Accommodation for other than those needing accessible units or units with accessible features
- 5) Transfers mandated by modernization projects, demolition, disposition, revitalization and rehabilitation.
- 6) VAWA transfers
- 7) Transfers due to over and under housing by more than two degrees
- 8) Other administrative transfers

With the approval of the President/Executive Director, ECC/HANH may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis.

**Transfers from an LIPH development to another LIPH development or a LIHTC ACC, PBV or RAD/PBV development are allowable for all preferences, subject to LIHTC income guidelines and applicable Tenant Selection Plans.**

The transfer list is an agency-wide transfer list and not a site-based list. One out of every ten offers will be made to a resident-requested transfer.

Per the development Resident Selection Plan, a resident who resides in a development and requires a different unit size or type will have a priority over other households on the Site based Waitlist for the unit that has become vacant in that Development.

## **12-IV.C. TRANSFER OFFER POLICY**

### ECC/HANH Policy

Emergency transfers and ECC/HANH-required transfers to make an accessible unit available, and for demolition/disposition, will provide one offer of transfer.

High priority transfer residents will receive one offer of a transfer.

ECC/HANH required transfers for occupancy standards (over-housed or under-housed) and regular priority transfer residents will receive two offers of transfer.

High priority transfer residents will receive one offer of transfer.

Regular priority transfer residents will receive two offers of transfer.

For emergency transfers and when the transfer is required by ECC/HANH, the refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, the refusal of two offer(s) without good cause will result in the removal of the family from the transfer list.

In such cases, the family must wait one year to reapply for a transfer, with the exception of families who requested a transfer for a reasonable accommodation and were withdrawn for refusing a unit offer without good cause. The family can reapply for a transfer for a reasonable accommodation at any time

## **12-IV.D. GOOD CAUSE FOR UNIT REFUSAL**

### ECC/HANH Policy

Examples of good cause for refusal of a unit offer include, but are not limited to:

- The family demonstrates to ECC/HANH's satisfaction that accepting the unit offer will require an adult family member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
- The family demonstrates to ECC/HANH's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP. 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 (as listed on final application) or live-in aide necessary to the care of the principal family member.
- The unit is inappropriate for the applicant's disabilities or approved reasonable accommodation, 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.
- The unit has lead-based paint and the family includes children under the age of six.
  - Other compelling reasons as approved by ECC/HANH.

ECC/HANH will require documentation of good cause for unit refusals.

#### **12-IV.E. DECONCENTRATION**

##### ECC/HANH Policy

If subject to deconcentration requirements, ECC/HANH will consider its deconcentration goals when transfer units are offered.

When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve ECC/HANH's deconcentration goals.

#### **12-IV.F. REEXAMINATION POLICIES FOR TRANSFERS**

##### ECC/HANH Policy

A new lease is executed at the time of the transfer of a resident from one ECC/HANH unit to another (with no change in anniversary date).

If a resident has a pending summary process matter or has an outstanding balance due ECC/HANH and is transferring to another unit, execution of a lease addendum will be required in order for ECC/HANH to transfer the resident's current balance and legal case.

## Chapter 13

### LEASE TERMINATIONS

#### INTRODUCTION

Either party to the dwelling lease agreement may terminate the lease in accordance with the terms of the lease. A public housing lease is different from a private dwelling lease in that the family's rental assistance is tied to their tenancy. When the family moves from their public housing unit, they lose their rental assistance. Therefore, there are additional safeguards to protect the family's tenancy in public housing.

Likewise, there are safeguards to protect HUD's interest in the public housing program. ECC/HANH has the authority to terminate the lease because of the family's failure to comply with HUD regulations, for serious or repeated violations of the terms of the lease, and for other good causes. HUD regulations also specify when termination of the lease is mandatory by ECC/HANH.

When determining ECC/HANH policy on terminations of the lease, ECC/HANH must consider state and local landlord-tenant laws in the area where ECC/HANH is located. Such laws vary from one location to another, and these variances may be either more or less restrictive than federal law or HUD regulation.

This chapter presents the policies that govern voluntary termination of the lease by the family and the mandatory and voluntary termination of the lease by ECC/HANH. It is presented in four parts:

Part I: Termination by Tenant. This part discusses the ECC/HNH requirements for voluntary termination of the lease by the family.

Part II: Termination by ECC/HANH- Mandatory. This part describes circumstances when termination of the lease by ECC/HANH is mandatory. This part also explains nonrenewal of the lease for noncompliance with community service requirements.

Part III: Termination by ECC/HANH- Other Authorized Reasons. This part describes the ECC/HANH's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes ECC/HANH to terminate. For some of these options HUD requires ECC/HANH to establish policies and lease provisions for termination, but termination is not mandatory. For other options ECC/HANH has full discretion whether to consider the options as just cause to terminate as long as ECC/HANH's policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that ECC/HANH may consider in lieu of termination, and the criteria ECC/HANH will use when deciding what actions to take.

Part IV: Notification Requirements. This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements ECC/HANH policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.

## **PART I: TERMINATION BY TENANT**

### **13-I.A. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]**

The family may terminate the lease at any time, for any reason, by following the notification procedures as outlined in the lease. Such notice must be in writing and delivered to the property site office or the ECC/HANH central office or sent by pre-paid first-class mail, properly addressed.

#### ECC/HANH Policy

If a family desires to move and terminate their tenancy with ECC/HANH, they must give at least 30 calendar days advance written notice to ECC/HANH of their intent to vacate. When a family must give less than 30 days notice due to circumstances beyond their control ECC/HANH, at its discretion, may waive the 30-day requirement.

The notice of lease termination must be signed by the head of household, spouse, or cohead.

## **PART II: TERMINATION BY ECC/HANH – MANDATORY**

### **13-II.A. OVERVIEW**

HUD requires mandatory termination of the lease for certain actions or inactions of the family. There are other actions or inactions of the family that constitute *grounds* for lease termination, but the lease termination is not mandatory. ECC/HANH must establish policies for termination of the lease in these cases where termination is optional for ECC/HANH.

For those tenant actions or failures to act where HUD requires termination, ECC/HANH has no such option. In those cases, the family's lease must be terminated. This part describes situations in which HUD requires ECC/HANH to terminate the lease.

### **13-II.B. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)]**

ECC/HANH must terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination. See Chapter 7.

### **13-II.C. FAILURE TO DOCUMENT CITIZENSHIP [24 CFR 5.514(c) and (d) and 24 CFR 960.259(a)]**

ECC/HANH must terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or (3) a family member, as determined by ECC/HANH, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3), such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

See Chapter 7 for a complete discussion of documentation requirements.

### **13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR 5.218(c), 24 CFR 960.259(a)(3), Notice PIH 2012-10]**

ECC/HANH must terminate assistance if a participant family fails to disclose and document the complete and accurate social security numbers of each household member.

However, if ECC/HANH determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, ECC/HANH may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date ECC/HANH determined the family to be noncompliant.

#### ECC/HANH Policy

ECC/HANH will defer the family's termination for 90 days and provide the family with the opportunity to comply for circumstances beyond the participant's control if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

See Chapter 7 for a complete discussion of documentation and certification requirements.



### **13-II.E. FAILURE TO ACCEPT ECC/HANH'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]**

ECC/HANH must terminate the lease if the family fails to accept ECC/HANH's offer of a lease revision to an existing lease, provided ECC/HANH has done the following:

- The revision is on a form adopted by ECC/HANH in accordance with 24 CFR 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments.
- ECC/HANH has made written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect.
- ECC/HANH has specified in the offer a reasonable time limit within that period for acceptance by the family.

See Chapter 8 for information pertaining to ECC/HANH policies for offering lease revisions.

### **13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)]**

ECC/HANH must immediately terminate the lease if ECC/HANH determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

See Part 13-III.B. below for the HUD definition of *premises*.

### **13-II.G. LIFETIME REGISTERED SEX OFFENDERS [Notice PIH 2012-28]**

Should ECC/HANH discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, ECC/HANH must immediately terminate assistance for the household member.

In this situation, ECC/HANH must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, ECC/HANH must terminate assistance for the household.

### **13-II.H. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]**

Should a family member refuse to sign a written work-out agreement, or fail to comply with the terms of the work-out agreement, ECC/HANH is required to initiate termination of tenancy proceedings at the end of the current 12-month lease (see 24 CFR 966.53(c)) due to the fact that the family is failing to comply with lease requirements as described in Chapter 11.

### **13-II.I. DEATH OF A SOLE FAMILY MEMBER [Notice PIH 2012-10]**

ECC/HANH must immediately terminate program assistance for deceased single member households.

## **PART III: TERMINATION BY ECC/HANH – OTHER AUTHORIZED REASONS**

### **13-III.A. OVERVIEW**

Besides requiring ECC/HANH to terminate the lease under the circumstances described in Part II, HUD requires ECC/HANH to establish provisions in the lease for termination pertaining to certain criminal activity, alcohol abuse, and certain household obligations stated in the regulations. While these provisions for lease termination must be in the lease agreement, HUD does not require ECC/HANH to terminate for such violations in all cases. ECC/HANH has the discretion to consider circumstances surrounding the violation or, in applicable situations, whether the offending household member has entered or completed rehabilitation, and ECC/HANH may, as an alternative to termination, require the exclusion of the culpable household member. ECC/HANH must adopt policies concerning the use of these options.

In addition, HUD authorizes ECC/HANH to terminate the lease for other grounds, but for only those grounds that constitute serious or repeated violations of material terms of the lease or for other good cause. ECC/HANH must develop policies pertaining to what constitutes serious or repeated lease violations, and other good cause, based upon the content of the ECC/HANH lease. In the development of the terms of the lease, ECC/HANH must consider the limitations imposed by state and local landlord-tenant law, as well as HUD regulations and federal statutes. Because of variations in state and local landlord-tenant law, and because HUD affords ECC/HANH wide discretion in some areas, a broad range of policies could be acceptable.

ECC/HANH, with some restrictions, also has the option to terminate the tenancies of families who are over income.

ECC/HANH may consider alternatives to termination and must establish policies describing the criteria ECC/HANH will use when deciding what action to take, the types of evidence that will be acceptable, and the steps ECC/HANH must take when terminating a family's lease.

### **13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(l)(5)]**

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require ECC/HANH to terminate for such violations in all cases, therefore ECC/HANH policies are needed.

#### ***Definitions* [24 CFR 5.100]**

The following definitions will be used for this and other parts of this chapter:

*Affiliated individual* is defined in section 16-VII.B.

*Covered person* means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

*Dating violence* is defined in section 16-VII.B.

*Domestic violence* is defined in section 16-VII.B.

*Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].

*Drug-related criminal activity* means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.

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

*Household* means the family and PHA-approved live-in aide. The term household also includes foster children and/or foster adults that have been approved to reside in the unit [HUD-50058, Instruction Booklet, p. 65].

*Other person under the tenant's control* means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.

*Premises* means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

*Sexual assault* is defined in section 16-VII.B.

*Stalking* is defined in section 16-VII.B.

*Violent criminal activity* means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

### **Drug Crime On or Off the Premises [24 CFR 966.4(l)(5)(i)(B)]**

The lease must provide that drug-related criminal activity engaged in, on or off the premises, by the tenant, member of the tenant's household or guest, or any such activity engaged in on the premises by any other person under the tenant's control is grounds for termination.

#### ECC/HANH Policy

ECC/HANH will terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in, on the premises, by any other person under the tenant's control.

ECC/HANH will consider all credible evidence, including but not limited to, any record of convictions of covered persons related to the drug-related criminal activity.

In making its decision to terminate the lease, ECC/HANH will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, ECC/HANH may, on a case-by-case basis, choose not to terminate the lease.

### **Illegal Use of a Drug [24 CFR 966.4(l)(5)(i)(B)]**

The lease must provide that ECC/HANH may evict a family when ECC/HANH determines that a household member is illegally using a drug or that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

#### ECC/HANH Policy

ECC/HANH will terminate the lease when ECC/HANH determines that a household member is illegally using a drug or ECC/HANH determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous twelve months.

ECC/HANH will consider all credible evidence, including but not limited to, any record of convictions of household members related to the use of illegal drugs.

In making its decision to terminate the lease, ECC/HANH will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, ECC/HANH may, on a case-by-case basis, choose not to terminate the lease.

### **Threat to Other Residents [24 CFR 966.4(l)(5)(ii)(A)]**

The lease must provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including ECC/HANH management staff residing on the premises) or by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy.

#### ECC/HANH Policy

ECC/HANH will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including ECC/HANH management staff residing on the premises) or by persons residing in the immediate vicinity of the premises.

ECC/HANH will consider all credible evidence, including but not limited to, any record of convictions of covered persons related to the criminal activity.

In making its decision to terminate the lease, ECC/HANH will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, ECC/HANH may, on a case-by-case basis, choose not to terminate the lease.

### **Alcohol Abuse [24 CFR 966.4(l)(5)(vi)(A)]**

ECC/HANH must establish standards that allow termination of tenancy if ECC/HANH determines that a household member has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

#### ECC/HANH Policy

ECC/HANH will terminate the lease if ECC/HANH determines that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous twelve months.

ECC/HANH will consider all credible evidence, including but not limited to, any record of convictions of household members related to the abuse of alcohol.

In making its decision to terminate the lease, ECC/HANH will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, ECC/HANH may, on a case-by-case basis, choose not to terminate the lease.

**Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation [24 CFR 966.4(l)(5)(vi)(B)]**

ECC/HANH must establish standards that allow termination of tenancy if ECC/HANH determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

ECC/HANH Policy

ECC/HANH will terminate the lease if ECC/HANH determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

ECC/HANH will consider all credible evidence, including but not limited to, any record of convictions of household members related to the use of illegal drugs or the abuse of alcohol, and any records or other documentation (or lack of records or documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers.

In making its decision to terminate the lease, ECC/HANH will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, ECC/HANH may, on a case-by-case basis, choose not to terminate the lease.

**Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]**

HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking [24 CFR 5.2005(c)(1)].

ECC/HANH Policy

ECC/HANH will terminate the lease for the following violations of tenant obligations under the lease:

Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due);

Repeated late payment of rent or other charges. Three late payments within a ~~12~~  
~~month~~12-month period shall constitute a repeated late payment.

Other charges include, but are not limited to security deposits, maintenance charges beyond normal wear and tear, for the repair of damages to the premises, legal fees, pet deposit or other service charges.

Reasonable charges to the premises include, but are not limited to, project offices, facilities, equipment, or common areas.

Failure to fulfill the following household obligations:

Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

Not to provide accommodations for boarders or lodgers

To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose

To abide by necessary and reasonable regulations promulgated by ECC/HANH for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease

To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety

To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition

To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner

To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators

To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project

To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest

To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition

**Relocation RAD or other Relocation Activities Remain in Good Standing:**

If a tenant is in process of relocating, ready to relocate or already relocated temporarily as the result of a RAD Conversion Activity or relocation activities as defined under Federal Universal Relocation Act requirements, it is expected that the tenant remain in good standing under terms

outlined in the tenants PBSA units, HCV Program, or LIPH lease agreements. If the tenant does not remain in good standing, ECC/HANH, its affiliate or instrumentality, has the right to begin its usual process of lease enforcement or termination. In order for this action to take effect, ECC/HANH must demonstrate to the Court's and in necessary HUD's satisfaction the legal action taken where the direct result of tenant's failure to comply with rules and requirements established for occupancy. If it is determined that ECC-HANH did not comply with its established process for taking legal action against a tenant, then any and all legal actions taken will be null and void.

In making its decision to terminate the lease, ECC/HANH will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, ECC/HANH may, on a case-by-case basis, choose not to terminate the lease.

### **13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]**

#### **Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]**

HUD regulations state that ECC/HANH may terminate tenancy for other good cause. The regulations provide a few examples of other good cause, but do not limit ECC/HANH to only those examples. The Violence against Women Reauthorization Act of 2013 explicitly prohibits ECC/HANH from considering incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking as "other good cause" for terminating the tenancy or occupancy rights of the victim or threatened victim of such violence [24 CFR 5.2005(c)(1)].

#### ECC/HANH Policy

ECC/HANH will terminate the lease for the following reasons:

*Fugitive Felon or Parole Violator.* If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or violating a condition of probation or parole imposed under federal or state law.

*Persons subject to sex offender registration requirement.* If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.

Discovery of facts after admission to the program that would have made the tenant ineligible

Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with a reexamination of income

Failure to furnish such information and certifications regarding family composition and income as may be necessary for ECC/HANH to make determinations with respect to rent, eligibility, and the appropriateness of the dwelling unit size

Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by ECC/HANH that such a dwelling unit is available



Failure to accept an appropriate transfer offer when relocation is required due to modernization or demolition or redevelopment, or other administrative transfer, or to have complied with relocation timeframes, provided that ECC/HANH has complied with requirements under the URA (and implementing regulations), including notice requirements.

Failure to permit access to the unit by ECC/HANH after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists

Failure to remedy, within 24 hours, conditions declared by local fire, law enforcement, and/or City code compliance agencies to be hazardous, unsafe and/or which render the unit uninhabitable.

Failure to abide by the provisions of ECC/HANH pet policy

If the family has breached the terms of a repayment agreement entered into with ECC/HANH

If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

Failure to pay utility bills promptly and/or having utility service shut off so as to cause a threat to the unit, ECC/HANH property, or other residents.

Criminal activity by the resident, any household member, or visitor of the resident that involves the possession of guns, explosive devices, or other dangerous weapons.

If a household member has engaged in or threatened violent or abusive behavior toward ECC/HANH personnel.

*Abusive or violent behavior towards ECC/HANH personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate, or sexual harassment, may be considered abusive or violent behavior.

*Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

Other material compliance with the terms of the lease. ECC/HANH has the authority to terminate based on material noncompliance with the lease.

The term “material noncompliance” includes:

One or more substantial violations of the lease, especially a violation that adversely affects the health or safety of any person

Repeated minor violations of the lease that:

- a) Disrupt the livability of the project;
- b) Adversely affect the right of any resident to the quiet enjoyment to the leased premises and related project facilities;
- c) Interfere with the management of the project; or



- d) Have an adverse financial effect on the project.

In making its decision to terminate the lease, ECC/HANH will consider alternatives as described in Section 13-III.D and other factors described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, ECC/HANH may, on a case-by-case basis, choose not to terminate the lease.

***Family Absence from Unit [24 CFR 982.551(i)]***

It is reasonable that the family may be absent from the public housing unit for brief periods. However, ECC/HANH needs a policy on how long the family may be absent from the unit. Absence in this context means that no member of the family is residing in the unit.

ECC/HANH Policy

The family must supply any information or certification requested by ECC/HANH to verify that the family is living in the unit, or relating to family absence from the unit, including any ECC/HANH requested information or certification on the purposes of family absences. The family must cooperate with ECC/HANH for this purpose.

The family must promptly notify ECC/HANH when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. In such a case promptly means within 10 business days of the start of the extended absence.

If a family is absent from the public housing unit for more than 180 consecutive days, and the family does not adequately verify that they are living in the unit; ECC/HANH will terminate the lease for other good cause.

*Abandonment of the unit.* If the family appears to have vacated the unit without giving proper notice, ECC/HANH will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, ECC/HANH will secure the unit immediately to prevent vandalism and other criminal activity.

**Over-Income Families [24 CFR 960.261 and FR 11/26/04, p. 68786]**

Subject to certain restrictions, ECC/HANH may evict or terminate the tenancies of families who are over the low-income limit, 80 percent of Area Median Income (AMI). Unless required to do so by local law, ECC/HANH may not evict or terminate the tenancy of a family solely because the family is over income if:

- (1) The family has a valid contract of participation in the FSS program, or
- (2) The family is currently receiving EID.

ECC/HANH is not required to evict over-income residents, but have discretion to do so thereby making units available for applicants who are income-eligible.

ECC/HANH Policy

ECC/HANH will not evict or terminate the tenancies of families solely because they are over the low-income limit, 80 percent to 120 percent of AMI.

**Public Housing Over Income Limit under the Housing Opportunity Through Modernization Act (HOTMA) of 2016; [FR-5976-N-07]; [PIH-2019-11 (HA)] [Section 103](#)**

**Families Exceeding the Income Limit 24 CFR 960.507**

When a family's income has exceeded 120 percent of the area median income (AMI) for 24 consecutive months (the "grace period"), ECC/HANH may allow the over-income (OI) family to continue to live in public housing and pay an alternative rent.

~~When a family's income has exceeded 120 percent of the area median income (AMI) for two consecutive years (the "grace period"), ECC/HANH must terminate the family's tenancy with 6 months of the second income determination or charge the family a monthly rent equal to the greater of:~~

- ~~(1) the applicable Fair Market Rent (FMR) or~~
- ~~(2) the amount of monthly subsidy for the unit, including amounts from the operating and capital fund, as determined by regulations~~

ECC/HANH is able to consider specific circumstance in which they will provide flexibility in the administration of over-income requirements, provided such policies are in compliance with the 1937 Act and all applicable fair housing requirements, Section 504 of the Rehabilitation Act (Section 504), the Fair Housing Act, and Title II of the Americans with Disabilities Act (ADA) which include the obligation to grant reasonable accommodations that may be necessary for persons with disabilities.

ECC/HANH Policy

Families with income at or above 120 percent area median income are monitored ~~for two years~~ for 24 consecutive months (the "grace period") in preparation for either relocation into market rate housing/homeownership or paying full market rent, without subsidy, in their existing unit. ~~Relocation assistance into market rate housing or transition to paying full market rate rent in their existing unit will occur with six (6) months of the Year 2 over income notification.~~

The over income limit is set by multiplying the very low-income level for the applicable area by a factor of 2.4, a limit equal to approximately 120% of the AMI.

A family who exceeds the OI limit retain all rights and obligations as public housing residents. This includes families that are over income during the 24 month "grace period" or before termination or execution of a non-public housing over-income lease.

If during the 24 month "grace period", -ECC/HANH discovers through an annual or interim reexamination that a previously over-income family is now below the over-income limits the family is no longer subject to these provisions and would be entitled to a new two-year grace period if the family's income once again exceeds the over income limit. The family will remain Public Housing residents and will return to regular re-examinations.

Once an ECC/HANH has determined that a family is OI, ECC/HNH must follow the income examination, documentation, and notification requirements under § 960.507(c)

including conducting a reexamination of family income annually instead of once every three years. 24 CFR 960.253(a).

ECC/HANH must give an OI family three notices, each within the 30 days of the income reexamination that determined that the family is or remain OI.

- 1) At the initial determination of OI status
- 2) Following the reexamination at the conclusion of the 1<sup>st</sup> 12 months of the grace period and
- 3) At the conclusion of the 24 consecutive months grace period.

If the OI family is in the period of up to six months before their tenancy is terminated, ECC/HANH must conduct an interim reexamination of family income as otherwise required because the OI family is still a program participant prior to termination.

However, the resulting income determination will not make the family eligible to remain in the Public Housing Program, beyond the period defined by ECC/HANH policy.

Once a family is determined to be over-income, the family will be counseled on the options to remain in the unit at the end of the 24 consecutive months and pay the alternative non-public housing rent or to take advantage of the MTW Jumpstart initiative of a one-time incentive payment based upon the average amount needed to rent in the private market, if they choose to vacate the unit.

### **Lease Requirements for non-public housing over-income families 24 CFR 960.509**

A Non-public Housing Over Income (NPHOI) family is a family whose income exceeds the OI limit for 24 consecutive months and the family chooses to remain in the unit and pay the alternative non-public housing rent.

#### ECC/HANH Policy

After 24 consecutive months, if an over income family chooses to remain in the unit and pay the alternative non-public housing rent, the family must sign a NHHOI lease and are no longer public housing participants.

The family may not participate in public housing resident councils or programs for low income or public housing participants.

The family cannot receive a utility allowance, be subject to income recertifications (24 CFR 960.257(a)(5), or be required to comply with Community Service and Self-Sufficiency Requirements (CSSR).

The rent charged must be equal to the higher of the applicable fair market rent (24 CFR 888(A)), or the amount of the monthly subsidy provided for the unit. HUD will publish the Fair Market rents annually.

If the NPHOI family remains in the unit, the family will not have a choice in rent and instead must pay the alternative rent as defined in § 960.102.

The family must execute a new NPHOI lease within 60 days of the notification and the alternative public housing rent will be charged or the tenancy will be terminated no more than 6 months after the notification.

ECC/HANH will permit, an OI family to execute the lease after the deadline, but before termination of the tenancy, if the OI family pays ECC/HANH the total difference between the alternative non-public housing rent and their public housing rent dating back to the lease execution deadline

ECC/HANH has established a waitlist preference for families who again become income eligible for the public housing program. However, if the family vacated public housing, they will not be eligible for the preference. 24 CFR 960.206. (See Chapter 4)

ECC/HANH will submit an annual report, at the end of the calendar year, that states:

- 1) The number of OI families that reside in public housing. This report will be pulled by HUD via the HUD Form 50058.
- 2) The number of families on the waiting list for public housing. This information will be submitted through the Operating Fund Web Portal beginning January 1, 2024.

NOTE: As ECC/HANH continues to redevelop public housing developments and convert public housing units to the RAD platform, the HOTMA final rule does not address how ECC/HANH should deal with NPHOI families in RAD conversions. Public housing projects being converted under RAD must follow the RAD statute and notices. For OI families that must relocate due to a RAD relocation, the Uniform Relocation Act may apply.

See (24 CFR 960.509) for the Lease Provisions.

### **13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY**

#### **Exclusion of Culpable Household Member [24 CFR 966.4(l)(5)(vii)(C)]**

As an alternative to termination of the lease for criminal activity or alcohol abuse HUD provides that ECC/HANH may consider exclusion of the culpable household member. Such an alternative can be used for any other reason this solution appears viable in accordance with ECC/HANH policy.

Additionally, under VAWA, ECC/HANH may bifurcate a lease in order to terminate the tenancy of an individual who is a tenant or lawful occupant of a unit and engages in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking.

#### ECC/HANH Policy

ECC/HANH will consider requiring the tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. ECC/HANH will require, at ECC/HANH's discretion, that the family present evidence of the former household member's current address.

### **Repayment of Family Debts**

#### ECC/HANH Policy

If a family owes amounts to ECC/HANH, as a condition of continued occupancy, ECC/HANH will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from ECC/HANH of the amount owed. See Chapter 16 for policies on repayment agreements.

### **13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY**

ECC/HANH that has grounds to terminate a tenancy is not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

#### **Evidence [24 CFR 982.553(c)]**

For criminal activity, HUD permits ECC/HANH to terminate the lease if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been convicted, and without satisfying the standard of proof used for a criminal conviction.

#### ECC/HANH Policy

ECC/HANH will use the preponderance of the evidence as the standard for making all termination decisions.

*Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

#### **Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]**

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that ECC/HANH may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease.

Such relevant circumstances can also be considered when terminating the lease for any other reason.

#### ECC/HANH Policy

ECC/HANH will consider the following factors before deciding whether to terminate the lease:

The seriousness of the offending action, especially with respect to how it would affect other residents

The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or (as discussed further in section 13-III.F) a victim of domestic violence, dating violence, sexual assault, or stalking

The effects that the eviction will have on other family members who were not involved in the action or failure to act

The effect on the community of the termination, or of ECC/HANH's failure to terminate the tenancy

The effect of ECC/HANH's decision on the integrity of the public housing program

The demand for housing by eligible families who will adhere to lease responsibilities

The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action

The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future

In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family

### **Consideration of Rehabilitation [24 CFR 966.4(l)(5)(vii)(D)]**

HUD authorizes ECC/HANH to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

#### ECC/HANH Policy

ECC/HANH will consider whether such household member has successfully completed a supervised drug or alcohol rehabilitation program.

For this purpose, ECC/HANH will require the tenant to submit evidence of the household member's successful completion of a supervised drug or alcohol rehabilitation program.

### **Reasonable Accommodation [24 CFR 966.7]**

If the family includes a person with disabilities, ECC/HANH's decision to terminate the family's lease is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

#### ECC/HANH Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, ECC/HANH will determine whether the behavior is related to the disability. If so, upon the family's request, ECC/HANH will determine whether alternative measures are appropriate as a reasonable accommodation.

ECC/HANH will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.



### **Nondiscrimination Limitation [24 CFR 966.4(l)(5)(vii)(F)]**

ECC/HANH's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

### **13-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

This section addresses the protections against termination of tenancy that the Violence against Women Act of 2013 (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, sexual assault, or stalking. For general VAWA requirements and ECC/HANH policies pertaining to notification, documentation, and confidentiality, see section 16-VII of this ACOP, where definitions of key VAWA terms are also located.

#### **VAWA Protections against Termination [24 CFR 5.2005(c)]**

VAWA provides that no person may deny assistance, tenancy, or occupancy rights to public housing to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or affiliated individual is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking [FR Notice 8/6/13].

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed either as serious or repeated violations of the lease by the victim or threatened victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005(c)(1), FR Notice 9/6/13].

#### **Limits on VAWA Protections [24 CFR 5.2005(d) and (e), FR Notice 8/6/13]**

While VAWA prohibits ECC/HANH from using domestic violence, dating violence, sexual assault, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit ECC/HANH's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, sexual assault, or stalking providing that ECC/HANH does not subject the victim to a more demanding standard than the standard to which it holds other tenants.
- VAWA does not limit ECC/HANH's authority to terminate the tenancy of any public housing tenant if ECC/HANH can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated.

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk

- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]
- Even when a victim poses an actual and imminent threat, however, HUD regulations authorize ECC/HANH to terminate the victim’s assistance “only when there are no other actions that could be taken to reduce or eliminate the threat, including but not limited to transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat” [24 CFR 5.2005(d)(3)]. Additionally, HUD regulations state that restrictions “predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents” [24 CFR 5.2005(d)(3)].

ECC/HANH Policy

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, ECC/HANH will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, or stalking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within a short period of time

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the tenant wishes to contest ECC/HANH determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

**Documentation of Abuse [24 CFR 5.2007]**

ECC/HANH Policy

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, or stalking claims protection under VAWA, ECC/HANH will request in writing that the individual provide documentation supporting the claim in accordance with the policies in section 16-VII.D of this ACOP.

ECC/HANH reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases ECC/HANH will document the waiver in the individual’s file.

**Terminating or Evicting a Perpetrator of Domestic Violence**



Although VAWA provides protection from termination for victims of domestic violence, it does not provide such protection for perpetrators. In fact, VAWA gives ECC/HANH the explicit authority to bifurcate a lease, or remove a household member from a lease, “in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing” [FR Notice 8/6/13]. Moreover, HUD regulations impose on ECC/HANH the obligation to consider lease bifurcation in any circumstances involving domestic violence, dating violence, or stalking [24 CFR 966.4(e)(9)].

Specific lease language affirming ECC/HANH’s authority to bifurcate a lease is not necessary, and the authority supersedes any local, state, or federal law to the contrary. However, if ECC/HANH chooses to exercise its authority to bifurcate a lease, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance. This means that ECC/HANH must follow the same rules when terminating or evicting an individual as it would when terminating or evicting an entire family [FR Notice 3/16/07].

#### ECC/HANH Policy

ECC/HANH will bifurcate a family’s lease and terminate the tenancy of a family member if ECC/HANH determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, nonculpable family members.

In making its decision, ECC/HANH will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066) or other documentation of abuse submitted to ECC/HANH by the victim in accordance with this section and section 16-VII.D. ECC/HANH will also consider the factors in section 13.III.E. Upon such consideration, ECC/HANH may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If ECC/HANH does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If the person removed from the lease was the only tenant eligible to receive assistance, ECC/HANH must provide any remaining tenant a chance to establish eligibility for the unit. If the remaining tenant cannot do so, ECC/HANH must provide the tenant reasonable time to find new housing or to establish eligibility for another housing program covered by VAWA 2013.

## **PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING**

### **13-IV.A. OVERVIEW**

HUD regulations specify the requirements for the notice that must be provided prior to lease termination. This part discusses those requirements and the specific requirements that precede and follow termination for certain criminal activities which are addressed in the regulations. This part also discusses specific requirements pertaining to the actual eviction of families and record keeping.

### **13-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(ii) and 24 CFR 960.259]**

HUD authorizes ECC/HANH to conduct criminal records checks on public housing residents for lease enforcement and eviction. ECC/HANH policy determines when ECC/HANH will conduct such checks.

#### ECC/HANH Policy

All adult household members must sign consent forms for release of criminal conviction and sex offender registration records at regular reexaminations.

ECC/HANH has the authority to conduct criminal records checks when it has come to the attention of ECC/HANH, either from local law enforcement or by other means, that an individual may have engaged in criminal activities, including but not limited to, illegal drug activity, destruction of property, violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents. Such checks will also include sex offender registration information.

ECC/HANH may not pass along to the tenant the costs of a criminal records check.

### **13-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l)(5)(iv)]**

In conducting criminal records checks, if ECC/HANH uses the authority of 24 CFR 5.903 and 5.905 to obtain such information, certain protections must be afforded the tenant before any adverse action is taken. In such cases if ECC/HANH obtains criminal records information from a state or local agency showing that a household member has been convicted of a crime, or is subject to a sex offender registration requirement, relevant to lease enforcement or eviction, ECC/HANH must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

#### ECC/HANH Policy

In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, ECC/HANH will notify the household in writing of the proposed adverse action and will provide the tenant and subject of the record opportunity to review a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

The family will be given 10 business days from the date of ECC/HANH notice of intent to terminate based on criminal records, to dispute the accuracy and relevance of the information. If the family does not dispute the information within that ~~10 business~~ 10-business day period, ECC/HANH will proceed with the termination action. If the family does dispute, ECC/HANH has full authority to proceed with the termination action, based on consideration of the facts.

Should the tenant not exercise their right to dispute prior to any adverse action, the tenant still has the right to dispute in the grievance hearing or court trial.

### **13-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)]**

#### **Form, Delivery, and Content of the Notice**

Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice, and their right to examine ECC/HANH documents directly relevant to the termination or eviction. If ECC/HANH does not make the documents available for examination upon request by the tenant, ECC/HANH may not proceed with the eviction [24 CFR 996.4(m)].

When ECC/HANH is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with ECC/HANH's grievance procedure. In these cases, the tenancy shall not terminate until the time for the tenant to request a grievance hearing has expired and the grievance procedure has been completed.

When ECC/HANH is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety or right to peaceful enjoyment or for drug-related criminal activity, the notice of lease termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by ECC/HANH for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of ECC/HANH, or for a drug-related criminal activity on or off the premises.

#### ECC/HANH Policy

ECC/HANH will attempt to deliver notices of lease termination directly to the tenant or adult household member. If the attempt fails, notice will be sent first-class mail the same day.

All notices of lease termination will include information about the protection against termination provided by the Violence against Women Reauthorization Act of 2013 (VAWA) for victims of domestic violence, dating violence, sexual assault, or stalking (see section 16-VII.C). ECC/HANH will also include a copy of the form HUD-50066 and a notice of VAWA rights to accompany the termination notice. Any tenant who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of domestic violence, dating violence, sexual

assault, or stalking of which the tenant or affiliated individual of the tenant is the victim will be given the opportunity to provide documentation in accordance with the policies in sections 13-III.F and 16-VII.D.

**Timing of the Notice [24 CFR 966.4(i)(3)(i)]**

ECC/HANH must give written notice of lease termination of:

- 14 calendar days in the case of failure to pay rent
- A reasonable period of time considering the seriousness of the situation (but not to exceed 30 calendar days)

If the health or safety of other residents, ECC/HANH employees, or persons residing in the immediate vicinity of the premises is threatened

If any member of the household has engaged in any drug-related criminal activity or violent criminal activity

If any member of the household has been convicted of a felony

- 30 calendar days in any other case, except that if a state or local law allows a shorter notice period, such shorter period shall apply

ECC/HANH Policy

ECC/HANH will give written notice of 14 calendar days for nonpayment of rent. For all other lease terminations ECC/HANH will give 30 day written notice or, if state or local law allows less than 30 days, such shorter notice will be given.

The Notice to Vacate that may be required under state or local law may be combined with or run concurrently with the notice of lease termination.

**Notice of Nonrenewal Due to Community Service Noncompliance [24 CFR 966.4(i)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]**

When ECC/HANH finds that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination. Notices of noncompliance will be issued in accordance with the requirements and policies in Section 11-I.E.

ECC/HANH Policy

If after receiving a notice of initial noncompliance the family does not request a grievance hearing, or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above.

If a family agreed to cure initial noncompliance by signing an agreement and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in Section 11-I.E. and will also serve as the notice of termination of tenancy.

### **Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]**

In cases where termination of tenancy is based on citizenship status, HUD requires the notice of termination to contain additional information. In addition to advising the family of the reasons their assistance is being terminated, the notice must also advise the family of any of the following that apply: the family's eligibility for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, the family's right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and the family's right to request an informal hearing with ECC/HANH either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Please see Chapter 14 for the ECC/HANH's informal hearing procedures.

### **13-IV.E. EVICTION [24 CFR 966.4(l)(4) and 966.4(m)]**

Eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. ECC/HANH may only evict the tenant from the unit by instituting a court action, unless the law of the jurisdiction permits eviction by administrative action, after a due process administrative hearing, and without a court determination of the rights and liabilities of the parties.

#### ECC/HANH Policy

When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, ECC/HANH will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases.

If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, ECC/HANH will seek the assistance of the court to remove the family from the premises as per state and local law.

ECC/HANH may not proceed with an eviction action if ECC/HANH has not made available the documents to be used in the case against the family, and has not afforded the family the opportunity to examine and copy such documents in accordance with the provisions of 24 CFR 966.4(l)(3) and (m).

### **13-IV.F. NOTIFICATION TO POST OFFICE [24CFR 966.4(l)(5)(iii)(B)]**

When ECC/HAANH evicts an individual or family for criminal activity, including drug-related criminal activity, ECC/HAANH must notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit.

### 13-IV.G. RECORD KEEPING

For more information concerning general record keeping, see Chapter 16.

#### ECC/HANH Policy

A written record of every termination and/or eviction will be maintained by ECC/HANH and will contain the following:

Name of resident, number and identification of unit occupied

Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently

Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905)

Date and method of notifying the resident

Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions

## Chapter 14

### GRIEVANCES AND APPEALS

#### INTRODUCTION

This chapter discusses grievances and appeals pertaining to ECC/HANH's actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not ECC/HANH's synopsis/description of ECC/HANH's grievance policies given to applicants and residents. The grievance description is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.

[The grievance policy is in accordance with 24 CFR Part 966 and any other requirements by local, State or Federal law \(42 U.S.C. 1437d\(k\); 24 CFR 5.5.105\)](#)

#### PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

##### 14-I.A. OVERVIEW

When ECC/HANH makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the ECC/HANH policies necessary to respond to applicant appeals through the informal hearing process.

##### 14-I.B. INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH Occ GB, p. 57-58]

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants under ECC/HANH's grievance procedures [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal hearings provide applicants the opportunity to review the reasons for denial of admission and to present evidence to refute the grounds for denial.



## **Use of Informal Hearing Process**

While ECC/HANH must offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission, ECC/HANH could make the informal hearing process available to applicants who wish to dispute other ECC/HANH actions that adversely affect them.

### ECC/HANH Policy

ECC/HANH will only offer informal hearings to applicants for the purpose of disputing denials of admission.

## **Notice of Denial [24 CFR 960.208(a)]**

ECC/HANH must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the ECC/HANH decision and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

When denying eligibility for admission, ECC/HANH must provide the family a notice of VAWA rights as well as the HUD VAWA self-certification form (form HUD-50066) in accordance with the Violence against Women Reauthorization Act of 2013, and as outlined in 16-VII.C. The notice and self-certification form must accompany the written notification of the denial of eligibility determination.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.G for details concerning this requirement.

## **Scheduling an Informal Hearing**

### ECC/HANH Policy

A request for an informal hearing must be made either orally or in writing and presented to ECC/HANH either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of ECC/HANH's notification of denial of admission.

ECC/HANH will schedule and send written notice of the informal hearing within 10 business days of the family's request.

## **Conducting an Informal Hearing [PH Occ GB, p. 58]**

### ECC/HANH Policy

The informal hearing will be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written or oral objections to ECC/HANH's decision and evidence to contradict ECC/HANH's decision, if available.

The person conducting the informal hearing will make a recommendation to ECC/HANH, but ECC/HANH is responsible for making the final decision as to whether admission should be granted or denied.



It should be noted that the informal hearing for denied applicants is not a Grievance Hearing.

### **Informal Hearing Decision [PH Occ GB, p. 58]**

#### ECC/HANH Policy

ECC/HANH will notify the applicant of ECC/HANH's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, ECC/HANH will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice

The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in ECC/HANH policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.

The validity of the evidence. ECC/HANH will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, ECC/HANH will uphold the decision to deny admission.

If the facts prove the grounds for denial, and the denial is discretionary, ECC/HANH will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

ECC/HANH will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the informal hearing, to the applicant and his or her representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal hearing, the denial of admission will stand, and the family will be so notified.

### **Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]**

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and ECC/HANH must consider such accommodations. ECC/HANH must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

For the auditory or visually impaired, ECC/NH must provide, at ECC/HANH's expense, appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large-print, optical readers on computers available for viewing, assistive listening device systems, and sign language interpreters.

ECC/HNH also must take reasonable steps to ensure meaningful access to their programs and activities to individuals with limited English proficiency (LEP).

## **PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS**

### **14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]**

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Effective March 1, 2003, U.S. Citizenship and Immigration Services (USCIS) officially assumed responsibility for the immigration service functions under The Homeland Security Act.

Therefore, any references to USCIS herein are intended to refer to such immigration service functions and, to the extent that any federal regulations refer to or utilize the term or phrase “INS” such term or phrase should be construed to equate to USCIS as used herein.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship (USCIS) appeal process. Assistance to a family may not be terminated or denied while the ECC/HANH hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS (formerly INS) appeal process or the ECC/HANH informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

#### **Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]**

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance as provided under 24 C.F.R. § 5.520.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families in 24 CFR §5.514 and §5.518.
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with ECC/HANH either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

## **United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]**

When ECC/HANH receives notification that the USCIS secondary verification failed to confirm eligible immigration status, ECC/HANH must notify the family of the results of the USCIS verification. The family shall have 30 days from the date of ECC/HANH's notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide ECC/HANH with a copy of the written request for appeal and proof of mailing.

### ECC/HANH Policy

ECC/HANH will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide ECC/HANH with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request form G-845S (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to ECC/HANH, of its decision within 30 days of its receipt of documentation concerning the family's appeal of the verification status. If, for any reason, the USCIS is unable to issue a decision within the 30 day time period, the USCIS will inform the family and ECC/HANH of the reasons for the delay. When ECC/HANH receives a copy of the USCIS decision, ECC/HANH must notify the family of its right to request an informal hearing.

### ECC/HANH Policy

ECC/HANH will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

## **Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]**

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that ECC/HANH provide a hearing. The request for a hearing must be made either within 30 days of receipt of ECC/HANH notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

### ***Informal Hearing Officer***

ECC/HANH must provide an informal hearing before an impartial individual designated by ECC/HANH, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

### ***Evidence***

The family shall be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of ECC/HANH pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

#### ECC/HANH Policy

The family will be allowed to copy any documents related to the hearing at no charge. The family must request discovery of ECC/HANH documents no later than 12:00 p.m. three business days prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by ECC/HANH, and to confront and cross-examine all witnesses on whose testimony or information ECC/HANH relies.

### ***Representation and Interpretive Services***

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

ECC/HANH is obligated to provide competent oral interpretation, free of charge, upon request. The family is also entitled to arrange for an interpreter to attend the hearing, at the expense of the family,

### ***Recording of the Hearing***

The family is entitled to have the hearing recorded by audiotape. ECC/HANH ~~may, but~~may, but is not required to provide a transcript of the hearing.

#### ECC/HANH Policy

ECC/HANH will not provide a transcript of an audio taped informal hearing.

Prior to the hearing, either the tenant or ECC/HNH may arrange for a transcript of the hearing to be made. The cost of the transcript will be paid by the party requesting the transcript. Any interested party may purchase a copy of the transcript (24 CFR § L966.56(e)).

### ***Hearing Decision***

ECC/HANH must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

### **Retention of Documents [24 CFR 5.514(h)]**

ECC/HANH shall retain for a minimum of 5 years the following documents that may have been submitted to ECC/HANH by the family, or provided to ECC/HANH as part of the USCIS appeal or the ECC/HANH informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

**Informal Hearing Procedures for Residents [24 CFR 5.514(f)]**

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that ECC/HANH provide a hearing. The request for a hearing must be made either within 30 days of receipt of the ECC/HANH notice of termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below.

## **PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS**

### **14-III.A. REQUIREMENTS [24 CFR 966.52]**

ECC/HANH must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any ECC/HANH action or failure to act involving the lease or ECC/HANH policies which adversely affect their rights, duties, welfare, or status. ECC/HANH must not only meet the minimal procedural due process requirements provided under the regulations, but must also satisfy any additional requirements required by local, state or federal law

The ECC/HANH grievance procedure must be included in, or incorporated by reference in, the lease.

#### ECC/HANH Policy

ECC/HANH grievance procedure will be incorporated by reference in the tenant lease.

ECC/HANH must provide at least 30 days notice to tenants and resident organizations setting forth proposed changes in the ECC/HANH grievance procedure, and provide an opportunity to present written comments. Comments submitted must be considered by ECC/HANH before adoption of any changes to the grievance procedure by ECC/HANH.

#### ECC/HANH Policy

Residents and resident organizations will have 30 calendar days from the date they are notified by ECC/HANH of any proposed changes in ECC/HANH grievance procedure, to submit written comments to ECC/HANH.

There is no requirement that grievance hearings be conducted in-person, and as such, HUD allows PHAs to conduct all or a portion of their hearings remotely either over the phone, via video conferencing, or through other virtual platforms.

#### ECC/HANH Policy

ECC/HANH may conduct hearings in person or remotely via video or telephone. If ECC/HAN chooses to conduct remote hearings, the platform must be accessible to persons with disabilities and be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. See Notice PIH 2020-32.

ECC/HANH must furnish a copy of the grievance procedure to each tenant and to resident organizations.

### **14-III.B. DEFINITIONS [24 CFR 966.53; 24 CFR 966.51(a)(2)(i)]**

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – any dispute which a tenant may have with respect to ECC/HANH action or failure to act in accordance with the individual tenant’s lease or ECC/HANH regulations which adversely affect the individual tenant’s rights, duties, welfare or status
- **Complainant** – any tenant whose grievance is presented to ECC/HANH or at the project management office
- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit
- **Expedited Grievance-** A procedure established by ECC/HANH for any grievance or termination that involves:
  - Any criminal activity that threatens the health, safety, or right to peaceful enjoyment or ECC/HANH’s public housing premises by other residents or employees of ECC/HANH; or
  - Any drug-related criminal activity on or off the premises
- **Elements of Due Process** – an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
  - Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
  - Right of the tenant to be represented by counsel
  - Opportunity for the tenant to refute the evidence presented by ECC/HANH including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
  - A decision on the merits
- **Hearing Officer/Panel** – an impartial person or persons selected by ECC/HANH, other than the person who made or approved the decision under review, or a subordinate of that person. The individual or individuals do not need legal training.
- **Tenant** – the adult person (or persons) (other than a live-in aide)
  - Who resides in the unit, and who executed the lease with ECC/HANH as lessee of the dwelling unit, or, if no such person now resides in the unit,
  - Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit
- **Resident Organization** – includes a resident management corporation

#### 14-III.C. APPLICABILITY [24 CFR 966.51]

In accordance with Federal Regulation 24 CFR 966.51, the grievance procedure is applicable only to individual tenant issues relating to ECC/HANH (as defined previously in 14-III.B). It is not applicable to disputes between tenants not involving ECC/HANH. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum by a group or groups of tenants for initiating or negotiating policy changes of ECC/HANH.



If HUD has issued a due process determination, ECC/HANH may exclude from the ECC/HANH grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of ECC/HANH
- Any violent or drug-related criminal activity on or off such premises
- Any criminal activity that resulted in felony conviction of a household member
- ECC/HANH will attempt to address tenant disputes caused by lease violations prior to eviction proceedings unless the violation endangers the health, safety, and welfare of other tenants and ECC/HANH staff or involves criminal activity or administrative issues that render the tenant no longer eligible for occupancy at ECC/HANH.

If HUD has issued a due process determination, ECC/HANH may evict the occupants of the dwelling through the state/local judicial eviction procedures. In this case, ECC/HANH is not required to provide the opportunity for a hearing under ECC/HANH's grievance procedure as described above.

### ECC/HANH Policy

ECC/HANH is located in a HUD-declared due process state. ECC/HANH will exclude from ECC/HANH grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of ECC/HANH
- Any violent or drug-related criminal activity on or off such premises
- Any criminal activity that resulted in felony conviction of a household member

See Chapter 13 for related policies on the content of termination notices.

### **14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]**

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the ECC/HANH office or to the office of the housing development in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

To present a grievance, an individual must be a tenant, defined as the adult person(s), other than a live-in aide, who resides in the unit and executed the lease as the lessee. If there is no such person in the household, the person who resides in the unit or resides in the unit and is the remaining head of household (24 CFR § 966.53(f); 966.54) can present a grievance. An individual appointed power of attorney for a tenant or a legal guardian with legal authority to act for the tenant may also present a grievance.

### ECC/HANH Policy

ECC/HANH will accept requests for an informal settlement of a grievance either orally or in writing, to the ECC/HANH office within 10 business days of the grievable event. Within 10 business days of receipt of the request ECC/HANH will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

If a tenant fails to attend the scheduled meeting without prior notice, ECC/HANH will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the ECC/HANH tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a formal hearing may be obtained if the complainant is not satisfied.

### ECC/HANH Policy

ECC/HANH will prepare a summary of the informal settlement within 10 business days; one copy to be given to the tenant and one copy to be retained in the ECC/HANH tenant file.

## **14-III.E. PROCEDURES TO OBTAIN A HEARING**

### **Requests for Hearing and Failure to Request**

#### ECC/HANH Policy

The resident must present an oral or written request for a grievance hearing to ECC/HANH within 10 business days of the tenant's receipt of the summary of the informal settlement.

If the complainant does not request a hearing, ECC/HANH's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest ECC/HANH's action in disposing of the complaint in an appropriate judicial proceeding.

### **Escrow Deposits [24 CFR 966.55(e)]**

Before a hearing is scheduled in any grievance involving the amount of rent that ECC/HANH claims are due, the family must pay an escrow deposit to ECC/HANH. When a family is required to make an

escrow deposit, the amount is the amount of rent ECC/HANH states is due and payable as of the first

of the month preceding the month in which the family's act or failure to act took place. After the first deposit the family must deposit the same amount monthly until the family's complaint is resolved by decision of the hearing officer/panel.

ECC/HANH must waive the requirement for an escrow deposit where the family has requested a financial hardship exemption from minimum rent requirements or is grieving the effect of welfare benefits reduction in calculation of family income [24 CFR 5.630(b)(3)].

Unless ECC/HANH waives the requirement, the family's failure to make the escrow deposit will terminate the grievance procedure. A family's failure to pay the escrow deposit does not waive the family's right to contest ECC/HANH's disposition of the grievance in any appropriate judicial proceeding.

#### ECC/HANH Policy

ECC/HANH will not waive the escrow requirement for grievances involving rent amounts except where required to do so by regulation.

### **Scheduling of Hearings [24 CFR 966.56(a)]**

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer/panel promptly for a time and place reasonably convenient to both the complainant and ECC/HANH. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate ECC/HANH official.

#### ECC/HANH Policy

Within 10 business days of receiving a request for a hearing, ECC/HANH will schedule and send written notice of the hearing to both the complainant and ECC/HANH.

ECC/HANH may wish to permit the tenant to request to reschedule a hearing for good cause.

ECC/HANH Policy

The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, ECC/HANH may request documentation of the “good cause” prior to rescheduling the hearing.

**Expedited Grievance Procedure**

ECC/HANH may establish an expedited grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of ECC/HANH, or
- Any drug-related criminal activity on or off the premises

In such expedited grievances, the informal settlement of grievances as discussed in 14-III.D is not applicable.

ECC/HANH may adopt special procedures concerning expedited hearings, including provisions for expedited notice or scheduling, or provisions for expedited decision on the grievance.

ECC/HANH Policy

ECC/HANH is located in a HUD-declared due process state which gives ECC/HANH authority to bypass the grievance process as described in 14-III.C. above. Therefore, ECC/HANH has not established expedited grievance procedures.

**14-III.F. SELECTION OF HEARING OFFICER/PANEL [24 CFR 966.55(b)]**

The grievance hearing must be conducted by an impartial person or persons appointed by the ECC/HANH, other than the person who made or approved the ECC/HANH action under review, or a subordinate of such person. ECC/HANH must describe their policies for selection of a hearing officer in their lease.

ECC/HANH Policy

ECC/HANH grievance hearings will be conducted by either a hearing officer or a panel consisting of a ECC/HANH director or employee, a contract hearing officer, and a ECC/HANH resident.

ECC/HANH must describe it’s policies for selection of a hearing officer in its lease forms. Changes to the public housing lease are subject to a 30-day comment period (24 CFR 966.4)

**14-III.G. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]**

**Rights of Complainant [24 CFR 966.56(b)]**

ECC/HANH must designate a hearing officer or officers to conduct grievance hearings. The hearing officer must be an impartial person or persons selected by ECC/HANH, other than the

person who made or approved the decision under review, or a subordinate of that person as described in 24 CFR § 966.53(e).

The complainant will be afforded a fair hearing. This includes:

- The opportunity to examine before the grievance hearing any ECC/HANH documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If ECC/HANH does not make the document available for examination upon request by the complainant, ECC/HANH may not rely on such document at the grievance hearing.

ECC/HANH Policy

The tenant will be allowed to copy any documents related to the hearing at no charge. The family and/or representative should request discovery of ECC/HANH documents no later than 12:00 p.m., three business days prior to the hearing.

- The right to be represented by counsel or other person chosen to represent the tenant, and to have such person make statements on the tenant's behalf.

ECC/HANH Policy

Hearings may be attended by the following applicable persons:

An ECC/HANH representative(s) and any witnesses for ECC/HANH

The tenant and any witnesses for the tenant

The tenant's counsel or other representative

Any other person approved by ECC/HANH as a reasonable accommodation for a person with a disability

- The right to a private hearing unless the complainant requests a public hearing.
- The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by ECC/HANH or property management, and to confront and cross-examine all witnesses upon whose testimony or information ECC/HANH or property management relies.
- A decision based solely and exclusively upon the facts presented at the hearing.

**Failure to Appear [24 CFR 966.56(c)]**

If the complainant or ECC/HANH fails to appear at a scheduled hearing, the hearing officer/panel may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and ECC/HANH must be notified of the determination by the hearing officer/panel: Provided, That a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest ECC/HANH'S disposition of the grievance in an appropriate judicial proceeding.

There may be times when a complainant does not appear due to unforeseen circumstances which are out of their control and are no fault of their own.

### ECC/HANH Policy

If the ECC/HANH representative does not appear at the scheduled time of the hearing, the hearing officer will wait up to 15 minutes. If the ECC/HANH representative appears within 15 minutes of the scheduled time, the hearing will be held. If the ECC/HANH representative does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear, and the hearing officer will find in favor of the complainant.

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 15 minutes. If the tenant appears within 15 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear, and ECC/HANH's determination will become final (excepting the below paragraph).

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact ECC/HANH within 24 hours of the scheduled hearing date, excluding weekends and holidays. ECC/HANH will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

"Good cause" is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

### **General Procedures [24 CFR 966.56(d)]**

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter ECC/HANH must sustain the burden of justifying the ECC/HANH action or failure to act against which the complaint is directed [24 CFR 966.56(e)].

The hearing is conducted informally by the hearing officer/panel. ECC/HANH and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint, and to question any witnesses. Oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received.

### ECC/HANH Policy

Any supporting testimony or documentation to be considered by the hearing officer or hearing panel must be presented at the time of the hearing.

The complainant or ECC/HANH may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(e)].

### ECC/HANH Policy

If the complainant would like ECC/HANH to record the proceedings by audiotape, the request must be made to ECC/HANH by 12:00 p.m. at least three business days prior to the hearing.

ECC/HANH will consider that an audio tape recording of the proceedings is a transcript.

### **Accommodations of Persons with Disabilities [24 CFR 966.56(f)]**

TECC/HANH 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 in the grievance process must be in an accessible format.

See Chapter 2 for a thorough discussion of ECC/HANH's responsibilities pertaining to reasonable accommodation.

### **Limited English Proficiency (24 CFR 966.56(g))**

ECC/HANH must comply with HUD's LEP Final Rule in providing language services throughout the grievance process.

### **14-III.H. DECISION OF THE HEARING OFFICER/PANEL [24 CFR 966.57]**

The hearing officer/panel must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the complainant and ECC/HANH. ECC/HANH must retain a copy of the decision in the tenant's folder. A log of all hearing officer decisions must also be maintained by ECC/HANH and made available for inspection by a prospective complainant, his/her representative, or the hearing officer/panel [24 CFR 966.57(a)].

#### ECC/HANH Policy

In rendering a decision, the hearing officer will consider the following matters:

**ECC/HANH Notice to the Family:** The hearing officer will determine if the reasons for ECC/HANH's decision are factually stated in the notice.

**Discovery:** The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with ECC/HANH policy.

**ECC/HANH Evidence to Support the ECC/HANH Decision:** The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support ECC/HANH's conclusion.

**Validity of Grounds for Termination of Tenancy (when applicable):** The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and ECC/HANH policies. If the grounds for termination are not specified in the regulations or in compliance with ECC/HANH policies, then the decision of ECC/HANH will be overturned.

The hearing officer will issue a written decision to the family and ECC/HANH no later than 10 business days after the hearing. The report will contain the following information:

#### **Hearing information:**

Name of the complainant

Date, time and place of the hearing



Name of the hearing officer  
Name of the ECC/HANH representative(s)  
Name of family representative (if any)  
Names of witnesses (if any)

**Background:** A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

**Summary of the Evidence:** The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

**Findings of Fact:** The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

**Conclusions:** The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold ECC/HANH's decision.

**Order:** The hearing report will include a statement of whether ECC/HANH's decision is upheld or overturned. If it is overturned, the hearing officer will instruct ECC/HANH to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct ECC/HANH to restore the family's status.

## **Procedures for Further Hearing**

### ECC/HANH Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of ECC/HANH will take effect and another hearing will not be granted.

### **Final Decision [24 CFR 966.57(b)]**

The decision of the hearing officer/panel is binding on ECC/HANH, which must take the action(s), or refrain from taking the action(s), necessary to carry out the decision, unless the ECC/HANH Board of Commissioners determines within a reasonable time, and notifies the complainant that:

- The grievance does not concern ECC/HANH action or failure to act in accordance with or involving the complainant's lease on ECC/HANH policies which adversely affect the complainant's rights, duties, welfare, or status; or
- The decision of the hearing officer/panel is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and ECC/HANH

#### ECC/HANH Policy

When ECC/HANH considers the decision of the hearing officer to be invalid due to the reasons stated above, it will present the matter to the ECC/HANH Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the complainant within 10 business days of this decision.

A decision by the hearing officer/panel, or Board of Commissioners in favor of ECC/HANH or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights, nor affect in any manner whatever, any rights the complainant may have to a subsequent trial or judicial review in court [24 CFR 966.57(c)].

## Chapter 16

### PROGRAM ADMINISTRATION

#### INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption ECC/HANH furnished utilities.

Part II: Establishing Flat Rents and Public Housing Maximum Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts and public housing maximum rents.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families, and describes the circumstances under which ECC/HANH will offer repayment agreements to families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part IV: Record Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies ECC/HANH will follow.

Part V: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the ECC/HANH's reporting responsibilities related to children with environmental intervention blood lead levels that are living in public housing.

Part VI: Violence against Women Act (VAWA): Notification, Documentation, and Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault, and stalking; and maintaining the confidentiality of information obtained from victims.

## **PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]**

### **16-I.A. OVERVIEW**

ECC/HANH must establish allowances for ECC/HANH furnished utilities for all check metered utilities and for resident-purchased utilities for all utilities purchased directly by residents from a utility supplier [24 CFR 965.502(a)].

ECC/HANH must also establish surcharges for excess consumption of ECC/HANH furnished utilities.

ECC/HANH must maintain a record that documents the basis on which utility allowances and scheduled surcharges are established and revised, and the record must be made available for inspection by residents [24 CFR 965.502(b)].

### **16-I.B UTILITY ALLOWANCES**

ECC/HANH must establish separate allowances for each utility and for each category of dwelling units ECC/HANH determines to be reasonably comparable as to factors affecting utility usage [24 CFR 965.503].

The objective of ECC/HANH establishing utility allowances for each dwelling unit category and unit size is to approximate a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment [24 CFR 965.505].

Utilities include gas, electricity, fuel for heating, water, sewerage, and solid waste disposal for a dwelling unit. In addition, if ECC/HANH does not furnish a range and refrigerator, the family must be granted a utility allowance for the range and refrigerator they provide [24 CFR 965.505].

Costs for telephone, cable/satellite TV, and internet services are not considered utilities [PH Occ GB, p. 138].

Utility allowance amounts will vary by the rates in effect, size and type of unit, climatic location and siting of the unit, type of construction, energy efficiency of the dwelling unit, and other factors related to the physical condition of the unit. Utility allowance amounts will also vary by residential demographic characteristics affecting home energy usage [PH Occ GB, p. 138].

Chapter 14 of the *PH Occupancy Guidebook* provides detailed guidance to ECC/HANH about establishing utility allowances.

#### **Air-Conditioning**

“If a PHA installs air conditioning, it shall provide, to the maximum extent economically feasible, systems that give residents the option of choosing to use air conditioning in their units. The design of systems that offer each resident the option to choose air conditioning shall include retail meters or check meters, and residents shall pay for the energy used in its operation. For systems that offer residents the option to choose air conditioning but cannot be check metered, residents are to be surcharged in accordance with 965.506. If an air conditioning system does not provide for resident option, residents are not to be charged, and these systems should be avoided whenever possible.” [24 CFR 965.505(e)]

ECC/HANH Policy

ECC/HANH has air conditioning in some but not all of its developments

**Utility Allowance Revisions [24 CFR 965.507]**

ECC/HANH must review at least annually, the basis on which utility allowances have been established and must revise the allowances if necessary, in order to adhere to the standards for establishing utility allowances that are contained in 24 CFR 965.505.

ECC/HANH may revise its allowances for resident-purchased utilities between annual reviews if there is a rate change, and is required to do so if such change, by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which the allowance was based.

Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account became effective.

ECC/HANH Policy

Between annual reviews of utility allowances, ECC/HANH will only revise its utility allowances due to a rate change, when required to by the regulation.

**16-I.C. SURCHARGES FOR ECC/HANH-FURNISHED UTILITIES [24 CFR 965.506]**

For dwelling units subject to allowances for ECC/HANH furnished utilities where check meters have been installed, ECC/HANH must establish surcharges for utility consumption in excess of the allowances. Surcharges may be computed on a straight per unit of purchase basis or for stated blocks of excess consumption, and must be based on ECC/HANH'S average utility rate. The basis for calculating the surcharges must be described in ECC/HANH's schedule of allowances. Changes in the amount of surcharges based directly on changes in ECC/HANH's average utility rate are not subject to the advance notice requirements discussed under 16-I.D.

For dwelling units served by ECC/HANH furnished utilities where check meters have not been installed, ECC/HANH must establish schedules of surcharges indicating additional dollar amounts residents will be required to pay by reason of estimated utility consumption attributable to resident-owned major appliances or to optional functions of ECC/HANH furnished equipment. The surcharge schedule must state the resident-owned equipment (or functions of ECC/HANH furnished equipment) for which surcharges will be made and the amounts of such charges. Surcharges must be based on the cost to ECC/HANH of the utility consumption estimated to be attributable to reasonable usage of such equipment.

ECC/HANH Policy

Some, but not all, of ECC/HANH's developments have ECC/HANH furnished utilities.

#### **16-I.D. NOTICE REQUIREMENTS [965.502]**

ECC/HANH must give notice to all residents of proposed allowances and scheduled surcharges, and revisions thereof. The notice must be given in the manner provided in the lease and must:

- Be provided at least 60 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.
- Describe the basis for determination of the allowances, scheduled surcharges, or revisions, including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances and schedule of surcharges.
- Notify residents of the place where ECC/HANH's documentation on which allowances and surcharges are based is available for inspection.
- Provide all residents an opportunity to submit written comments during a period expiring not less than 30 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.

#### **16-I.E. REASONABLE ACCOMMODATION [24 CFR 965.508]**

On request from a family that includes a disabled or elderly person, ECC/HANH must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family [PH Occ GB, p. 172].

Likewise, residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

See Chapter 2 for policies regarding the request and approval of reasonable accommodations.

## **PART II: ESTABLISHING FLAT RENTS AND PUBLIC HOUSING MAXIMUM RENTS**

### **16-II.A. OVERVIEW**

Flat rents are designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

Public housing maximum rents are needed to prorate assistance for a mixed family. A mixed family is one whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigrations status [24 CFR 5.504].

This part discusses how ECC/HANH establishes and updates flat rents and public housing maximum rents. Policies related to the use of flat rents, family choice of rent, flat rent hardships, and public housing maximum rents are discussed in Chapter 6.

### **16-II.B. FLAT RENTS [24 CFR 960.253(b) and Notice PIH 2015-13]**

#### **Establishing Flat Rents**

The 2015 Appropriations Act requires that flat rents must be set at no less than 80 percent of the applicable fair market rent (FMR). Alternatively, ECC/HANH may set flat rents at no less than 80 percent of the applicable small area FMR (SAFMR) for metropolitan areas, or 80 percent of the applicable unadjusted rents for nonmetropolitan areas.

For areas where HUD has not determined a SAFMR or an unadjusted rent, ECC/HANH must set flat rents at no less than 80 percent of the FMR or apply for an exception flat rent.

The 2015 Appropriations Act permits ECC/HANH to request an exception flat rent that is lower than either 80 percent of the FMR or SAFMR/unadjusted rent if the ECC/HANH can demonstrate that these FMRs do not reflect the market value of a particular property or unit.

In order to demonstrate the need for an exception flat rent, ECC/HANH is required to submit a market analysis methodology that demonstrates the value of the unit. ECC/HANH must use HUD's rent reasonableness methodology to determine flat rents. In determining flat rents, ECC/HANH must consider the following:

- Location
- Quality
- Unit size
- Unit type
- Age of property
- Amenities at the property and in immediate neighborhood
- Housing services provided
- Maintenance provided by the ECC/HANH
- Utilities provided by the ECC/HANH

ECC/HANH must receive written HUD approval before implementing exception flat rents. If ECC/HANH uses exception flat rents, ECC/HANH must conduct a new market analysis, and obtain HUD approval, annually.

ECC/HANH is now required to apply a utility allowance to flat rents. Flat rents set at 80 percent of the FMR must be reduced by the amount of the unit's utility allowance, if any.

### **Review of Flat Rents**

No later than 90 days after HUD publishes new annual FMRs/SAFMRs/unadjusted rent, ECC/HANH must revise flat rents as necessary based changes to the FMR/SAFMR/unadjusted rent. ECC/HANH must offer changes to the flat rent to all new admissions and to existing families at the next annual rent option.

If the FMR falls from year to year, ECC/HANH may, but is not required to, lower the flat rent to 80 percent of the current FMR/SAFMR/unadjusted rent.

#### ECC/HANH Policy

If the FMR is higher than the previous year, ECC/HANH will offer the new flat rent at regular reexamination.

According to the Annual MTW Plan, Initiative 3.1 – Rent, as of FY 2020 the Flat Rent option certification form will only be signed at time of biennial/triennial certification, however, families will have the opportunity to switch to the Flat rent once a year. Annual notice must go out to families, but signature will not be required except for at time of scheduled bi/tri certification. This change is in line with efforts to streamline the certification process; relieving staff of the additional burden and allowing families to benefit from the full extent of Rent Simplification as written.

If the FMR/SAFMR/unadjusted rent is lower than the previous year, ECC/HANH will reduce flat rents to 80 percent of the current FMR/SAFMR.

### **Posting of Flat Rents**

#### ECC/HANH Policy

ECC/HANH will publicly post the schedule of flat rents in a conspicuous manner in the applicable/HANH or property management office.

### **Documentation of Flat Rents [24 CFR 960.253(b)(5)]**

ECC/HANH must maintain records that document the method used to determine flat rents, and that show how flat rents were determined by ECC/HANH in accordance with this method.

## **16-II.C. PUBLIC HOUSING MAXIMUM RENTS**

### **Establishing Public Housing Maximum Rents**

ECC/HANH is prohibited from making financial assistance available to persons who are not citizens or nationals of the United States, and to those who do not have eligible immigration status [24 CFR 5.500]. Therefore, in order to assist mixed families, ECC/HANH must prorate



assistance. Public housing maximum rents are needed in order to calculate the tenant rent for a mixed family.

ECC/HANH Policy

The public housing maximum rent is based on the flat rent for the unit.

ECC/HANH may use the “direct comparison” or the “unit distribution” method for establishing the public housing maximum rents for each unit size. Appendix H, of Guidebook 7465.G, Restrictions on Assistance to Noncitizens provides detailed guidance on how to establish public housing maximum rents using the methodologies identified above.

**Review of Public Housing Maximum Rents**

ECC/HANH Policy

ECC/HANH will recalculate the public housing maximum rents as flat rents are revised.

**Posting of Public Housing Maximum Rents**

ECC/HANH Policy

ECC/HANH will publicly post the schedule of public housing maximum rents in a conspicuous manner in the applicable ECC/HANH or property management office.

**Documentation of Public Housing Maximum Rents**

ECC/HANH Policy

ECC/HANH bases the public housing maximum rent on the flat rent for the unit, and retains documentation.

## **PART III: FAMILY DEBTS TO ECC/HANH**

### **16-III.A. OVERVIEW**

This part describes ECC/HANH'S policies for recovery of monies owed to ECC/HANH by families.

#### ECC/HANH Policy

When an action or inaction of a resident family results in the underpayment of rent or other amounts, ECC/HANH holds the family liable to return any underpayments to ECC/HANH.

ECC/HANH will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments.

When a family refuses to repay monies owed to ECC/HANH, -ECC/HANH will utilize other available collection alternatives including, but not limited to, the following:

- Collection agencies
- Small claims court
- Civil lawsuit
- State income tax set-off program

### **16-III.B. REPAYMENT POLICY**

#### **Family Debts to ECC/HANH**

#### ECC/HANH Policy

Any amount owed to ECC/HANH by a public housing family must be repaid. If the family is unable to repay the debt within 30 days, ECC/HANH will offer to enter into a repayment agreement in accordance with the policies below.

The term *repayment agreement* refers to a formal document signed by a resident and provided to ECC/HANH in which a resident acknowledges a balance owed to ECC/HANH and agrees to make payments toward the balance as well as continue to pay the monthly rent amount.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, ECC/HANH will terminate the family's tenancy in accordance with the policies in Chapter 13. ECC/HANH will also pursue other modes of collection.

#### **General Repayment Agreement Guidelines**

#### ***Limit on Repayment Agreements***

#### ECC/HANH Policy

ECC/HANH generally will not enter into a repayment agreement.

***No Offer of Repayment Agreement***

ECC/HANH Policy

ECC/HANH will not enter into a repayment agreement:

If there is already a repayment agreement in place with the family.

If ECC/HANH determines that the family committed program fraud and owes ECC/HANH \$1,000 or more as a result of ECC/HANH’s investigation or information from an outside source

If ECC/HANH determines that the debt is larger than can be paid back by the family within 12 months.

Any recommendation by an ECC/HANH manager to enter into a repayment agreement for residents with a balance of \$1000 or more must be approved by the Executive Director/President or designee. The recommendation/request to enter into a repayment agreement of \$1,000 or more is in the form of a document prepared by the manager upon consultation with the Executive Director/President. The document is prepared for signature based upon such consultation with the Executive Director/President.

***Initial Payment Due***

ECC/HANH Policy

This schedule does not apply to families who owe ECC/HANH as a result of program abuse. Prior to the execution of a repayment agreement, the family must pay a percentage of the balance owed to ECC/HANH as follows:

**Initial Payment Due**

<i>(% of Total Amount)</i>	<i>Amount Owed</i>
20%	\$0 - \$499
15%	\$500 or more

If the family can provide evidence satisfactory to ECC/HANH that the initial payment due would impose an undue hardship, ECC/HANH may, in its sole discretion, require a lesser percentage or waive the requirement.

***Repayment Agreement Length***

ECC/HANH Policy

Amounts of \$1,000 or more are not eligible for repayment agreements.

Amounts of \$500 but less than \$1,000 must be repaid within 12 months.

Amounts under \$500 must be repaid within 6 months.

**Amounts of \$500 or more, or one month’s use and occupancy, must be referred to ECC/HANH’s Legal Department.** The minimum monthly payment for a payment agreement other than for program fraud is \$25, with the stipulation that the amount owed must be paid within the repayment agreement length.

### ***Payment Thresholds***

Notice PIH 2010-19 acknowledges that PHAs have the discretion to establish “thresholds”.

### ***Reduction in Monthly Payments***

#### ECC/HANH Policy

Monthly payments may be decreased in cases of family hardship and if requested with reasonable notice from the family, verification of the hardship, and the approval of the Housing Manager and Legal Department.

### ***Execution of the Agreement***

#### ECC/HANH Policy

Any repayment agreement between ECC/HANH and a family must be signed and dated by ECC/HANH and by the head of household and spouse/cohead (if applicable) and signed by the Housing Manager and Legal Department.

### ***Form of Payment***

#### ECC/HANH Policy

Payments may only be made by money order or cashier's check.

### ***Due Dates***

#### ECC/HANH Policy

All payments are due by the close of business on the 10th day of the month. If the 10th does not fall on a business day, the due date is the close of business on the first business day after the 10th.

### ***Late or Missed Payments***

#### ECC/HANH Policy

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by ECC/HANH, ECC/HANH will send the family a delinquency notice giving the family 10 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and ECC/HANH will terminate tenancy in accordance with the policies in Chapter 13.

If a family receives three delinquency notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default. ECC/HANH's notice of default will give the family the opportunity to cure by requiring the family to pay the balance in full prior to the due date. If the balance in full is not paid by the due date stipulated in the repayment agreement default notice, ECC/HANH will issue a termination notice and will terminate tenancy in accordance with the policies in Chapter 13.

ECC/HANH will also refuse to enter into future repayment agreements with the family.

### ***Moves to Another Unit***

#### ECC/HANH Policy

If the agreement is not in arrears, the family will be permitted to move.

If the agreement is in arrears, the family will be required to pay the balance in full or be terminated from the program.

### ***Family error/late reporting***

#### ECC/HANH Policy

Families who owe money to ECC/HANH due to the family's failure to report changes in income as required by ECC/HANH policies in a timely manner, per ECC/HANH policies, will be required to repay in accordance with the guidelines in the Down Payment Requirement and Payment Thresholds sections of this part.

### ***Program Fraud***

#### ECC/HANH Policy

Families who owe money to ECC/HANH due to program fraud, other than what is described in the No Offer of Repayment Agreement section of this part, will be required to pay in accordance with the Payment Procedures for Program Fraud below.

If a family owes an amount of \$1,000.00 or more as a result of program fraud, no repayment agreement will be offered per No Offer of Repayment Agreement section above.

If a family owes an amount of \$5,000 or more as a result of program fraud, the case will be referred to the HUD Office of Inspector General. If the amount owed by the family meets or exceeds the federal or state threshold for criminal prosecution, ECC/HANH will refer the case for criminal prosecution.

### ***Payment Procedures for Program Fraud***

#### ECC/HANH Policy

Families who commit program fraud will be subject to the following procedures:

**The maximum time period for a Payment Agreement will be 12 months.**

The family will be required to make a minimum down payment of one third (1/3) of the balance or \$250, whichever amount is greater, prior to or upon execution of the Payment Agreement.

The minimum monthly payment will be \$50.00.

### ***Repayment Agreements Involving Improper Payments***

Notice PIH 2010-19 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the public housing lease that state the family's obligation to provide true and complete information at every reexamination and the grounds on which ECC/HANH may terminate assistance because of a family's action or failure to act
- A statement clarifying that each month the family not only must pay to ECC/HANH the monthly payment amount specified in the agreement but must also pay to ECC/HANH the monthly tenant rent
- A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of tenancy

## **PART IV: RECORD KEEPING**

### **16-IV.A. OVERVIEW**

ECC/HANH must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, ECC/HANH must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights, and that comply with VAWA 2013 confidentiality requirements.

### **16-IV.B. RECORD RETENTION**

ECC/HANH must keep the last three years of the Form HUD-50058 and supporting documentation during the term of each assisted lease, and for a period of at least three years from the end of participation (EOP) date [24 CFR 908.101].

Notice PIH 2014-20 requires ECC/HANH to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.

#### ECC/HANH Policy

During the term of each public housing tenancy, and for at least four years thereafter, ECC/HANH will keep all documents related to a family's eligibility, tenancy, and termination.

In addition, ECC/HANH will keep the following records for at least four years:

- An application from each ineligible family and notice that the applicant is not eligible

- Lead-based paint records as required by 24 CFR 35, Subpart B

- Documentation supporting the establishment of flat rents and the public housing maximum rent

- Documentation supporting the establishment of utility allowances and surcharges

- Documentation related to PHAS

- Accounts and other records supporting ECC/HANH budget and financial statements for the program

- Complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule

- Other records as determined by ECC/HANH or as required by HUD

If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 14-II.A.

## **16-IV.C. RECORDS MANAGEMENT**

ECC/HANH must maintain applicant and participant files and information in accordance with the regulatory requirements described below.

### ECC/HANH Policy

All applicant and participant information will be kept in a secure location and access will be limited to authorized ECC/HANH staff.

ECC/HANH staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

### **Privacy Act Requirements [24 CFR 5.212 and Form-9886]**

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or ECC/HANH may release the information collected.

### **Upfront Income Verification (UIV) Records**

PHAs (ECC/HANH) that access UIV data through HUD's Enterprise Income Verification (EIV) system are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD-issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification (UIV) Data*.

### ECC/HANH Policy

Prior to utilizing HUD's EIV system, ECC/HANH has adopted and implemented EIV security procedures required by HUD.

### **Criminal Records**

ECC/HANH may only disclose the criminal conviction records which ECC/HANH receives from a law enforcement agency to officers or employees of ECC/HANH, or to authorized representatives of ECC/HANH who have a job-related need to have access to the information [24 CFR 5.903(e)].

ECC/HANH must establish and implement a system of records management that ensures that any criminal record received by ECC/HANH from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the ECC/HANH action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].



ECC/HANH must establish and implement a system of records management that ensures that any sex offender registration information received by ECC/HANH from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the ECC/HANH action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed must be retained [Notice PIH 2012-28]. This requirement does not apply to information that is public information, or is obtained by ECC/HANH other than under 24 CFR 5.905.

### **Medical/Disability Records**

ECC/HANH not permitted to inquire about the nature or extent of a person's disability. ECC/HANH may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If ECC/HANH receives a verification document that provides such information, ECC/HANH should not place this information in the tenant file. ECC/HANH should destroy the document.

### **Domestic Violence, Dating Violence, Sexual Assault, or Stalking Records**

For requirements and ECC/HANH policies related to management of documentation obtained from victims of domestic violence, dating violence, sexual assault, or stalking, see section 16-VII.E.

**PART V: REPORTING REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL**

**16-V.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e)]; PIH 2017-13 (HA); OHHLHC 2017-01; HUD Lead Safe Housing Rule; ECC/HANH Lead Safe Housing Policy and Procedure**

ECC/HANH has certain responsibilities relative to children with environmental intervention blood lead levels that are living in public housing.

ECC/HANH must report the name and address of a child of less than 6 years of age, identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. ECC/HANH must also report each known case of a child with an environmental intervention blood lead level to the HUD field office and HUD's Office of Lead Control.

ECC/HANH Policy

ECC/HANH will provide the public health department written notice of the name and address of any child of less than 6 years of age, identified as having an environmental intervention blood lead level.

ECC/HANH will provide written notice of each known case of a child with an environmental intervention blood level to the HUD field office and HUD's Office of Lead Control within 5 business days of receiving the information.

ECC/HANH will ensure that an environmental investigation of the child's unit and the common areas servicing the unit occurs within 15 calendar days, in accordance with Chapter 16 of the HUD Guidelines.

ECC/HANH will notify the HUD Field Office of the results of the environmental investigation and the lead hazard control work within 10 business days of receiving the results.

ECC/HANH must notify the family of the results of the environmental review **within 15 calendar days** after receiving the results.

ECC/HANH will direct that any lead-based hazards identified by the investigation are controlled **within 30 calendar days** by a certified lead-based paint abatement firm or certified lead renovation firm.

In a multi-unit development, ECC/HANH shall ensure that all residents are notified of the lead evaluation and hazard control activities.

ECC/HANH shall notify the HUD Field Office of the results of the lead hazard control work within **10 business days** of receiving the results.

After completion and clearance of the lead control work, ECC/HANH shall ensure through a preventative maintenance schedule that the unit and common areas are maintained as lead safe for continued occupancy.

Re-evaluations are required every 2 years by a certified lead risk assessor. Any findings must be attended to. The reevaluations shall be for: deteriorated paint surfaces unless they are known not to be lead-based paint, deteriorated or failed interim controls of lead-based paint hazards or encapsulation or enclosure treatments, dust-lead hazards, and soil-lead hazards in newly bare soil

## PART VI: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, AND CONFIDENTIALITY

### 16-VI.A. OVERVIEW

The Violence against Women Reauthorization Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the public housing program. If your state or local laws provide greater protection for such victims, those apply in conjunction with VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and ECC/HANH policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and ECC/HANH policies are located in Chapter 3, “Eligibility” (sections 3-I.C and 3-III.F); Chapter 5, “Occupancy Standards and Unit Offers” (section 5-II.D); Chapter 8, “Leasing and Inspections” (section 8-I.B); Chapter 12, “Transfer Policy” (sections 12-III.C, 12-III.F, and 12-IV.D); and Chapter 13, “Lease Terminations” (sections 13-III.F and 13-IV.D).

### 16-VI.B. DEFINITIONS [24 CFR 5.2003, FR Notice 8/6/13]

As used in VAWA:

- The term *affiliated individual* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that person stands in the position or place of a parent; or
  - Any individual, tenant or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, 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.

- The term *sexual assault* means:
  - Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent
- The term *stalking* means:
  - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

## **16-VI.C. NOTIFICATION [24 CFR 5.2005(a)]**

### **Notification to Public**

ECC/HANH adopts the following policy to help ensure that all actual and potential beneficiaries of its public housing program are aware of their rights under VAWA.

#### ECC/HANH Policy

ECC/HANH will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, or stalking (see sample notice in Exhibit 16-1)

The definitions of *domestic violence*, *dating violence*, *sexual assault*, and *stalking* provided in VAWA (included in Exhibit 16-1)

An explanation of the documentation that ECC/HANH may require from an individual who claims the protections provided by VAWA (included in Exhibit 16-1)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

A statement of ECC/HANH's obligation to keep confidential any information that it receives from a victim unless (a) ECC/HANH has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 16-1)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1)

Contact information for local victim advocacy groups or service providers

## **Notification to Applicants and Tenants [24 CFR 5.2005(a)(1)]**

ECC/HANH is required to inform public housing applicants and tenants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

ECC/HANH must distribute a notice of VAWA rights, along with the VAWA self-certification form (HUD-50066) at each of these three junctures.

### ECC/HANH Policy

The VAWA information provided to applicants and tenants will consist of the notice of VAWA rights in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

ECC/HANH will provide all applicants with information about VAWA at the time they request an application for housing assistance. ECC/HANH will also include such information in all notices of denial of assistance (see section 3-III.F).

ECC/HANH will provide all tenants with information about VAWA at the time of admission (see section 8-I.B) and at annual reexamination. ECC/HANH will also include such information in all lease termination notices (see section 13-IV.D).

ECC/HANH is not limited to providing VAWA information at the times specified in the above policy. If ECC/HANH decides to provide VAWA information to a tenant following an incident of domestic violence, Notice PIH 2006-42 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases ECC/HANH make alternative delivery arrangements that will not put the victim at risk.

### ECC/HANH Policy

Whenever ECC/HANH has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

## **16-VLD. DOCUMENTATION [24 CFR 5.2007]**

ECC/HANH presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. ECC/HANH may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the ECC/HANH's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim

- (2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

ECC/HANH may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA 2005 final rule].

#### ECC/HANH Policy

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

ECC/HANH may, in its discretion, extend the deadline for 10 business days. Any extension granted by ECC/HANH will be in writing.

#### **Conflicting Documentation [24 CFR 5.2007(e)]**

In cases where ECC/HANH receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, ECC/HANH may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). ECC/HANH must honor any court orders issued to protect the victim or to address the distribution of property.

#### ECC/HANH Policy

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, ECC/HANH will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made.

#### **Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]**

ECC/HANH has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

### ECC/HANH Policy

If ECC/HANH accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, sexual assault, or stalking, ECC/HANH will document acceptance of the statement or evidence in the individual's file.

### **Failure to Provide Documentation [24 CFR 5.2007(c)]**

In order to deny relief for protection under VAWA, ECC/HANH must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as ECC/HANH may allow, ECC/HANH may deny relief for protection under VAWA.

### **16-VI.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]**

All information provided to ECC/HANH regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be retained in confidence. This means that ECC/HANH (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

### ECC/HANH Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, ECC/HANH will inform the victim before disclosure occurs so that safety risks can be identified and addressed.



**EXHIBIT 16-1: NOTICE TO PUBLIC HOUSING APPLICANTS AND RESIDENTS  
REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

*This sample notice was adapted from a notice prepared by the National Housing Law Project.*

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, or stalking. The name of the law is the Violence against Women Act, or “VAWA.” The purpose of this law is to protect women, men and children. This notice explains your rights under VAWA.

**Protections for Victims**

If you are eligible for public housing, ECC/HANH cannot refuse to admit you to the public housing program on the basis that you are a victim of domestic violence, dating violence, sexual assault, or stalking.

If you are the victim of domestic violence, dating violence, sexual assault, or stalking ECC/HANH cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest can’t be the reason for evicting you if you were the victim of the abuse.

**Reasons You Can Be Evicted**

ECC/HANH can still evict you if ECC/HANH can show there is an *actual and imminent* (immediate) threat to other tenants or ECC/HANH staff if you are not evicted. Also, ECC/HANH can evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking against you. ECC/HANH cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

**Removing the Abuser from the Household**

ECC/HANH may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If ECC/HANH chooses to remove the abuser, it may not take away the remaining tenants’ rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, ECC/HANH must follow federal, state, and local eviction procedures.

**Proving That You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

ECC/HANH can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, sexual assault, or stalking. It must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. ECC/HANH is free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by ECC/HANH. The form will ask for your name, the name of your abuser, the abuser’s relationship to you, the date, time, and location of the incident of violence, and a description of the violence. You are only required to provide the name of the abuser if it is safe to provide and you know their name.

- Provide a statement from a victim service provider, attorney, mental health professional, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing “under penalty of perjury.”
- Provide a police or court record, such as a protective order, or an administrative record.

Additionally, at its discretion, ECC/HANH can accept a statement or other evidence provided by the applicant or tenant.

If you fail to provide one of these documents within the required time, ECC/HANH may evict you.

### **Confidentiality**

ECC/HANH must keep confidential any information you provide about the violence against you, unless:

- You give written permission to ECC/HANH to release the information.
- ECC/HANH needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires ECC/HANH to release the information.

If release of the information would put your safety at risk, you should inform ECC/HANH.

### **VAWA and Other Laws**

VAWA does not limit ECC/HANH’S duty to honor court orders about access to or control of a public housing unit. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

### **For Additional Information**

If you have any questions regarding VAWA, please contact ECC/HANH’s Reasonable Accommodations Manager at 203-498-8800.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

### **Definitions**

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common

- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- 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

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as “any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” (42 U.S.C. 13925(a)).

VAWA defines *stalking* as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

### **Definitions**

For purposes of determining whether a public housing applicant or tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines ***domestic violence*** to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- 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

VAWA defines ***dating violence*** as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as “any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.”

VAWA defines *stalking* as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

## Chapter 16

### PROGRAM ADMINISTRATION

#### INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption ECC/HANH furnished utilities.

Part II: Establishing Flat Rents and Public Housing Maximum Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts and public housing maximum rents.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families, and describes the circumstances under which ECC/HANH will offer repayment agreements to families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part IV: Record Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies ECC/HANH will follow.

Part V: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the ECC/HANH's reporting responsibilities related to children with environmental intervention blood lead levels that are living in public housing.

Part VI: Violence against Women Act (VAWA): Notification, Documentation, and Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault, and stalking; and maintaining the confidentiality of information obtained from victims.

## **PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]**

### **16-I.A. OVERVIEW**

ECC/HANH must establish allowances for ECC/HANH furnished utilities for all check metered utilities and for resident-purchased utilities for all utilities purchased directly by residents from a utility supplier [24 CFR 965.502(a)].

ECC/HANH must also establish surcharges for excess consumption of ECC/HANH furnished utilities.

ECC/HANH must maintain a record that documents the basis on which utility allowances and scheduled surcharges are established and revised, and the record must be made available for inspection by residents [24 CFR 965.502(b)].

### **16-I.B UTILITY ALLOWANCES**

ECC/HANH must establish separate allowances for each utility and for each category of dwelling units ECC/HANH determines to be reasonably comparable as to factors affecting utility usage [24 CFR 965.503].

The objective of ECC/HANH establishing utility allowances for each dwelling unit category and unit size is to approximate a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment [24 CFR 965.505].

Utilities include gas, electricity, fuel for heating, water, sewerage, and solid waste disposal for a dwelling unit. In addition, if ECC/HANH does not furnish a range and refrigerator, the family must be granted a utility allowance for the range and refrigerator they provide [24 CFR 965.505].

Costs for telephone, cable/satellite TV, and internet services are not considered utilities [PH Occ GB, p. 138].

Utility allowance amounts will vary by the rates in effect, size and type of unit, climatic location and sitting of the unit, type of construction, energy efficiency of the dwelling unit, and other factors related to the physical condition of the unit. Utility allowance amounts will also vary by residential demographic characteristics affecting home energy usage [PH Occ GB, p. 138].

Chapter 14 of the *PH Occupancy Guidebook* provides detailed guidance to ECC/HANH about establishing utility allowances.

#### **Air-Conditioning**

“If a PHA installs air conditioning, it shall provide, to the maximum extent economically feasible, systems that give residents the option of choosing to use air conditioning in their units. The design of systems that offer each resident the option to choose air conditioning shall include retail meters or check meters, and residents shall pay for the energy used in its operation. For systems that offer residents the option to choose air conditioning but cannot be check metered, residents are to be surcharged in accordance with 965.506. If an air conditioning system does not provide for resident option, residents are not to be charged, and these systems should be avoided whenever possible.” [24 CFR 965.505(e)]

ECC/HANH Policy

ECC/HANH has air conditioning in some but not all of its developments

**Utility Allowance Revisions [24 CFR 965.507]**

ECC/HANH must review at least annually, the basis on which utility allowances have been established and must revise the allowances if necessary, in order to adhere to the standards for establishing utility allowances that are contained in 24 CFR 965.505.

ECC/HANH may revise its allowances for resident-purchased utilities between annual reviews if there is a rate change, and is required to do so if such change, by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which the allowance was based.

Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account became effective.

ECC/HANH Policy

Between annual reviews of utility allowances, ECC/HANH will only revise its utility allowances due to a rate change, when required to by the regulation.

**16-I.C. SURCHARGES FOR ECC/HANH-FURNISHED UTILITIES [24 CFR 965.506]**

For dwelling units subject to allowances for ECC/HANH furnished utilities where check meters have been installed, ECC/HANH must establish surcharges for utility consumption in excess of the allowances. Surcharges may be computed on a straight per unit of purchase basis or for stated blocks of excess consumption, and must be based on ECC/HANH'S average utility rate. The basis for calculating the surcharges must be described in ECC/HANH's schedule of allowances. Changes in the amount of surcharges based directly on changes in ECC/HANH's average utility rate are not subject to the advance notice requirements discussed under 16-I.D.

For dwelling units served by ECC/HANH furnished utilities where check meters have not been installed, ECC/HANH must establish schedules of surcharges indicating additional dollar amounts residents will be required to pay by reason of estimated utility consumption attributable to resident-owned major appliances or to optional functions of ECC/HANH furnished equipment. The surcharge schedule must state the resident-owned equipment (or functions of ECC/HANH furnished equipment) for which surcharges will be made and the amounts of such charges. Surcharges must be based on the cost to ECC/HANH of the utility consumption estimated to be attributable to reasonable usage of such equipment.

ECC/HANH Policy

Some, but not all, of ECC/HANH's developments have ECC/HANH furnished utilities.

#### **16-I.D. NOTICE REQUIREMENTS [965.502]**

ECC/HANH must give notice to all residents of proposed allowances and scheduled surcharges, and revisions thereof. The notice must be given in the manner provided in the lease and must:

- Be provided at least 60 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.
- Describe the basis for determination of the allowances, scheduled surcharges, or revisions, including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances and schedule of surcharges.
- Notify residents of the place where ECC/HANH's documentation on which allowances and surcharges are based is available for inspection.
- Provide all residents an opportunity to submit written comments during a period expiring not less than 30 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.

#### **16-I.E. REASONABLE ACCOMMODATION [24 CFR 965.508]**

On request from a family that includes a disabled or elderly person, ECC/HANH must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family [PH Occ GB, p. 172].

Likewise, residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

See Chapter 2 for policies regarding the request and approval of reasonable accommodations.



## **PART II: ESTABLISHING FLAT RENTS AND PUBLIC HOUSING MAXIMUM RENTS**

### **16-II.A. OVERVIEW**

Flat rents are designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

Public housing maximum rents are needed to prorate assistance for a mixed family. A mixed family is one whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigrations status [24 CFR 5.504].

This part discusses how ECC/HANH establishes and updates flat rents and public housing maximum rents. Policies related to the use of flat rents, family choice of rent, flat rent hardships, and public housing maximum rents are discussed in Chapter 6.

### **16-II.B. FLAT RENTS [24 CFR 960.253(b) and Notice PIH 2015-13]**

#### **Establishing Flat Rents**

The 2015 Appropriations Act requires that flat rents must be set at no less than 80 percent of the applicable fair market rent (FMR). Alternatively, ECC/HANH may set flat rents at no less than 80 percent of the applicable small area FMR (SAFMR) for metropolitan areas, or 80 percent of the applicable unadjusted rents for nonmetropolitan areas.

For areas where HUD has not determined a SAFMR or an unadjusted rent, ECC/HANH must set flat rents at no less than 80 percent of the FMR or apply for an exception flat rent.

The 2015 Appropriations Act permits ECC/HANH to request an exception flat rent that is lower than either 80 percent of the FMR or SAFMR/unadjusted rent if the ECC/HANH can demonstrate that these FMRs do not reflect the market value of a particular property or unit.

In order to demonstrate the need for an exception flat rent, ECC/HANH is required to submit a market analysis methodology that demonstrates the value of the unit. ECC/HANH must use HUD's rent reasonableness methodology to determine flat rents. In determining flat rents, ECC/HANH must consider the following:

- Location
- Quality
- Unit size
- Unit type
- Age of property
- Amenities at the property and in immediate neighborhood
- Housing services provided
- Maintenance provided by the ECC/HANH
- Utilities provided by the ECC/HANH

ECC/HANH must receive written HUD approval before implementing exception flat rents. If ECC/HANH uses exception flat rents, ECC/HANH must conduct a new market analysis, and obtain HUD approval, annually.

ECC/HANH is now required to apply a utility allowance to flat rents. Flat rents set at 80 percent of the FMR must be reduced by the amount of the unit's utility allowance, if any.

### **Review of Flat Rents**

No later than 90 days after HUD publishes new annual FMRs/SAFMRs/unadjusted rent, ECC/HANH must revise flat rents as necessary based changes to the FMR/SAFMR/unadjusted rent. ECC/HANH must offer changes to the flat rent to all new admissions and to existing families at the next annual rent option.

If the FMR falls from year to year, ECC/HANH may, but is not required to, lower the flat rent to 80 percent of the current FMR/SAFMR/unadjusted rent.

#### ECC/HANH Policy

If the FMR is higher than the previous year, ECC/HANH will offer the new flat rent at regular reexamination.

According to the Annual MTW Plan, Initiative 3.1 – Rent, as of FY 2020 the Flat Rent option certification form will only be signed at time of biennial/triennial certification, however, families will have the opportunity to switch to the Flat rent once a year. Annual notice must go out to families, but signature will not be required except for at time of scheduled bi/tri certification. This change is in line with efforts to streamline the certification process; relieving staff of the additional burden and allowing families to benefit from the full extent of Rent Simplification as written.

If the FMR/SAFMR/unadjusted rent is lower than the previous year, ECC/HANH will reduce flat rents to 80 percent of the current FMR/SAFMR.

### **Posting of Flat Rents**

#### ECC/HANH Policy

ECC/HANH will publicly post the schedule of flat rents in a conspicuous manner in the applicable/HANH or property management office.

### **Documentation of Flat Rents [24 CFR 960.253(b)(5)]**

ECC/HANH must maintain records that document the method used to determine flat rents, and that show how flat rents were determined by ECC/HANH in accordance with this method.

## **16-II.C. PUBLIC HOUSING MAXIMUM RENTS**

### **Establishing Public Housing Maximum Rents**

ECC/HANH is prohibited from making financial assistance available to persons who are not citizens or nationals of the United States, and to those who do not have eligible immigration status [24 CFR 5.500]. Therefore, in order to assist mixed families, ECC/HANH must prorate

assistance. Public housing maximum rents are needed in order to calculate the tenant rent for a mixed family.

ECC/HANH Policy

The public housing maximum rent is based on the flat rent for the unit.

ECC/HANH may use the “direct comparison” or the “unit distribution” method for establishing the public housing maximum rents for each unit size. Appendix H, of Guidebook 7465.G, Restrictions on Assistance to Noncitizens provides detailed guidance on how to establish public housing maximum rents using the methodologies identified above.

**Review of Public Housing Maximum Rents**

ECC/HANH Policy

ECC/HANH will recalculate the public housing maximum rents as flat rents are revised.

**Posting of Public Housing Maximum Rents**

ECC/HANH Policy

ECC/HANH will publicly post the schedule of public housing maximum rents in a conspicuous manner in the applicable ECC/HANH or property management office.

**Documentation of Public Housing Maximum Rents**

ECC/HANH Policy

ECC/HANH bases the public housing maximum rent on the flat rent for the unit, and retains documentation.

## **PART III: FAMILY DEBTS TO ECC/HANH**

### **16-III.A. OVERVIEW**

This part describes ECC/HANH'S policies for recovery of monies owed to ECC/HANH by families.

#### ECC/HANH Policy

When an action or inaction of a resident family results in the underpayment of rent or other amounts, ECC/HANH holds the family liable to return any underpayments to ECC/HANH.

ECC/HANH will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments.

When a family refuses to repay monies owed to ECC/HANH, -ECC/HANH will utilize other available collection alternatives including, but not limited to, the following:

- Collection agencies
- Small claims court
- Civil lawsuit
- State income tax set-off program

### **16-III.B. REPAYMENT POLICY**

#### **Family Debts to ECC/HANH**

#### ECC/HANH Policy

Any amount owed to ECC/HANH by a public housing family must be repaid. If the family is unable to repay the debt within 30 days, ECC/HANH will offer to enter into a repayment agreement in accordance with the policies below.

The term *repayment agreement* refers to a formal document signed by a resident and provided to ECC/HANH in which a resident acknowledges a balance owed to ECC/HANH and agrees to make payments toward the balance as well as continue to pay the monthly rent amount.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, ECC/HANH will terminate the family's tenancy in accordance with the policies in Chapter 13. ECC/HANH will also pursue other modes of collection.

#### **General Repayment Agreement Guidelines**

#### ***Limit on Repayment Agreements***

#### ECC/HANH Policy

ECC/HANH generally will not enter into a repayment agreement.

***No Offer of Repayment Agreement***

ECC/HANH Policy

ECC/HANH will not enter into a repayment agreement:

If there is already a repayment agreement in place with the family.

If ECC/HANH determines that the family committed program fraud and owes ECC/HANH \$1,000 or more as a result of ECC/HANH’s investigation or information from an outside source

If ECC/HANH determines that the debt is larger than can be paid back by the family within 12 months.

Any recommendation by an ECC/HANH manager to enter into a repayment agreement for residents with a balance of \$1000 or more must be approved by the Executive Director/President or designee. The recommendation/request to enter into a repayment agreement of \$1,000 or more is in the form of a document prepared by the manager upon consultation with the Executive Director/President. The document is prepared for signature based upon such consultation with the Executive Director/President.

***Initial Payment Due***

ECC/HANH Policy

This schedule does not apply to families who owe ECC/HANH as a result of program abuse. Prior to the execution of a repayment agreement, the family must pay a percentage of the balance owed to ECC/HANH as follows:

**Initial Payment Due**

<b><i>(% of Total Amount)</i></b>	<b><i>Amount Owed</i></b>
20%	\$0 - \$499
15%	\$500 or more

If the family can provide evidence satisfactory to ECC/HANH that the initial payment due would impose an undue hardship, ECC/HANH may, in its sole discretion, require a lesser percentage or waive the requirement.

***Repayment Agreement Length***

ECC/HANH Policy

Amounts of \$1,000 or more are not eligible for repayment agreements.

Amounts of \$500 but less than \$1,000 must be repaid within 12 months.

Amounts under \$500 must be repaid within 6 months.

**Amounts of \$500 or more, or one month’s use and occupancy, must be referred to ECC/HANH’s Legal Department.** The minimum monthly payment for a payment agreement other than for program fraud is \$25, with the stipulation that the amount owed must be paid within the repayment agreement length.

### ***Payment Thresholds***

Notice PIH 2010-19 acknowledges that PHAs have the discretion to establish “thresholds”.

### ***Reduction in Monthly Payments***

#### ECC/HANH Policy

Monthly payments may be decreased in cases of family hardship and if requested with reasonable notice from the family, verification of the hardship, and the approval of the Housing Manager and Legal Department.

### ***Execution of the Agreement***

#### ECC/HANH Policy

Any repayment agreement between ECC/HANH and a family must be signed and dated by ECC/HANH and by the head of household and spouse/cohead (if applicable) and signed by the Housing Manager and Legal Department.

### ***Form of Payment***

#### ECC/HANH Policy

Payments may only be made by money order or cashier's check.

### ***Due Dates***

#### ECC/HANH Policy

All payments are due by the close of business on the 10th day of the month. If the 10th does not fall on a business day, the due date is the close of business on the first business day after the 10th.

### ***Late or Missed Payments***

#### ECC/HANH Policy

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by ECC/HANH, ECC/HANH will send the family a delinquency notice giving the family 10 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and ECC/HANH will terminate tenancy in accordance with the policies in Chapter 13.

If a family receives three delinquency notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default. ECC/HANH's notice of default will give the family the opportunity to cure by requiring the family to pay the balance in full prior to the due date. If the balance in full is not paid by the due date stipulated in the repayment agreement default notice, ECC/HANH will issue a termination notice and will terminate tenancy in accordance with the policies in Chapter 13.

ECC/HANH will also refuse to enter into future repayment agreements with the family.

### ***Moves to Another Unit***

#### ECC/HANH Policy

If the agreement is not in arrears, the family will be permitted to move.

If the agreement is in arrears, the family will be required to pay the balance in full or be terminated from the program.

### ***Family error/late reporting***

#### ECC/HANH Policy

Families who owe money to ECC/HANH due to the family's failure to report changes in income as required by ECC/HANH policies in a timely manner, per ECC/HANH policies, will be required to repay in accordance with the guidelines in the Down Payment Requirement and Payment Thresholds sections of this part.

### ***Program Fraud***

#### ECC/HANH Policy

Families who owe money to ECC/HANH due to program fraud, other than what is described in the No Offer of Repayment Agreement section of this part, will be required to pay in accordance with the Payment Procedures for Program Fraud below.

If a family owes an amount of \$1,000.00 or more as a result of program fraud, no repayment agreement will be offered per No Offer of Repayment Agreement section above.

If a family owes an amount of \$5,000 or more as a result of program fraud, the case will be referred to the HUD Office of Inspector General. If the amount owed by the family meets or exceeds the federal or state threshold for criminal prosecution, ECC/HANH will refer the case for criminal prosecution.

### ***Payment Procedures for Program Fraud***

#### ECC/HANH Policy

Families who commit program fraud will be subject to the following procedures:

**The maximum time period for a Payment Agreement will be 12 months.**

The family will be required to make a minimum down payment of one third (1/3) of the balance or \$250, whichever amount is greater, prior to or upon execution of the Payment Agreement.

The minimum monthly payment will be \$50.00.

### ***Repayment Agreements Involving Improper Payments***

Notice PIH 2010-19 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the public housing lease that state the family's obligation to provide true and complete information at every reexamination and the grounds on which ECC/HANH may terminate assistance because of a family's action or failure to act
- A statement clarifying that each month the family not only must pay to ECC/HANH the monthly payment amount specified in the agreement but must also pay to ECC/HANH the monthly tenant rent
- A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of tenancy



## **PART IV: RECORD KEEPING**

### **16-IV.A. OVERVIEW**

ECC/HANH must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, ECC/HANH must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights, and that comply with VAWA 2013 confidentiality requirements.

### **16-IV.B. RECORD RETENTION**

ECC/HANH must keep the last three years of the Form HUD-50058 and supporting documentation during the term of each assisted lease, and for a period of at least three years from the end of participation (EOP) date [24 CFR 908.101].

Notice PIH 2014-20 requires ECC/HANH to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.

#### ECC/HANH Policy

During the term of each public housing tenancy, and for at least four years thereafter, ECC/HANH will keep all documents related to a family's eligibility, tenancy, and termination.

In addition, ECC/HANH will keep the following records for at least four years:

- An application from each ineligible family and notice that the applicant is not eligible

- Lead-based paint records as required by 24 CFR 35, Subpart B

- Documentation supporting the establishment of flat rents and the public housing maximum rent

- Documentation supporting the establishment of utility allowances and surcharges

- Documentation related to PHAS

- Accounts and other records supporting ECC/HANH budget and financial statements for the program

- Complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule

- Other records as determined by ECC/HANH or as required by HUD

If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 14-II.A.

## **16-IV.C. RECORDS MANAGEMENT**

ECC/HANH must maintain applicant and participant files and information in accordance with the regulatory requirements described below.

### ECC/HANH Policy

All applicant and participant information will be kept in a secure location and access will be limited to authorized ECC/HANH staff.

ECC/HANH staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

### **Privacy Act Requirements [24 CFR 5.212 and Form-9886]**

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or ECC/HANH may release the information collected.

### **Upfront Income Verification (UIV) Records**

PHAs (ECC/HANH) that access UIV data through HUD's Enterprise Income Verification (EIV) system are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD-issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification (UIV) Data*.

### ECC/HANH Policy

Prior to utilizing HUD's EIV system, ECC/HANH has adopted and implemented EIV security procedures required by HUD.

### **Criminal Records**

ECC/HANH may only disclose the criminal conviction records which ECC/HANH receives from a law enforcement agency to officers or employees of ECC/HANH, or to authorized representatives of ECC/HANH who have a job-related need to have access to the information [24 CFR 5.903(e)].

ECC/HANH must establish and implement a system of records management that ensures that any criminal record received by ECC/HANH from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the ECC/HANH action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

ECC/HANH must establish and implement a system of records management that ensures that any sex offender registration information received by ECC/HANH from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the ECC/HANH action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed must be retained [Notice PIH 2012-28]. This requirement does not apply to information that is public information, or is obtained by ECC/HANH other than under 24 CFR 5.905.

### **Medical/Disability Records**

ECC/HANH not permitted to inquire about the nature or extent of a person's disability. ECC/HANH may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If ECC/HANH receives a verification document that provides such information, ECC/HANH should not place this information in the tenant file. ECC/HANH should destroy the document.

### **Domestic Violence, Dating Violence, Sexual Assault, or Stalking Records**

For requirements and ECC/HANH policies related to management of documentation obtained from victims of domestic violence, dating violence, sexual assault, or stalking, see section 16-VII.E.

**PART V: REPORTING REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL**

**16-V.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e)]; PIH 2017-13 (HA); OHHLHC 2017-01; HUD Lead Safe Housing Rule; ECC/HANH Lead Safe Housing Policy and Procedure**

ECC/HANH has certain responsibilities relative to children with environmental intervention blood lead levels that are living in public housing.

ECC/HANH must report the name and address of a child of less than 6 years of age, identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. ECC/HANH must also report each known case of a child with an environmental intervention blood lead level to the HUD field office and HUD's Office of Lead Control.

ECC/HANH Policy

ECC/HANH will provide the public health department written notice of the name and address of any child of less than 6 years of age, identified as having an environmental intervention blood lead level.

ECC/HANH will provide written notice of each known case of a child with an environmental intervention blood level to the HUD field office and HUD's Office of Lead Control within 5 business days of receiving the information.

ECC/HANH will ensure that an environmental investigation of the child's unit and the common areas servicing the unit occurs within 15 calendar days, in accordance with Chapter 16 of the HUD Guidelines.

ECC/HANH will notify the HUD Field Office of the results of the environmental investigation and the lead hazard control work within 10 business days of receiving the results.

ECC/HANH must notify the family of the results of the environmental review **within 15 calendar days** after receiving the results.

ECC/HANH will direct that any lead-based hazards identified by the investigation are controlled **within 30 calendar days** by a certified lead-based paint abatement firm or certified lead renovation firm.

In a multi-unit development, ECC/HANH shall ensure that all residents are notified of the lead evaluation and hazard control activities.

ECC/HANH shall notify the HUD Field Office of the results of the lead hazard control work within **10 business days** of receiving the results.

After completion and clearance of the lead control work, ECC/HANH shall ensure through a preventative maintenance schedule that the unit and common areas are maintained as lead safe for continued occupancy.

Re-evaluations are required every 2 years by a certified lead risk assessor. Any findings must be attended to. The reevaluations shall be for: deteriorated paint surfaces unless they are known not to be lead-based paint, deteriorated or failed interim controls of lead-based paint hazards or encapsulation or enclosure treatments, dust-lead hazards, and soil-lead hazards in newly bare soil

## PART VI: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, AND CONFIDENTIALITY

### 16-VI.A. OVERVIEW

The Violence against Women Reauthorization Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the public housing program. If your state or local laws provide greater protection for such victims, those apply in conjunction with VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and ECC/HANH policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and ECC/HANH policies are located in Chapter 3, “Eligibility” (sections 3-I.C and 3-III.F); Chapter 5, “Occupancy Standards and Unit Offers” (section 5-II.D); Chapter 8, “Leasing and Inspections” (section 8-I.B); Chapter 12, “Transfer Policy” (sections 12-III.C, 12-III.F, and 12-IV.D); and Chapter 13, “Lease Terminations” (sections 13-III.F and 13-IV.D).

### 16-VI.B. DEFINITIONS [24 CFR 5.2003, FR Notice 8/6/13]

As used in VAWA:

- The term *affiliated individual* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that person stands in the position or place of a parent; or
  - Any individual, tenant or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, 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.

- The term *sexual assault* means:
  - Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent
- The term *stalking* means:
  - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

## **16-VI.C. NOTIFICATION [24 CFR 5.2005(a)]**

### **Notification to Public**

ECC/HANH adopts the following policy to help ensure that all actual and potential beneficiaries of its public housing program are aware of their rights under VAWA.

#### ECC/HANH Policy

ECC/HANH will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, or stalking (see sample notice in Exhibit 16-1)

The definitions of *domestic violence*, *dating violence*, *sexual assault*, and *stalking* provided in VAWA (included in Exhibit 16-1)

An explanation of the documentation that ECC/HANH may require from an individual who claims the protections provided by VAWA (included in Exhibit 16-1)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

A statement of ECC/HANH's obligation to keep confidential any information that it receives from a victim unless (a) ECC/HANH has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 16-1)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1)

Contact information for local victim advocacy groups or service providers

## **Notification to Applicants and Tenants [24 CFR 5.2005(a)(1)]**

ECC/HANH is required to inform public housing applicants and tenants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

ECC/HANH must distribute a notice of VAWA rights, along with the VAWA self-certification form (HUD-50066) at each of these three junctures.

### ECC/HANH Policy

The VAWA information provided to applicants and tenants will consist of the notice of VAWA rights in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

ECC/HANH will provide all applicants with information about VAWA at the time they request an application for housing assistance. ECC/HANH will also include such information in all notices of denial of assistance (see section 3-III.F).

ECC/HANH will provide all tenants with information about VAWA at the time of admission (see section 8-I.B) and at annual reexamination. ECC/HANH will also include such information in all lease termination notices (see section 13-IV.D).

ECC/HANH is not limited to providing VAWA information at the times specified in the above policy. If ECC/HANH decides to provide VAWA information to a tenant following an incident of domestic violence, Notice PIH 2006-42 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases ECC/HANH make alternative delivery arrangements that will not put the victim at risk.

### ECC/HANH Policy

Whenever ECC/HANH has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

## **16-VI.D. DOCUMENTATION [24 CFR 5.2007]**

ECC/HANH presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. ECC/HANH may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the ECC/HANH's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim



- (2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

ECC/HANH may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA 2005 final rule].

#### ECC/HANH Policy

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

ECC/HANH may, in its discretion, extend the deadline for 10 business days. Any extension granted by ECC/HANH will be in writing.

#### **Conflicting Documentation [24 CFR 5.2007(e)]**

In cases where ECC/HANH receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, ECC/HANH may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). ECC/HANH must honor any court orders issued to protect the victim or to address the distribution of property.

#### ECC/HANH Policy

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, ECC/HANH will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made.

#### **Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]**

ECC/HANH has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

### ECC/HANH Policy

If ECC/HANH accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, sexual assault, or stalking, ECC/HANH will document acceptance of the statement or evidence in the individual's file.

### **Failure to Provide Documentation [24 CFR 5.2007(c)]**

In order to deny relief for protection under VAWA, ECC/HANH must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as ECC/HANH may allow, ECC/HANH may deny relief for protection under VAWA.

### **16-VI.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]**

All information provided to ECC/HANH regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be retained in confidence. This means that ECC/HANH (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

### ECC/HANH Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, ECC/HANH will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

**EXHIBIT 16-1: NOTICE TO PUBLIC HOUSING APPLICANTS AND RESIDENTS  
REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

*This sample notice was adapted from a notice prepared by the National Housing Law Project.*

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, or stalking. The name of the law is the Violence against Women Act, or “VAWA.” The purpose of this law is to protect women, men and children. This notice explains your rights under VAWA.

**Protections for Victims**

If you are eligible for public housing, ECC/HANH cannot refuse to admit you to the public housing program on the basis that you are a victim of domestic violence, dating violence, sexual assault, or stalking.

If you are the victim of domestic violence, dating violence, sexual assault, or stalking ECC/HANH cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest can’t be the reason for evicting you if you were the victim of the abuse.

**Reasons You Can Be Evicted**

ECC/HANH can still evict you if ECC/HANH can show there is an *actual and imminent* (immediate) threat to other tenants or ECC/HANH staff if you are not evicted. Also, ECC/HANH can evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking against you. ECC/HANH cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

**Removing the Abuser from the Household**

ECC/HANH may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If ECC/HANH chooses to remove the abuser, it may not take away the remaining tenants’ rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, ECC/HANH must follow federal, state, and local eviction procedures.

**Proving That You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

ECC/HANH can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, sexual assault, or stalking. It must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. ECC/HANH is free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by ECC/HANH. The form will ask for your name, the name of your abuser, the abuser’s relationship to you, the date, time, and location of the incident of violence, and a description of the violence. You are only required to provide the name of the abuser if it is safe to provide and you know their name.

- Provide a statement from a victim service provider, attorney, mental health professional, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing “under penalty of perjury.”
- Provide a police or court record, such as a protective order, or an administrative record.

Additionally, at its discretion, ECC/HANH can accept a statement or other evidence provided by the applicant or tenant.

If you fail to provide one of these documents within the required time, ECC/HANH may evict you.

### **Confidentiality**

ECC/HANH must keep confidential any information you provide about the violence against you, unless:

- You give written permission to ECC/HANH to release the information.
- ECC/HANH needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires ECC/HANH to release the information.

If release of the information would put your safety at risk, you should inform ECC/HANH.

### **VAWA and Other Laws**

VAWA does not limit ECC/HANH’S duty to honor court orders about access to or control of a public housing unit. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

### **For Additional Information**

If you have any questions regarding VAWA, please contact ECC/HANH’s Reasonable Accommodations Manager at 203-498-8800.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

### **Definitions**

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common

- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- 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

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as “any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” (42 U.S.C. 13925(a)).

VAWA defines *stalking* as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

### **Definitions**

For purposes of determining whether a public housing applicant or tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines ***domestic violence*** to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- 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

VAWA defines ***dating violence*** as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as “any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.”

VAWA defines *stalking* as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

## Chapter 4

### APPLICATIONS, WAITING LIST AND TENANT SELECTION

#### INTRODUCTION

When a family wishes to receive assistance under the HCV program, the family must submit an application that provides ECC/HANH with the information needed to determine the family's eligibility. HUD requires ECC/HANH to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, ECC/HANH must select families from the waiting list in accordance with HUD requirements and ECC/HANH policies as stated in the Administrative Plan and the Annual Plan.

ECC/HANH is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow these policies and procedures consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or ECC/HANH that justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeted funding.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that ECC/HANH affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1].

Adherence to the selection policies described in this chapter ensures that ECC/HANH will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and ECC/HANH policies for taking applications, managing the waiting list and selecting families for HCV assistance. The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how ECC/HANH will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how ECC/HANH's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process ECC/HANH will use to keep the waiting list current.

Part III: Selection for HCV Assistance. This part describes the policies that guide ECC/HANH in selecting families for HCV assistance as such assistance becomes available. It also specifies how interviews will be used to ensure that ECC/HANH has the information needed to make a final eligibility determination.

## PART I: THE APPLICATION PROCESS

### 4-I.A. OVERVIEW

This part describes ECC/HANH policies for making applications available, accepting applications, making preliminary determinations of eligibility, and the placement of applicants on the waiting list. This part also describes ECC/HANH's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

### 4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits ECC/HANH to determine the format and content of HCV applications, as well as how such applications will be made available to interested families and how applications will be accepted by ECC/HANH. ECC/HANH must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of ECC/HANH's full application.

#### ECC/HANH Policy

When opening the waiting list, ECC/HANH will publicly announce the accepting of applications (see Section 4-II-C).

Families may apply for the wait list through the ECC/HANH Applicant portal at <https://ecc.myhousing.com>. If the applicant needs a reasonable accommodation to complete the pre-application, the applicant may contact the Reasonable Accommodation Manager at 203-498-8800 x1507. Application forms can also be obtained at the ECC/HANH website at [www.elmcitycommunities.org](http://www.elmcitycommunities.org) or United Way's 211 Info line at <http://www.cthcvp.org>.

A family may request to pick up an application form at the agency offices or to have the application mailed to them as a reasonable accommodation.

All applications received via mail will be date and time stamped. Mailed applications will be added to the waitlist based on the date and time that they are stamped as received.

Only one application will be accepted per family; duplicate applications will be discarded.

Applications received after the published deadline date will be rejected.

Completed applications must be submitted via the Wait List portal. Applications must be complete in order to be accepted by the ECC/HANH for processing.

The Applicant Portal does not allow incomplete applications to be submitted through the portal. If a pre-application submitted in any way other than the portal is incomplete, the ECC/HANH will not accept the application but will instead notify the applicant by mail or email, if applicable, that the application is incomplete and has been denied.

An applicant whose application has been denied for being incomplete or for not meeting the published application criteria will be provided with the opportunity to appeal ECC/HANH's decision that the application was incomplete or for not meeting the published application criteria within 10 business days of the notice of application denial.



#### **4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS**

##### **Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13]**

ECC/HANH must take steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). ECC/HANH must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or ECC/HANH must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of ECC/HANH’s policies related to providing reasonable accommodations for people with disabilities.

##### **Limited English Proficiency**

ECC/HANH is required to take reasonable steps to ensure equal access to our programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on ECC/HANH’s policies related to ensuring access to people with limited English proficiency (LEP).

#### **4-I.D. PLACEMENT ON THE WAITING LIST**

ECC/HANH must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, ECC/HANH must notify the family in writing [24 CFR 982.201(f)]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR 982.202(c)].

##### **Ineligible for Placement on the Waiting List**

###### ECC/HANH Policy

The Applicant Portal does not allow incomplete applications to be submitted. If an application is incomplete, the applicant will not be able to submit the application until the application is completed with all required information. If a pre-application submitted in any way other than the portal is incomplete, ECC/HANH will not accept the application but will instead notify the applicant by mail or email, if applicable, that the application is incomplete and give an opportunity to complete the application.

Applicants will not be screened for ineligibility at the pre-application stage. Screening for ineligibility will occur at the time of tenant selection at the full application stage.

##### **Eligible for Placement on the Waiting List**

###### ECC/HANH Policy

The ECC/HANH HCV wait list will remain open.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list in a pool, by ranked preference, pending selection (see Section 4-III-C).

## PART II: MANAGING THE WAITING LIST

### 4-II.A. OVERVIEW

ECC/HANH must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how ECC/HANH may structure its waiting list and how families must be treated if they apply for assistance from a PHA that administers more than one assisted housing program.

### 4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

ECC/HANH's HCV waiting list must be organized in such a manner to allow ECC/HANH to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Applicant address
- Family unit size;
- Date and time of application;
- Qualification for any local ~~preference~~; preference.
- Racial or ethnic designation of the head of household.

HUD requires a PHA to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

#### ECC/HANH Policy

ECC/HANH will maintain a single waiting list for the HCV program.

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program ECC/HANH operates if:

- 1) the other programs' waiting lists are open
- 2) the family ~~is qualified~~ qualifies for the other programs

HUD permits, but does not require, that ECC/HANH maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

### ECC/HANH Policy

The ECC/HANH maintains a single HCV waiting list for Tenant Based Vouchers (TBV) and Project Based Vouchers (PBV) and will not merge the waiting list for any other program the ECC/HANH operates.

## **4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]**

### **Closing the Waiting List**

ECC/HANH is permitted to close the waiting list if it has an adequate pool of families to use its available HCV assistance. Alternatively, ECC/HANH may elect to continue to accept applications only from certain categories of families that meet particular preferences or funding criteria.

### ECC/HANH Policy

ECC/HANH will continuously accept applications through its online portal. ECC/HANH may close the waiting list when the estimated waiting period for housing assistance for applicants on the list reaches 24 months for the most current applicants.

ECC/HANH will keep its waiting list open for priority preferences or a referral based preference waiting list (see below).

Where ECC/HANH has funding criteria that require a specific category of family, ECC/HANH may elect to continue to accept applications from these applicants while closing the waiting list to others. This includes ECC/HANH Special Programs, income targeting and Efforts to End Homelessness TBV and PBV initiatives.

All advertisements will be made in English and other languages as dictated by the needs of the local market area.

When the waiting list is closed, ECC/HANH will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

### **Reopening the Waiting List**

If the waiting list has been closed, it cannot be reopened until ECC/HANH publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

### ECC/HANH Policy

ECC/HANH's waiting list will always remain open for the following families who have the preferences listed below.

*Note: This is not a preference hierarchy.*

- **Displaced by Government Action**

- i. Displacement as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, and including from ECC/HANH public housing units

undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)

ii. Displacement as the result of a local natural disaster and/or condemnation of a property or dwelling for health and safety reasons;

iii. Displacement as defined by US Department of Housing and Urban Development as the result of a natural disaster or event defined Emergency event resulting in the displacement of persons needing housing assistance.

- **Reasonable Accommodation**

Reasonable Accommodation for disability issues under the Fair Housing Act for residents currently residing in an ECC/HANH public housing unit who require an accessible unit as a reasonable accommodation where ECC/HANH is unable to accommodate the need through the transfer to another ECC/HANH public housing unit.

- **Violence Against Women Act (VAWA)**

Violence Against Women Act (VAWA) for applicants on the LIPH waitlist and LIPH residents who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH resident and applicant families claiming protections under the Violence Against Women Act (VAWA), See the VAWA preference policy for more information;

See the VAWA preference policy for more information.

- **Documented Witness Protection**

For persons or families that are in a documented Witness Protection Program. Documentation to be provided by the appropriate law enforcement agency.

- **LIPH – Crime and Safety**

An individual or family currently residing in an ECC/HANH public housing unit, LIHTC/PBV or RAD/PBV unit who are in a situation involving crime and safety, where transfer of the family to another public housing, LIHTC/PBV or RAD/PBV development does not meet the needs of the family due to other situations involving crime and safety;safety.

- **Homeless**

For individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) for project-based developments with homeless requirements or ~~tenant based~~tenant-based vouchers.

- **Supportive Housing**

For individuals and families who meet the HUD definition of homeless and are direct referrals for project-based or tenant-based Efforts to end Homelessness TBV and PBV initiatives

- **Emergency Housing Vouchers**

**Families who are applicants/referrals for the Emergency Housing Vouchers (EHV)**

- ~~1. Families who are applicants/referrals for project based or tenant based supportive housing programs~~
- ~~2. Homeless preference for families/referrals for project based or tenant based Efforts to end Homelessness TBV and PBV initiatives~~
- ~~3. Families who are applicants/referrals for the Emergency Housing Vouchers (EHV)~~

ECC/HANH will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

ECC/HANH will give public notice by publishing the relevant information in suitable media outlets including the following newspapers, minority publications, and media entities:

New Haven Register, Inner City, The City of New Haven’s Office on Disabilities, and the State of Connecticut website.

The notice will contain:

- When the waiting list will be open;
- The deadline for receipt of applications;
- How and where to apply (see Section 4-I.B);
- The programs for which applications will be taken;
- A brief description of the program;
- ECC/HANH’s preferences; and,
- Limitations, if any, on who may apply.

**4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]**

ECC/HANH must conduct outreach as necessary to ensure that ECC/HANH has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted.

Because HUD requires ECC/HANH to admit a specified percentage of extremely low-income families to the program (see Chapter 4, Part III), ECC/HANH may need to conduct special

outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21].

ECC/HANH's outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

ECC/HANH's outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low-income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

#### ECC/HANH Policy

~~The~~ ECC/HANH will monitor the characteristics of the population being served and the characteristics of the population as a whole in ECC/HANH's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

### **4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

#### ECC/HANH Policy

While the family is on the waiting list, the family must immediately inform the ECC/HANH of changes in contact information, including current residence, mailing address, phone number and family composition. The changes must be submitted in writing.

### **4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]**

HUD requires ECC/HANH to establish policies to use when removing applicant names from the waiting list.

#### **Purging the Waiting List**

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to an

ECC/HANH request for information or updates, and ECC/HANH determines that the family did not respond because of the family member's disability, ECC/HANH must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

The primary goal in purging a waiting list is to obtain current information on interested applicants and to remove applicants no longer interested in participating in the program. Also purging the waiting lists prevents delays in leasing activities.

#### ECC/HANH Policy

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

ECC/HANH will consider the following factors when deciding to purge/update the waiting list and may decide to purge a portion of the Waiting List at a given time.

- The number of applicants expected to be selected within a reasonable time, i.e 12-24 months
- Removing families who are no longer interested or eligible to participate in the HCV program

To purge the waiting list, ECC/HANH ~~will~~ may send purge letter notifications via the Applicant Portal, e-mail, fax or -first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the HCV program.

The-purge letter will be sent to the- last email address, fax number or mailing address that ECC/HANH has on record for the family. The-purge letter will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

~~ECC/HANH may also send an email to the applicant to the email address on record in an effort to purge the waitlist and maintain a current and active waiting list.~~

Applicants must complete a new preliminary application or form providing all the information needed for remaining on the applicable waiting list, ~~such as address, phone number, household composition, income, and email address if applicable~~. The applicant must indicate that they wish to remain on the specific waiting list or if they wish to be removed.

~~If no response is received by the deadline, the applicant is removed from the Waiting List and a copy of the original letter shall be maintained in the file with a note indicating the date and reason for removing the applicant from the Waiting List.~~

The family's response must be in writing and may be delivered in person or by mail, fax, email or applicant portal. Responses should be postmarked or received by ECC/HANH not later than 15 business days from the date of ECC/HANH's letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice. Aa copy of the -letter shall be maintained in the file with a note indicating the date and reason for removing the applicant from the Waiting List.



If the notice is returned by the post office marked undeliverable or with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The address will be updated accordingly. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice. The returned mail must be filed in the file.

When a family is removed from the waiting list during the purge process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent ECC/HANH from making an eligibility determination; therefore, no informal hearing is required.

If a family is removed from the waiting list for failure to respond, ECC/HANH may reinstate the family if the lack of response was due to ECC/HANH error, or to circumstances beyond the family's control to include but not limited to, hospitalization, delayed mail delivery, or other reasonable accommodation circumstances.

The removal must be documented in the file. A copy of the original letter should be included in the file with a note indicating the date and reason for the removal.

Due to the length of the waiting list, it may not be cost effective to purge the entire waiting list at one time. ECC/HANH will have the discretion to purge a portion of the waiting list in order to have current information on those applicant families that may be likely to reach the top of the waiting list in the next 12 months.

ECC/HANH may determine to conduct a purge with in-house staff or contracting out the service to complete the function.

## **Removal from the Waiting List**

### ECC/HANH Policy

ECC/HANH will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required. Such requests must be submitted in writing.

If at any time an applicant family is on the waiting list, the ECC/HANH determines that the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because the ECC/HANH has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family on how to request an informal review regarding ECC/HANH's decision (see Chapter 16) [24 CFR 982.201(f)].

A family may also be removed from the waiting list if the family fails to respond to the PHA's ECC/HANH's written invitation to attend an eligibility appointment.

## **PART III: SELECTION FOR HCV ASSISTANCE**

### **4-III.A. OVERVIEW**

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families are selected from the waiting list depends on the selection method chosen by ECC/HANH and is impacted in part by any selection preferences for which the family qualifies. The availability of targeted funding also may affect the order in which families are selected from the waiting list.

ECC/HANH must maintain a clear record of all information required to verify that the family is selected from the waiting list according to ECC/HANH'S selection policies [24 CFR 982.204(b) and 982.207(e)].

### **4-III.B. SELECTION AND HCV FUNDING SOURCES**

#### **Regular HCV Funding**

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

#### **Special Admissions [24 CFR 982.203]**

HUD may award funding for specifically named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, ECC/HANH may admit such families whether or not they are on the waiting list, and, if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. ECC/HANH must maintain records showing that such families were admitted with special program funding.

#### **Targeted Funding [24 CFR 982.204(e)]**

HUD may award ECC/HANH funding for a specified category of families on the waiting list. ECC/HANH must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, ECC/HANH may skip families that do not qualify within the targeted funding category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

#### **Emergency Housing Vouchers**

The American Rescue Plan (ARP) of 2021, section 3202 created the Emergency Housing Vouchers for individuals and families who are experiencing homelessness; at risk of experiencing homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing stability. ECC was allocated 37 EHV effective July 1, 2021.

After September 30, 2023, ECC/HANH may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended. All referrals must come through the Continuum of Care Coordinated (CoC) Entry system (New Haven Alliance Coordinated Access Network) or from a Victims Services Provider.

The CoC maintains the waitlist for this program by prioritizing individuals and families for EHV assistance, determining the homelessness eligibility, and refers individuals and families through the CoC's coordinated entry system.

Families referred by the CoC may receive EHV program funded housing support services including: supporting individuals and families in processing voucher applications, supporting the housing search process, and planning for and coordinating the delivery of supportive services to support the housing stability of EHV participants. (see Chapter 18, Emergency Housing Vouchers)

#### **4-III.C. SELECTION METHOD**

ECC/HANH must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that ECC/HANH will use [24 CFR 982.202(d)].

##### **Local Preferences [24 CFR 982.207; HCV p. 4-16]**

ECC/HANH is permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits ECC/HANH to establish other local preferences, at its discretion. Any local preferences established must be consistent with the ECC/HANH plan and the consolidated plan and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

##### ECC/HANH Policy

The ECC/HANH offers preferences to the below families in the stated order.

##### **1.) Displaced by Government Action**

Persons displaced by government action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or formally recognized pursuant to Federal disaster relief laws. 24 CFR 5.403(b). This preference will be prioritized in the following:

- a. Displacement as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, and including from ECC/HANH public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)
- b. Displacement as the result of a local natural disaster and/or condemnation of a property or dwelling for health and safety reasons. i.e. Fire Dept, LCI
- c. Displacement as defined by US Department of Housing and Urban Development as the result of a natural disaster or event defined Emergency event resulting in the displacement of persons needing housing assistance.

## 2.) Reasonable Accommodation - LIPH

Reasonable Accommodation for disability issues under the Fair Housing Act for residents currently residing in an ECC/HANH public housing unit who require an accessible unit as a reasonable accommodation where ECC/HANH is unable to accommodate the need through the transfer to another ECC/HANH public housing unit.

~~Reasonable Accommodation for a person with a disability under the Fair Housing Act for residents currently residing in an ECC/HANH property.~~

~~ECC/HANH provides a preference to persons with disabilities to facilitate the matching of these supportive housing resources with persons who prefer to receive, and who qualify for, the provided supportive housing services under this program. Although applicants for tenant based supportive housing assistance must meet the eligibility criteria as required by HUD (Chapter 3, Part II: Basic Eligibility Criteria, and Part 3-III.B: Mandatory Denial of Assistance), the ECC/HANH will not deny for ECC/HANH specified reasons (Part 3-III.C: Other Permitted Reasons for Denial of Assistance).~~

- ~~1.) ECC/HANH public housing unit who require an accessible unit as a reasonable accommodation where ECC/HANH is unable to accommodate the need through the transfer to another ECC/HANH public housing unit.~~

## 3.) Violence Against Women Act (VAWA)

Violence Against Women Act (VAWA) for applicants who are victims of ~~domestic violence~~ domestic violence, dating violence, sexual assault or stalking including LIPH resident and applicant families claiming protections under the Violence Against Women Act (VAWA).;

*\*This preference applies if an applicant is already on the HCV waitlist as a result of having previously applied for HCV. The preference will be applied, and the applicant will be repositioned on the waitlist based on the date of the original approval date.*

*An applicant who is not yet on the LIPH or HCV applicant waitlist will be added only to the LIPH applicant site-based waitlist as outlined in the ACOP.*

*New applicants will not be added to the HCV waitlist, however, once on the LIPH waitlist, families may potentially have a one-time opportunity to opt for vouchers if vouchers are available.*

See the VAWA preference policy for more ~~information~~ information.

## 4.) Documented Witness Protection

For individuals or families that are in a documented Witness Protection Program. Documentation to be provided by the appropriate law enforcement agency.

## 5.) LIPH – Crime and Safety

For individuals or families currently residing in an ECC/HANH public housing unit, who are in a situation involving crime and safety, where transfer of a current Low Income Public Housing family to another public housing development does not meet

the needs of ECC/HANH public housing residents due to other situations involving crime and safety;~~and,~~

~~2.) Families residing in properties in imminent danger of foreclosure. The number of vouchers utilized for these families shall not exceed 15 at any given time.~~

~~3.) Tenant Based Supportive Housing Assistance~~

~~ECC/HANH administers twenty (20) vouchers for supportive housing programs for individuals receiving intensive case management with the Department of Mental Health and Addiction~~

**6.) Homeless**

For individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) and who will receive vouchers for project-based developments with homeless requirements or will receive tenant-based vouchers.

**7.) Supportive Housing**

For individuals or families who are direct referrals for ECC/HANH project-based (PBV) or tenant-based (TBV) supportive housing programs

**8.) Emergency Housing Vouchers (EHV)**

For families who are direct referrals for the Emergency Housing Vouchers (EHV)

~~4.)9.)~~

NOTE:

Supportive Housing, EHV and Homeless are preferences but are established as separate waiting lists in the ECC/HANH Wait List ~~system~~system.

ECC/HANH Policy

To view the order of voucher issuance and complete voucher issuance table see ~~section~~Chapter 17-VII.E Choice Mobility Project Based Voucher (PBV) to Tenant Based Voucher (TBV)

HCV Waitlists & Prefer					
	TBV Waitlist with order of preferences	Reasonable Accommodation from LIPH	VAWA Preference from LIPH	RAD/PBV to TBV Transfer Waitlist with order of preferences (1 out of every 4 required)	PBV to TBV transfer waitlist with order of preferences

**Income Targeting Requirement [24 CFR 982.201(b)(2)]**

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during the ECC/HANH fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median

income, whichever number is higher. To ensure this requirement is met, ECC/HANH may skip non-ELI families on the waiting list in order to select an ELI family.

Low-income families admitted to the program that are “continuously assisted” under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

#### ECC/HANH Policy

The ECC/HANH will monitor progress in meeting the income targeting requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

#### **Order of Selection**

The ECC/HANH system of preferences may select families based on local preferences according to the date and time of application or by a random selection process (lottery) [24 CFR 982.207(c)].

If ECC/HANH does not have enough funding to assist the family at the top of the waiting list, it is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

#### ECC/HANH Policy

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with ECC/HANH’s hierarchy of preferences, if applicable. Within each targeted funding or preference category, families will be selected according to the date and time of application.

[Separate waiting lists will be established for applicants/referrals for project-based or tenant-based applicants in supportive housing and/or Effort to end homelessness initiatives.](#)

Documentation will be maintained by the ECC/HANH as to whether families on the list qualify for and are interested in targeted funding.

#### **4-III.D. NOTIFICATION OF SELECTION**

When a family has been selected from the specific waiting list, ECC/HANH must notify the family of the selection.

#### ECC/HANH Policy

The ECC/HANH will notify the family by first class mail, or email if applicable, when it is selected from the waiting list.

The notice will inform the family of the following:

Date, time and location of the scheduled application interview, including any procedures for rescheduling the interview.

Who is required to attend the interview.

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

Documents that must be provided at the interview to document eligibility for a preference, if applicable

Other documents and information that should be brought to the interview

If a notification letter is returned to ECC/HANH with no forwarding address, the family will be removed from the waiting list without further notice.

Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will be scheduled for a second interview. Applicants who cannot be contacted after a second attempt or who fail to show for a second interview shall have their applications withdrawn, subject to reasonable accommodation for people with disabilities.

#### **4-III.E. THE APPLICATION INTERVIEW**

HUD recommends that ECC/HANH obtain the information and documentation needed to make an eligibility determination through an interview with an ECC/HANH representative [HCV GB, pg. 4-16]. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if ECC/HANH determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period determined by ECC/HANH [Notice PIH 2012-10].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

##### ECC/HANH Policy

Families selected from the waiting list are required to participate in an eligibility interview.

All adult family members are required to attend the interview. The ECC/HANH may waive this requirement on a case-by-case basis for students attending school out of state and/or for members for whom attendance would present a hardship.

All adult household members must provide acceptable documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity.)

If the household member does not provide the required documentation at the time of the interview, he or she will be required to provide it within 10 business days.

Pending disclosure and documentation of social security numbers, ~~the~~ ECC/HANH will allow the family to retain its place on the waiting list for 90 days. If all household members have not disclosed their SSNs at the next time the ECC/HANH is issuing



vouchers, the ECC/HANH will issue a voucher to the next eligible applicant family on the waiting list.

Verification of information pertaining to adult members of the household that are not present at the interview will not begin until signed release forms are returned to ECC/HANH.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, signing authorization of release of information forms, consent forms allowing ~~the~~ ECC/HANH to obtain required criminal records, providing required signatures, and submitting required documentation. If any materials are missing, ~~the~~ ECC/HANH will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview \_\_\_\_\_ ~~(~~ Chapter 7 provides details about longer submission deadlines for particular items, including documentation of eligible noncitizen status).

If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the ECC/HANH will provide translation services in accordance with the ECC/HANH's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact ~~the~~ ECC/HANH in advance of the interview to schedule a new appointment. This does not count as a missed appointment.

In all circumstances, if a family does not attend a scheduled interview, ~~the~~ ECC/HANH will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without ECC/HANH approval will be denied assistance based on the family's failure to supply information needed to determine eligibility.

Exceptions may be made on a case-by-case basis where extenuating circumstances out of the applicant's control prevented them from attending the second appointment. The applicant will be required to provide acceptable documented proof. If approved, a third appointment will be scheduled.

When ~~the~~ ECC/HANH denies eligibility due to failure to appear at the eligibility interview and/or failure to supply information needed to determine eligibility, a notice of denial will be issued in accordance with policies contained in Chapter 3.

#### **4-III.F. COMPLETING THE APPLICATION PROCESS**



ECC/HANH must verify all information provided by the family (see Chapter 7). Based on verified information, ECC/HANH must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted funding admission, or selection preference that affected the order in which the family was selected from the waiting list.

#### ECC/HANH Policy

If ~~the~~ ECC/HANH determines that the family is ineligible, ~~the~~ ECC/HANH will send written notification of the ineligibility determination within 10 business days of the determination to the family. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to the waiting list. The ECC/HANH will notify the family in writing that it has been returned to the waiting list and will specify the reasons for it.

If ~~the~~ ECC/HANH determines that the family is eligible to receive assistance, ~~the~~ ECC/HANH will invite the family to attend a briefing in accordance with the policies in Chapter 5.

## PART 4-IV: VAWA APPLICANT WAITLIST & TRANSFER WAITLIST PREFERENCE

### 4-IV. A OVERVIEW

In support of The Violence Against Women Act, 42 U. S. C. 13701, ECC/HANH has implemented a waitlist preference for victims of domestic violence. The preference applies to:

- all site-based waitlists for developments owned and managed by ECC/HANH, including sites managed by a 3<sup>rd</sup> party entity;
- ECC/HANH's in-house transfer waitlists;

### Admissions and Screening

**A. Non-Denial of Assistance.** ECC/HANH will not deny admission to the Section 8 rental assistance program to any person because that person is or has been a victim of domestic violence, sexual assault, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

**B. Admissions Preference.** Applicants for housing assistance from ECC/HANH will receive a preference in admissions by virtue of their status as victims of domestic violence, sexual assault, dating violence, or stalking. This preference is particularly described as follows:

- Applicants holding a place on any ECC/HANH wait list will be repositioned as outlined in the ~~Admission and Continued Occupancy Plan (ACOP) or~~ Administrative Plan.

**C. Mitigation of Disqualifying Information.** When so requested in writing by an applicant, ~~for assistance~~ whose history includes incidents in which the applicant was a victim of domestic violence, ECC/HANH, shall take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling.

If requested by an applicant to take such mitigating information into account, ECC/HANH shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence and its probable relevance to the potentially disqualifying information.

ECC/HANH will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

**D. Mandatory Disqualify:** Former Housing Choice Voucher Participants and former Residents of any Low-Income Public Housing program who were not in good standing at the time of exiting the program.

#### **4.IV-B. PREFERENCE QUALIFICATIONS**

To qualify for the VAWA preference an incident of domestic violence must have taken place no more than 90 calendar days prior to date of ECC/HANH's receipt of the VAWA application request, and the applicant must be currently homeless or at risk of being homeless as a result of domestic violence.

##### **Supporting Documents**

The applicant must provide supporting documentation of incident(s) of domestic violence including certification from a federal, state, tribal, territorial or local police; or protective order; or a signed certification by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse.

This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional.

Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incident(s) of abuse., The victim must also sign the documentation.

##### **Request for the VAWA Preference**

To begin the VAWA preference application process, the applicant may visit our office at 360 Orange Street, New Haven, CT 06511 to obtain a VAWA certification packet. If unable to visit the office, the applicant may contact ECC/HANH's Reasonable Accommodations Manager (RAM) at 498-8800 and request the VAWA Certification Form be mailed.

Once the applicant has received, the VAWA certification form he/she must fill out the form in its entirety, sign and return along with required proof of domestic violence incident(s). All incomplete requests will be denied.

The completed certification packet and supporting documentation are to be mailed or hand delivered to:

**Reasonable Accommodations Manager  
Elm City Communities/Housing Authority of the City of New Haven  
360 Orange Street  
New Haven, Connecticut 06511**

**If the applicant cannot mail or hand-deliver the completed form, please contact the Reasonable Accommodations Manager to discuss other methods of delivery.**

##### **Denial of Preference**

Notification of Rejection will be sent by ECC/HANH's -Reasonable Accommodation Manager (RAM) within 10 business days of receipt. The notice will inform the applicant of the basis for such determination and will offer an opportunity for an informal hearing. (see ECC/HANH ACOP & Administrative Plan for Informal Hearing of Rejected Applicants).

### **Approval of Preference**

When the VAWA preference is approved, the applicant will receive notification of approval as well as the pre-application. Upon receipt of the completed pre-application, all eligible families will be added to all wait lists for which the family qualifies for.

If an applicant is already on the ECC/HANH applicant waitlist as a result of having previously applied for ~~LIPH or~~ HCV, the preference will be applied, and the applicant will be repositioned on the applicant waitlist as outlined in the agency's HCV Administrative Plan (Admin Plan) ~~or the LIPH Admission and Continued Occupancy Policy (ACOP)~~, based on the date of the original approval date.

*\*An applicant who is not yet on the LIPH or HCV applicant waitlist will be added only to the LIPH applicant site-based waitlist as outlined in the ACOP.*

*New applicants **will not** be added to the HCV waitlist, however, once on the LIPH waitlist, families may potentially have a ~~one-time~~one-time opportunity to opt for vouchers if vouchers are available.*

### **4.IV-C TRANSFERS FOR CURRENT ECC RESIDENTS APPROVED FOR VAWA PROTECTIONS TO ANOTHER ECC/HANH OWNED SITE**

Current residents of properties owned and/or managed by ECC/HANH or a 3<sup>rd</sup> party entity who experience new incident(s) of domestic violence may request a unit transfer as a protection-

The resident would submit a completed VAWA certification or Form 5383 for Emergency Transfer Request to ECC's Reasonable Accommodations Manager.

The submission must also include supporting documentation of incident(s) of domestic violence including certification from a federal, state, tribal, territorial or local police; or protective order; or a signed certification by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse.

To qualify for the VAWA preference an incident of domestic violence must have taken place no more than 90 calendar days prior to date of ECC/HANH's receipt of the VAWA application request for a transfer.

Resident families approved for protections will be added to ECC/HANH's "LIPH" transfer list with a VAWA preference. The resident families will be offered units in LIPH and RAD

properties, and ECC owned (LIPH/PBV) properties managed by a 3rd party entity. (See Chapter 19)

### LIPH/PBV/RAD Unit Assignments for New Applicants

When an applicant family with a VAWA preference reaches the top of a site-based wait list and is eligible to receive a unit offer, ECC/HANH will approve the first available and appropriate sized unit, as outlined by the Occupancy Standards found in ECC/HANH'S ACOP and Admin Plan.

The unit may be within either ECC/HANH's low-income public housing properties, RAD & RAD/PBV properties, or ECC/HANH owned property that is managed by a 3<sup>rd</sup> party entity.

When the applicant family is extended a unit offer and rejects the unit offer for good cause, that is related to the development, not the specific unit, the family will be withdrawn from that site-based wait list only, thereby allowing the family to remain active on other site-based wait lists.

If the unit family rejects the unit offer for reasons related to the suitability of the unit for the family, ECC/HANH will review the facts and make a determination as to whether the rejection warrants withdrawal of the family from that specific wait list.

Failure to accept this offer for any reason other than good cause will result in the applicant being removed from that particular wait list.

### **4-IV-IV. DC HCV OPTION FOR APPLICANTS ON LIPH SITE BASED WAITING LISTS WITH ~~VAWA PREFERENCE~~ VAWA PREFERENCE**

Each month, the Reasonable Accommodations Manager (RAM) or designee will determine how many families have been on a site based LIPH wait lists for a period of ~~90 days~~ 6 months. The RAM will then contact the HCV Manager or designee to determine if vouchers are available for said families.

When vouchers are available, the Reasonable Accommodations Manager will contact the families from the top of the wait list that have not previously been contacted for a Section 8 voucher who have been on the LIPH waiting list for a period of 6 months. The Reasonable Accommodation Manager will use the date of receipt of pre-app, since family will have a different position number on each development list).

These families will be invited to an informational session to discuss their choice of receiving a voucher or waiting for an -available LIPH unit.

Families will then indicate their preference in writing within 10 business days of the informational session by using the election form provided at the session. The offer to opt for a Housing Choice Voucher will only occur once for each family.

The names of ~~the a~~ Applicants choosing vouchers will be provided to the HCV department for inclusion on the HCV TBV wait list with the VAWA preference.

The HCV department will conduct briefings and voucher issuances for the families. Families that choose a voucher but later opt to stay on the LIPH waitlist, instead of using the voucher, will be able to do so.

The family must provide written notification of such decision to ECC prior to the lease & Housing Assistance Contract signing with ECC/HANH's HCV staff.

Applicants who choose and utilize the voucher will remain on the LIPH wait lists without a preference unless the family requests, in writing, to be removed from the waitlist, or when other circumstances outlined in the ACOP warranting removal from the waitlist occur.

Families who opt out of receiving a voucher and choose to remain on LIPH wait lists will do so with the VAWA preference.

#### **4-IV.IV. ED HCV OPTION FOR RESIDENTS ON THE "LIPH" TRANSFER LIST WITH A VAWA PREFERENCE**

ECC/HANH will offer 2 options to resident families who experience new incidents of domestic violence and are approved for inclusion on the "LIPH" transfer list.

##### **Option 1**

Each month, the Reasonable Accommodations Manager (RAM) or designee will determine how many families have been on the "LIPH" Transfer wait list for more than 6 months. The Reasonable Accommodation Manager will then contact the HCV Manager or designee to determine if tenant-based vouchers (TBV) are available for said families.

When vouchers are available, the Reasonable Accommodations Manager will contact families from the LIPH transfer wait list who were on the list for more than 6 months, did not receive and accept a unit transfer offer and were not previously contacted for a housing voucher (using date of the approval for the VAWA preference).

These families will be invited to an informational session to discuss their choice of receiving a voucher or remaining on the transfer list awaiting a LIPH unit transfer offer.

The families will then indicate their preference in writing within 10 business days of the informational session by using the election form provided at the session. The offer to opt for a Housing Choice Voucher will only occur once for each family.

Those resident families choosing vouchers will be added to the HCV VAWA transfer list. Names will be provided to the HCV Dept. for briefing and voucher issuance.

The family will remain a LIPH family with no loss of rights until they have been offered a voucher, signed a lease and a HAP contract is executed by ECC/HANH and a property owner on behalf of the family.

If a family chooses a voucher but later opts to stay on the LIPH transfer list instead of using the voucher, the family will be able to do so.

However, the written notification by the family **must occur prior** to the lease signing with another property owner and execution of a Housing Assistance Contract by ECC/HANH HCV staff and property owner.

## Option- 2

Per Notice PIH 2021-15 (HA), issued May 5, 2021.

The Emergency Housing Voucher (EHV) program is available through the. **American Rescue Plan Act of 2021 (P.L. 117-2) (ARP).**

The U.S. Department of Housing and Urban Development (HUD) has awarded 37 of Emergency Housing Vouchers (EHVs) to the ECC/HANH to be used to assist individuals and families who are:

- (1) homeless;
- (2) at risk of homelessness;
- (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or
- (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

NOTE: Recently homeless individuals and families must always be referred by the CoC or it's designee.

HUD has established an alternative requirement under which ECC/HANH must enter into a Memorandum of Understanding (MOU), to establish a partnership with the Continuum of Care (CoC) or other homeless or victim service providers, to assist qualifying families through a direct referral process for the administration of the EHVs.

The specific services that the CoC will provide is outlined in the MOU.

HUD has allocated 37 emergency housing vouchers (EHV) ~~to~~ ECC/HANH. ECC/-HANH has partnered with Continuum of Care (CoC) as the referral agency for eligible VAWA familiesVAWA families.

Families with a VAWA preference may be referred to the CoC for an EHV.

The HCV Manager will request VAWA names from the Reasonable Accommodation Coordinator. The HCV Manager will forward the referral list to the CoC for review. The CoC will assess the families, make a determination of which families are eligible for the EHV. Based

on available EHV the qualifying families will be submitted through the direct referral process to HCV.

The CoC will be responsible for:

- prioritizing individuals and families for EHV assistance,
- determining the homelessness eligibility,
- referring individuals and families through the CoC's coordinated entry (CE) system,
- supporting individuals and families in processing voucher applications,
- supporting the housing search process,
- planning for and coordinating the delivery of supportive services to support the housing stability of EHV participants.

After September 30, 2023, ECC/HANH may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended.

Those families who do not qualify for an EHV, will remain active on the LIPH transfer list and the HCV VAWA transfer list.

*Note: VAWA requirements and PHA policies including definitions, notification, documentation, and confidentiality can be found in chapter 16. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, "Family Breakup and Remaining Member of Tenant Family"; 3-III.G, "Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking"; 10-I.A, "Allowable Moves"; 10-I.B, "Restrictions on Moves"; 12-II.E, "Terminations Related to Domestic Violence, Dating Violence, or Stalking"; and 12-II.F, "Termination Notice."*



**PART 4-V: EFFORT TO END HOMELESSNESS**  
**HOMELESS PREFERENCE/WAITING LIST SET-ASIDES**

ECC/HANH is adding a homeless admissions preference/set-aside for applicants for the project-based and tenant-based Effort to End Homelessness Initiatives.

This preference/set-aside applies to families or individuals who are:

- (1) homeless;
- (2) at risk of homelessness;
- (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or
- (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

The HUD definition of Homeless is listed in 4 categories:

**Category 1**

**Literally homeless individuals/families**

Individuals and families who lack a fixed, regular, and adequate nighttime residence, which includes one of the following:

- Place not meant for human habitation
- Living in a shelter (Emergency shelter, hotel/motel paid by government or charitable organization)
- Exiting an institution (where they resided for 90 days or less AND were residing in emergency shelter or place not meant for human habitation immediately before entering institution)

**Category 2**

**Individuals/families who will imminently (within 14 days) lose their primary nighttime residence, which includes ALL of the following:**

- Have no subsequent residence identified AND
- Lack the resources or support networks needed to obtain other permanent housing

### Category 3

**Unaccompanied youth (under 25 years of age) or families with children/youth who meet the homeless definition under another federal statute and includes ALL of the following:**

- Have not had lease, ownership interest, or occupancy agreement in permanent housing at any time during last 60 days
- Have experienced two or more moves during last 60 days
- Can be expected to continue in such status for an extended period of time because of chronic disabilities, OR chronic physical health or mental health conditions, OR substance addiction, OR histories of domestic violence or childhood abuse (including neglect) OR presence of a child or youth with a disability, OR two or more barriers to employment

### Category 4

**Individuals/families fleeing or attempting to flee domestic violence, dating violence, violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or family member and includes ALL of the following:**

- Have no identified residence, resources or support networks
- Lack the resources and support networks needed to obtain other permanent housing

Source: [http://www.hudhre.info/documents/HEARTH\\_HomelessDefinition\\_FinalRule](http://www.hudhre.info/documents/HEARTH_HomelessDefinition_FinalRule)

### ECC/HANH Policy

ECC/HANH has established a homeless preference and set-aside waiting lists for individuals and families that meet the HUD definition of homelessness.

There will be a set-aside waiting lists for families and individuals who will be housed in the PBV and TBV supportive housing programs.

ECC/HANH must have a Memorandum of Understanding (MOU) with the CAN for set-aside vouchers under the ECC/HANH MTW Homeless Voucher initiative.

The homeless preference will -apply to applicants to the ECC/HANH PBV and RAD/PBV developments. To individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) for project-based developments with homeless requirements or tenant based vouchers.

Current applicants on the HCV waiting list will be notified of the new admissionshomeless preference/set-aside waiting lists and will be instructed on the necessary procedure to qualify.

They will need to contact the Coordinated Access Network (CAN) for an assessment and referral to ECC/HANH. In order to be eligible for the preference, an applicant must be a direct referral from the Coordinated Access Network (CAN).

They will be granted a first right to an available unit under the preference should they meet the above definition of homeless.

Current applicants on the HCV Wait List must be notified of the homeless preference. Notice to persons on the HCV waiting list will be done by mail, email or posted on the ECC/HANH website, [www.elmcitycommunities.org](http://www.elmcitycommunities.org), no later than thirty (30) days prior to the effective date of the preference. ~~This preference will be effective November 1, 2022.~~

ECC/HANH must have a MOU with the CAN specific to the homeless preference.

For the set aside vouchers and homeless preference, The the CAN will conduct an applicant assessment through their Coordinated Entry system and will send the referral to ECC/HANH.

The CAN will determine which program the applicant is eligible for and will send the referral accordingly.

Once the referral has been received, the applicant will be placed on the Homeless Preference/Set-Aside Waiting List.

The referral must include a commitment by the homeless service provider to provide supportive services to help the household transition from homelessness to permanent housing.

When a unit becomes vacant in a PBV or RAD/PBV development the applicant who meets the criteria of the admissions preference and who is on the existing waiting list will be selected for eligibility determination and unit offer.

When tenant-based vouchers are offered, the applicant who meets the criteria of the admissions preference and who is on the existing waiting list will be selected first for eligibility determination and a voucher offer.

All applicants must comply with current admissions requirements at the specific property, including income and background screening criteria.

Applicants must also comply with the ECC/HANH eligibility and background screening criteria as stated in Chapter 3 (Eligibility) of this Admin Plan.

Applicants who do not pass the eligibility criteria will be provided with the basis of the intent to deny or denial in writing and will be notified of their right to request a meeting to review the information or right to request an informal hearing.

(See Chapter 16, Informal Reviews and Hearings.)

If the intent to deny review or informal review meeting is favorable to the applicant, the applicant will be returned to the waiting list with the homeless preference and offered the next available [unit or voucher](#).

Through the establishment of the Homeless and near homeless set aside vouchers Choice Mobility Cap, applicants referred from the CAN are entitled to receive 1 out of every 3, new vouchers issued. The remaining 2 vouchers will be issued to applicants on ECC/HANH's Tenant Based Voucher (TBV) Wait List with a VAWA preference.

In essence, the TBV waitlist is tiered into five separate waitlists so as to accommodate the choice mobility requirement outlined above, and to assure that applicants who qualify for the set aside under the ECC/HANH's tenant based and VAWA policies are reached.

**Note:** This preference can be amended as needed and/or removed with proper notification of such to all affected parties, including written notification to HUD.

ECC/HANH has also allocated vouchers to supportive housing providers and the CAN in an effort to end homelessness.

Applicants are assessed by the supportive housing provider, prioritized and referred to ECC/HANH accordingly.

The applicant is placed on the appropriate provider set aside waiting list. When a unit or allocated voucher becomes available the applicant is notified by ECC/HANH for an eligibility appointment.

Applicants must also comply with the ECC eligibility and background screening criteria as stated in Chapter 3 (Eligibility) of this Admin Plan, unless specifically stated in the MOU.

Applicants who do not pass the eligibility criteria will be provided with the basis of the intent to deny or denial in writing and will be notified of their right to request a meeting to review the information or right to request an informal hearing. (Chapter 16, Informal Reviews and Hearings.)

If the intent to deny review or informal review meeting is favorable to the applicant, the applicant will be returned to the waiting list with the homeless preference and offered the next available unit or voucher.

## Chapter 8

### HOUSING QUALITY STANDARDS AND RENT REASONABLENESS DETERMINATIONS

[24 CFR 982 Subpart I and 24 CFR 982.507]

#### INTRODUCTION

HUD requires that all units occupied by families receiving Housing Choice Voucher (HCV) assistance meet HUD's Housing Quality Standards (HQS) and permits ECC/HANH to establish additional requirements. The use of the term "HQS" in this plan refers to the combination of both HUD and ECC/HANH established requirements.

All units must pass an HQS inspection prior to the approval of a lease and at least once every 24 months for workable families, every 36 months for non-workable families, and at other times as needed, to determine that the unit meets HQS. Effective July 1, 2014, ECC/HANH may establish a policy for performing unit inspections biennially rather than annually. This policy could apply to some or all assisted units. ECC/HANH still has the option to inspect every unit annually. See Section 8-II.G for further details.

HUD also requires ECC/HANH to determine that rents for units under the program are reasonable when compared to comparable unassisted units in the market area.

This chapter explains HUD and ECC/HANH requirements related to housing quality and rent reasonableness as follows:

Part I. Physical Standards. This part discusses the physical standards required of units occupied by HCV-assisted families and identifies decisions about the acceptability of the unit that may be made by the family based upon the family's preference. It also identifies life-threatening conditions that must be addressed on an expedited basis.

Part II. The Inspection Process. This part describes the types of inspections ECC/HANH will make and the steps that will be taken when units do not meet HQS.

Part III. Rent Reasonableness Determinations. This part discusses the policies ECC/HANH will use to make rent reasonableness determinations.

Special HQS requirements for homeownership, manufactured homes, and other special housing types are discussed in Chapter 15 to the extent that they apply in this jurisdiction.

#### ECC/HANH Policy

For purposes of Part I and Part II, when ECC/HANH obtains the services of an independent agency to perform HQS inspections, the independent agency will be responsible for fulfilling all ECC/HANH's responsibilities as prescribed by HUD except enforcing compliance.

## **PART I: PHYSICAL STANDARDS**

### **8-I.A. GENERAL HUD REQUIREMENTS**

#### **HUD Performance and Acceptability Standards**

HUD's performance and acceptability standards for HCV-assisted housing are provided in 24 CFR 982.401. These standards cover the following areas:

- Sanitary facilities
- Food preparation and refuse disposal
- Space and Security
- Thermal Environment
- Illumination and electricity
- Structure and materials
- Interior Air Quality
- Water Supply
- Lead-based paint
- Access
- Site and neighborhood
- Sanitary condition
- Smoke Detectors

A summary of HUD performance criteria is provided in Exhibit 8-1. Additional guidance on these requirements is found in the following HUD resources:

- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)
- HUD Notice 2003-31, Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988.

#### **Tenant Preference Items**

HUD requires ECC/HANH to enforce minimum HQS but also recognizes that certain judgments about the acceptability of the unit are left to the family. For example, ECC/HANH must ensure that the unit contains the required sanitary facilities, but the family decides whether the cosmetic appearance of the facilities is acceptable. Exhibit 8-2 summarizes those items that are considered tenant preferences.

## **Modifications to Provide Accessibility**

Under the Fair Housing Act of 1988 an owner must not refuse the request of a family that contains a person with a disability to make necessary and reasonable modifications to the unit. Such modifications are at the family's expense. The owner may require restoration of the unit to its original condition if the modification would interfere with the owner or next occupant's full enjoyment of the premises. The owner may not increase a customarily required security deposit. However, the landlord may negotiate a restoration agreement that requires the family to restore the unit and, if necessary to ensure the likelihood of restoration, may require the tenant to pay a reasonable amount into an interest bearing escrow account over a reasonable period of time. The interest in any such account accrues to the benefit of the tenant. The owner may also require reasonable assurances that the quality of the work will be acceptable and that any required building permits will be obtained. [24 CFR 100.203; Notice 2003-31].

Modifications to units to provide access for a person with a disability must meet all applicable HQS requirements and conform to the design, construction, or alteration of facilities contained in the UFAS and the ADA Accessibility Guidelines (ADAAG) [28 CFR 35.151(c) and Notice 2003-31] See Chapter 2 of this plan for additional information on reasonable accommodations for persons with disabilities.

### ECC/HANH Policy

Any owner that intends to negotiate a restoration agreement or require an escrow account must submit the agreement(s) to ECC/HANH for review.

## **8-I.B. ADDITIONAL LOCAL REQUIREMENTS**

ECC/HANH may impose variations to the HQS as long as the additional criteria are not likely to adversely affect the health or safety of participant families or severely restrict housing choices for families. HUD approval is required for variations to the HQS. HUD approval is not required if the variations are clarifications of HUD's acceptability criteria or performance standards [24 CFR 982.401(a)(4)].

### ECC/HANH Policy

All units must also meet the local Housing, Building, Health, and Fire codes as set forth by the ordinances of the City of New Haven. In cases of inconsistency between the Codes and HQS, the stricter of the two shall prevail.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

## **Thermal Environment [HCV GB p.10-7]**

ECC/HANH must define a “healthy living environment” for the local climate. This may be done by establishing a temperature that the heating system must be capable of maintaining, that is appropriate for the local climate.

### ECC/HANH Policy

The heating system must be capable of maintaining an interior temperature of 65 degrees Fahrenheit between October 1 and May 1.

## **Clarifications of HUD Requirements**

### ECC/HANH Policy

As permitted by HUD, ECC/HANH has adopted the following specific requirements that elaborate on HUD standards.

#### ***Walls***

In areas where plaster or drywall is sagging, severely cracked, or otherwise damaged, it must be repaired or replaced.

#### ***Windows***

Window sashes must be in good condition, solid and intact, and properly fitted to the window frame. Damaged or deteriorated sashes must be replaced.

Windows must be weather-stripped as needed to ensure a weather-tight seal.

Window screens must be in good condition (applies only if screens are present).

#### ***Doors***

All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold.

All interior doors must have no holes, have all trim intact, and be openable without the use of a key.

#### ***Floors***

All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be resecured and made level. If they cannot be leveled, they must be replaced.

All floors must be in a finished state. Raw wood or unsealed concrete is not permitted.

All floors should have some type of base shoe, trim, or sealing for a "finished look." Vinyl base shoe is permitted.

#### ***Sinks***

All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.

All sinks must have functioning stoppers.

#### ***Toilets***

All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

#### ***Security***

If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.



### **8-I.C. LIFE-THREATENING CONDITIONS [24 CFR 982.404(a)]**

HUD requires ECC/HANH to define life-threatening conditions and to notify the owner or the family (whichever is responsible) of the corrections required. The responsible party must correct life-threatening conditions within 24 hours of ECC/HANH notification.

#### ECC/HANH Policy

The following are considered life-threatening conditions:

Any condition that jeopardizes the security of the unit

Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling

Natural or LP gas or fuel oil leaks

Any electrical problem or condition that could result in shock or fire

Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.

Utilities not in service, including no running hot water

Conditions that present the imminent possibility of injury

Obstacles that prevent safe entrance or exit from the unit

Absence of a functioning toilet in the unit

Inoperable smoke detectors

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by ECC/HANH.

If an owner fails to correct life-threatening conditions as required by ECC/HANH, ECC/HANH will enforce the HQS in accordance with HUD requirements. See 8-II-G.

If a family fails to correct a family-caused life-threatening condition as required by ECC/HANH, ECC/HANH will enforce the family obligations. See 8-II.H.

The owner will be required to repair an inoperable smoke detector unless ECC/HANH determines that the family has intentionally disconnected it (by removing batteries or other means). In this case, the family will be required to repair the smoke detector within 24 hours.

### **8-I.D. OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]**

#### **Family Responsibilities**

The family is responsible for correcting the following HQS deficiencies:

- Tenant-paid utilities not in service
- Failure to provide or maintain appliances owned by the family
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear that results in a breach of the HQS. "Normal wear and tear" is defined as items

which could not be charged against the tenant's security deposit under state law or court practice.

### **Owner Responsibilities**

The owner is responsible for all HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (e.g., vermin infestation). However, if the family's actions constitute a serious or repeated lease violation the owner may take legal action to evict the family.

### **8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL [24 CFR 35.1225]**

If ECC/HANH is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than 6 years of age, living in an HCV-assisted unit has been identified as having an environmental intervention blood lead level, ECC/HANH must complete a risk assessment of the dwelling unit. The risk assessment must be completed in accordance with program requirements, and the result of the risk assessment must be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.

#### ECC/HANH Policy

In cases where the public health department has already completed an evaluation of the unit, ECC/HANH will make every effort to obtain a copy of this information and forward it to the owner.

Within 30 days after receiving the risk assessment report from ECC/HANH, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations [24 CFR 35.1325 and 35.1330]. If the owner does not complete the “hazard reduction” as required, the dwelling unit is in violation of HQS and ECC/HANH will take action in accordance with Section 8-II.G.

ECC/HANH reporting requirements, and data collection and record keeping responsibilities related to children with an environmental intervention blood lead level are discussed in Chapter 16.

### **8-I.F. VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.401, 24 CFR 982.403]**

A dwelling unit must:

- Provide adequate space and security for the family
- Have at least one bedroom or living/sleeping room for each two persons

A unit that does not meet these HQS space standards is defined as *overcrowded*.

A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space [HCV GB p. 10-6]. A bedroom or living/sleeping room must have at least:

- One window

- Two electrical outlets in proper operating condition (permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets)

If ECC/HANH determines that a unit is overcrowded because of an increase in family size or a change in family composition, ECC/HANH must issue the family a new voucher, and the family and ECC/HANH must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, ECC/HANH must terminate the HAP contract in accordance with its terms.

## PART II: THE INSPECTION PROCESS

### 8-II.A. OVERVIEW [24 CFR 982.405]

#### Types of Inspections

ECC/HANH conducts the following types of inspections as needed. Each type of inspection is discussed in the paragraphs that follow.

- *Initial Inspections.* ECC/HANH conducts initial inspections in response to a request from the family to approve a unit for participation in the HCV program. The unit must pass the HQS inspection on or before the effective date of the HAP Contract.
- *Annual/Biennial Inspections.* HUD requires ECC/HANH to inspect each unit under lease at least biennially or triennially, depending on ECC/HANH policy, to confirm that the unit still meets HQS. The inspection may be conducted in conjunction with the family's biennial or triennial reexamination but also may be conducted separately.
- *Special Inspections.* A special inspection may be requested by the owner, the family, or a third party as a result of problems identified with a unit between annual inspections.
- *Quality Control Inspections.* HUD requires that a sample of units be inspected by a supervisor or other qualified individual to evaluate the work of the inspector(s) and to ensure that inspections are performed in compliance with the HQS.

#### Inspection of ECC/HANH-Owned Units [24 CFR 982.352(b)]

ECC/HANH must obtain the services of an independent entity to perform all HQS inspections in cases where an HCV family is receiving assistance in an ECC/HANH-owned unit. An ECC/HANH-owned unit is defined as a unit that is owned by ECC/HANH that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by ECC/HANH). The independent agency must communicate the results of each inspection to the family and ECC/HANH. The independent agency must be approved by HUD and may be the unit of general local government for the ECC/HANH jurisdiction (unless ECC/HANH is itself the unit of general local government or an agency of such government).

#### Inspection Costs

ECC/HANH may not charge the family or owner for unit inspections or reinspections [24 CFR 982.405(e)]. In the case of inspections of ECC/HANH-owned units, ECC/HANH may compensate the independent agency from ongoing administrative fee for inspections performed. ECC/HANH and the independent agency may not charge the family any fee or charge for the inspection [24 CFR.982.352(b)].

#### Notice and Scheduling

The family must allow ECC/HANH to inspect the unit at reasonable times with reasonable notice [24 CFR 982.551(d)].

##### ECC/HANH Policy

Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life-threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 7:00 p.m. Generally,

inspections will be conducted on business days only. In the case of a life-threatening emergency, ECC/HANH will give as much notice as possible, given the nature of the emergency.

### **Owner and Family Inspection Attendance**

HUD permits ECC/HANH to set policy regarding family and owner presence at the time of inspection [HCV GB p. 10-27].

#### ECC/HANH Policy

When a family occupies the unit at the time of inspection an adult family member or an adult representative of the family must be present for the inspection.

The presence of the owner or the owner's representative is encouraged but is not required.

At initial inspection of a vacant unit, ECC/HANH will inspect the unit in the presence of the owner or owner's representative. The presence of a family representative is required.

### **8-II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]**

#### **Timing of Initial Inspections**

HUD requires the unit to pass HQS before the effective date of the lease and HAP Contract. HUD requires PHAs with fewer than 1,250 budgeted units to complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within 15 days of submission of the Request for Tenancy Approval (RTA). For PHAs with 1,250 or more budgeted units, to the extent practicable such inspection and determination must be completed within 15 days. The 15-day period is suspended for any period during which the unit is not available for inspection [982.305(b)(2)].

#### ECC/HANH Policy

ECC/HANH will complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within 15 days of submission of the Request for Tenancy Approval (RTA). The 15-day period will be suspended for any period during which the unit the RTA is not complete and is not available for inspection.

#### **Inspection Results and Reinspections**

#### ECC/HANH Policy

If any HQS violations are identified, the owner will be notified of the deficiencies and be given up to 14 days to correct the deficiencies. If requested by the owner, the time frame for correcting the deficiencies may be extended by ECC/HANH for good cause. The owner will be advised to notify ECC/HANH once repairs are completed.

If the time period for correcting the deficiencies (or any ECC/HANH-approved extension) has elapsed, or the unit fails HQS at the time of the reinspection, ECC/HANH will notify the owner and the family that the unit has been rejected and that the family must search for another unit. ECC/HANH may agree to conduct a second reinspection, for good cause, at the request of the family and owner.

Following a failed reinspection, the family may submit a new Request for Tenancy Approval after the owner has made repairs, if they are unable to locate another suitable unit.

### **Utilities**

Generally, at initial lease-up the owner is responsible for demonstrating that all utilities are in working order including those utilities that the family will be responsible for paying.

#### HANH Policy

All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the inspector will notify the participant or owner (whomever is responsible for the utilities according to the RFTA) to have the utilities turned on. The inspector will schedule a reinspection.

### **Appliances**

#### ECC/HANH Policy

If the family is responsible for supplying the stove and/or refrigerator, ECC/HANH will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS requirements. The required appliances must be in place before the HAP contract is executed by ECC/HANH. ECC/HANH will execute the HAP contract based upon a certification from the family that the appliances have been installed and are working. A confirmatory inspection will be scheduled within 30 days of HAP contract approval.

### **8-II.C. ANNUAL/BIENNIAL HQS INSPECTIONS [24 CFR 982.405(a)]**

#### ECC/HANH Policy

Each unit under HAP contract will be inspected on a two year or three year schedule: no later than the effective date of the scheduled biennial or triennial reexamination (see Chapter 11).

### **Scheduling the Inspection**

#### ECC/HANH Policy

If an adult family member cannot be present on the scheduled date, the family should request that ECC/HANH reschedule the inspection.

If the family misses the first scheduled appointment without requesting a new inspection date, ECC/HANH will automatically schedule a second inspection. If the family misses two scheduled inspections without ECC/HANH approval, ECC/HANH will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

### **8-II.D. SPECIAL INSPECTIONS [HCV GB, p. 10-30]**

ECC/HANH will conduct a special inspection if the owner, family, or another source reports HQS violations in the unit. If the reported condition is not life-threatening (i.e., ECC/HANH

would require the owner to make the repair within no more than 30 calendar days), then ECC/HANH must inspect the unit within 15 days of when ECC/HANH received the complaint.

#### ECC/HANH Policy

During a special inspection, ECC/HANH generally will inspect only those deficiencies that were reported. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.

If the annual inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled ECC/HANH may elect to conduct a full annual inspection.

### **8-II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b); HCV GB, p. 10-32]**

HUD requires an ECC/HANH supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS.

The unit sample must include only units that have been inspected within the preceding 3 months. The selected sample will include (1) each type of inspection (initial, annual, and special), (2) inspections completed by each inspector, and (3) units from a cross-section of neighborhoods.

### **8-II.F. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT**

#### **Notification of Corrective Actions**

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, ECC/HANH will determine (1) whether or not the failure is a life-threatening condition and (2) whether the family or owner is responsible.

#### ECC/HANH Policy

When life-threatening conditions are identified, ECC/HANH will immediately notify both parties by telephone, facsimile, or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of the ECC/HANH's notice.

When failures that are not life-threatening are identified, ECC/HANH will provide notification to the ~~will send the~~ owner and the family ~~via mail, email or portal a written notification~~ of the inspection results. The written notice will specify who is responsible for correcting the violation, the time frame within which the failure must be corrected and the notice and form for self-certification of the repairs, in lieu of an in-person reinspection. Generally, not more than 30 days will be allowed for the correction.

The notice of the inspection results will inform the owner that if life-threatening conditions are not corrected within 24 hours, and non-life-threatening conditions are not corrected within the specified time frame (or any ECC/HANH approved extension), the owner's HAP will be abated in accordance with ECC/HANH policy.

Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any ECC/HANH approved

extension, if applicable) the family’s assistance will be terminated in accordance with ECC/HANH policy.

~~Self-certification~~Self-certification of repairs by a tenant or landlord is allowed only for non-life-threatening deficiencies. Life threatening deficiencies will require an in-person inspection within 24 hours of the first inspection

### Self- Certification Process

The following section outlines the self-certification process for inspections when a unit has failed non-life safety HQS violations only. In these instances, it is the responsibility of the Landlord and the Tenant(s) to provide the ECC/HANH and/or it’s designee with the required self-certification documentation within the repair period confirming that the non-life safety repairs have been completed.

Step	Activity
1	First Bi-Annual/Tri-Annual LCI HQS Inspection – <b>Result - Self Certification - Fail</b>
2	LCI Send out Non-Life Safety Fail Notice with Certification Information
3	Landlord / Tenant have 15 days from date of letter to correct deficiencies send submit self-certification to LCI
4	If LCI does not receive the self-certification within 15 days, the inspection will be considered to have failed a second time and will go into abatement, the 1st day of the following month ( <b>Self Certification – 2<sup>nd</sup> Fail Abatement</b> ). LCI shall send out Failure to Receive Certification Notice (Final Fail Notice) no more than 15 days after original Non-Life Safety Fail Notice sent to Owner/Tenant if not received.
5	If LCI does not receive the self-certification within 25 days from the date of the original HQS Failed Inspection Letter, LCI will process Non-Life-Safety



	<b>Self Certification Final Fail Termination</b> in Elite. The HAP contract will be terminated and the Tenant will need to move or can remain in the unit if the Landlord/Tenant agree to a new Lease and HAP contract and Initial inspection.
6	NOTE: Unit put into Abatement – no retroactive or additional payments will be made

The notice of inspection results will inform the owner that if life-threatening conditions are not corrected within 24 hours, and non-life threatening conditions are not corrected within the specified time frame (or any ECC/HANH-approved extension), the owner’s HAP will be abated in accordance with ECC/HANH policy (see 8-II.G.). Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any ECC/HANH-approved extension, if applicable) the family’s assistance will be terminated in accordance with ECC/HANH policy (see Chapter 12).

**Extensions**

For conditions that are life-threatening, ECC/HANH cannot grant an extension to the 24-hour corrective action period. For conditions that are not life-threatening, ECC/HANH may grant an exception to the required time frames for correcting the violation, if ECC/HANH determines that an extension is appropriate [24 CFR 982.404].

ECC/HANH Policy

Extensions will be granted in cases where ECC/HANH has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner’s control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions.
- A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case by case basis, but will not exceed 60 days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within 15 calendar days once the weather conditions have subsided.

**Reinspections**

ECC/HANH Policy

*Life Threatening HQS Deficiencies*

ECC/HANH will conduct reinspections of units which were identified as having a life-threatening HQS failure to verify that the deficiency has been corrected within the required 24-hours.

If ECC/HANH is unable to gain entry to the unit in order to conduct the scheduled reinspection, ECC/HANH will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

#### *Non-Life Threatening HQS Deficiencies*

ECC/HANH will verify that non-life threatening health and safety issues have been cured through accepting an ECC/HANH certification form signed by both the owner (or owner representative) and the family (head of household, spouse or co-head). In order for ECC/HANH to accept the certification as adequate verification, the owner/family must also provide original receipts or other evidence documenting that the certified repair was completed. In lieu of or in addition to receipts and other evidence, the owner/family may provide pictures of the cured deficiency.

If the deficiencies have not been corrected by the time of the reinspection (life-threatening), or by ECC/HANH imposed deadline (life-threatening and non-life-threatening), ECC/HANH will send a notice of abatement to the owner, or in the case of family caused violations, a notice of termination to the family, in accordance with ECC/HANH policies.

### **8-II.G. ENFORCING OWNER COMPLIANCE**

If the owner fails to maintain the dwelling unit in accordance with HQS, ECC/HANH must take prompt and vigorous action to enforce the owner obligations.

#### **HAP Abatement**

If an owner fails to correct HQS deficiencies by the time specified by ECC/HANH, HUD requires ECC/HANH to abate housing assistance payments no later than the first of the month following the specified correction period (including any approved extension) [24 CFR 985.3(f)]. No retroactive payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS failures that are the family's responsibility.

#### ECC/HANH Policy

ECC/HANH will make all HAP abatements effective the first of the month following the expiration of ECC/HANH specified correction period (including any extension).

Payment will resume effective on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated.

Owner rents are not abated as a result of HQS deficiencies that are the family's responsibility.

There will be no more than three (3) inspections per participant/landlord in the case of failed inspections and/or abatement.

During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

### **HAP Contract Termination**

ECC/HANH must decide how long any abatement period will continue before the HAP contract will be terminated. ECC/HANH should not terminate the contract until the family finds another unit, provided the family does so in a reasonable time [HCV GB p. 10-29] and must give the owner reasonable notice of the termination. ECC/HANH will issue a voucher to permit the family to move to another unit as described in Chapter 10.

#### ECC/HANH Policy

The maximum length of time that HAP may be abated is 60 days. However, if the owner completes corrections and notifies ECC/HANH before the termination date of the HAP contract, ECC/HANH may rescind the termination notice if (1) the family still resides in the unit and wishes to remain in the unit and (2) the unit passes inspection.

Reasonable notice of HAP contract termination by ECC/HANH is 30 days.

### **8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(b)]**

Families are responsible for correcting any HQS violations listed in paragraph 8.I.D. If the family fails to correct a violation within the period allowed by ECC/HANH (and any extensions), ECC/HANH will terminate the family's assistance, according to the policies described in Chapter 12.

If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.

## **PART III: RENT REASONABLENESS [24 CFR 982.507]**

### **8-III.A. OVERVIEW**

Except in the case of certain LIHTC- and HOME-assisted units, no HAP contract can be approved until ECC/HANH has determined that the rent for the unit is reasonable. The purpose of the rent reasonableness test is to ensure that a fair rent is paid for each unit rented under the HCV program.

HUD regulations define a reasonable rent as one that does not exceed the rent charged for comparable, unassisted units in the same market area. HUD also requires that owners not charge more for assisted units than for comparable units on the premises. This part explains the method used to determine whether a unit's rent is reasonable.

#### ECC/HANH Policy

At the family's request, ECC/HANH will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to owner.

If the rent can be approved after negotiations with the owner, ECC/HANH will continue processing the Request for Tenancy Approval and lease. If the revised rent involves change in the provision of utilities, a new Request for Tenancy Approval must be submitted by the owner.

If the owner does not agree on the rent to owner after ECC/HANH has tried and failed to negotiate a revised rent, ECC/HANH will inform the family and owner that the lease is disapproved.

#### **ECC/HANH-Owned Units [24 CFR 982.352(b)]**

In cases where an HCV family is receiving assistance in an ECC/HANH-owned unit, ECC/HANH must obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements, and to assist the family in negotiating the contract rent when the family requests assistance. An ECC/HANH-owned unit is defined as a unit that is owned by ECC/HANH that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by ECC/HANH). The independent agency must communicate the results of the rent reasonableness determination to the family and ECC/HANH. The independent agency must be approved by HUD and may be the unit of general local government for the ECC/HANH jurisdiction (unless the ECC/HANH is itself the unit of general local government or an agency of such government).

## **8-III.B. WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED**

### **Owner-Initiated Rent Determinations**

ECC/HANH must make a rent reasonableness determination at initial occupancy and whenever the owner requests a rent adjustment.

The owner and family first negotiate the rent for a unit. ECC/HANH (or independent agency in the case of ECC/HANH-owned units) will assist the family with the negotiations upon request. At initial occupancy ECC/HANH must determine whether the proposed rent is reasonable before a HAP Contract is signed. The owner must not change the rent during the initial lease term. Subsequent requests for rent adjustments must be consistent with the lease between the owner and the family. Rent increases will not be approved unless any failed items identified by the most recent HQS inspection have been corrected.

#### ECC/HANH Policy

Each unit under HAP contract will be inspected on a two-year or three-year schedule: no later than the effective date of the scheduled biennial or triennial reexamination (see Chapter 11).

After the initial occupancy period, the owner may request a rent adjustment concurrent with the scheduled bi/triennial reexamination effective date.

For rent increase requests after initial lease-up, ECC/HANH may request owners to provide information about the rents charged for other units on the premises, if the premises include more than 4 units. In evaluating the proposed rents in comparison to other units on the premises ECC/HANH will consider unit size and length of tenancy in the other units.

The owner will be notified of the determination in writing.

### **Rent Increase to Owners**

Written Request Required. Owners may request a rent increase no later than ninety (90) days prior to any Family reexamination month. The request must be in writing. ECC/HANH may require owners to submit their rent increase on an ECC/HANH form and/or sent to an ECC/HANH designated rent increase email address or Owner Portal.

#### ECC/HANH Policy

- a. The amount of the rent adjustment to the Owner may be adjusted either up or down. Subject to timeliness of submission compliance above, the adjusted rent to an Owner shall be the LESSER of:
  - The current rent multiplied by the annual adjustment factor percentage published by HUD in effect at the time of request submission; or
  - The reasonable rent as most recently determined (or redetermined) by ECC/HANH; or
  - The increased dollar amount requested by the Owner.

- b. Prerequisites to a Rent Increase. The annual lease rent may not be increased unless:
- The Owner has requested a specific increase amount at least ninety (90) days before the Family’s reexamination month; and
  - The request is made in writing on ECC/HANH provided forms for each unit (or in case of PBV each project) for which an increase is being requested; and
  - In the preceding year, the Owner has complied with all requirements of the HAP contract, including compliance with the Housing Quality Standards. Timing of any Increases to Rent.

Housing Assistance Payment increases, if approved by ECC/HANH, shall be effective as of the first day of the first month commencing on or after the Participant’s reexamination month

### **ECC/HANH- and HUD-Initiated Rent Reasonableness Determinations**

HUD requires ECC/HANH to make a determination of rent reasonableness (even if the owner has not requested a change) if there is a 10 percent decrease in the Fair Market Rent that goes into effect at least 60 days before the contract anniversary date. HUD also may direct ECC/HANH to make a determination at any other time. ECC/HANH may decide that a new determination of rent reasonableness is needed at any time.

#### ECC/HANH Policy

In addition to the instances described above, ECC/HANH will make a determination of rent reasonableness at any time after the initial occupancy period if: (1) ECC/HANH determines that the initial rent reasonableness determination was in error or (2) ECC/HANH determines that the information provided by the owner about the unit or other units on the same premises was incorrect.

### **LIHTC- and HOME-Assisted Units [24 CFR 982.507(c)]**

For units receiving low-income housing tax credits (LIHTCs) or units assisted under HUD’s HOME Investment Partnerships (HOME) Program, a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by families with tenant-based assistance.

For LIHTCs, if the rent requested by the owner does exceed the LIHTC rents for non-voucher families, ECC/HANH must perform a rent comparability study in accordance with program regulations. In such cases, the rent shall not exceed the lesser of: (1) the reasonable rent as determined from the rent comparability study; or (2) the payment standard established by ECC/HANH for the unit size involved.

### **8-III.C. HOW COMPARABILITY IS ESTABLISHED**

#### **Factors to Consider**

HUD requires ECC/HANH to take into consideration the factors listed below when determining rent comparability. ECC/HANH may use these factors to make upward or downward

adjustments to the rents of comparison units when the units are not identical to the HCV-assisted unit.

- Location and age
- Unit size including the number of rooms and square footage of rooms
- The type of unit including construction type (e.g., single family, duplex, garden, low-rise, high-rise)
- The quality of the units including the quality of the original construction, maintenance and improvements made
- Amenities, services, and utilities included in the rent

### **Units that Must Not Be Used as Comparables**

Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs: Section 8 project-based assistance, Section 236 and Section 221(d)(3) Below Market Interest Rate (BMIR) projects, HOME or Community Development Block Grant (CDBG) program-assisted units in which the rents are subsidized; units subsidized through federal, state, or local tax credits; units subsidized by the Department of Agriculture rural housing programs, and units that are rent-controlled by local ordinance.

*Note:* Notice PIH 2011-46, issued August 17, 2011, provides further guidance on the issue of what constitutes an assisted unit.

### **Rents Charged for Other Units on the Premises**

The Request for Tenancy Approval (HUD-52517) requires owners to provide information, on the form itself, about the rent charged for other unassisted comparable units on the premises if the premises include more than 4 units.

By accepting the ECC/HANH payment each month the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give ECC/HANH information regarding rents charged for other units on the premises.

## **8-III.D. ECC/HANH RENT REASONABLENESS METHODOLOGY**

### **How Market Data Is Collected**

#### ECC/HANH Policy

Information is gathered on rental units in ECC/HANH market area, and each unit is rated, using ECC/HANH's rent reasonableness system. Using an automated method, the average rents are identified for units of like size and type within the same market area. Each defined factor of the items listed above on the unit to be assisted will be compared, using a point adjustment system, to those factors of comparable unassisted units in the database. The average will be adjusted up or down based on the dollar value of all HUD required comparable items in comparison with the total database.

ECC/HANH maintains an automated database, which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than 24 months old.

## **How Rents Are Determined**

### ECC/HANH Policy

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable units in the same market area. ECC/HANH will develop a range of prices for comparable units by bedroom size within defined market areas. Units proposed for HCV assistance will be compared to the units within this rent range. Because units may be similar, but not exactly like the unit proposed for HCV assistance, ECC/HANH may make adjustments to the range of prices to account for these differences.

The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom).

The adjustment must reflect the rental value of the difference—not its construction costs (e.g., it might cost \$20,000 to put on a new roof, but the new roof might not make any difference in what a tenant would be willing to pay because rental units are presumed to have functioning roofs).

When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) reported monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of \$500/month but new tenants receive the first month's rent free, the actual rent for the unit would be calculated as follows:  $\$500 \times 11 \text{ months} = 5500/12 \text{ months} = \text{actual monthly rent of } \$488$ .

ECC/HANH will notify the owner of the rent ECC/HANH can approve based upon its analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. ECC/HANH will confirm the accuracy of the information provided and consider this additional information when making rent determinations. The owner must submit any additional information within 5 business days of ECC/HANH's request for information or the owner's request to submit information.



## EXHIBIT 8-1: OVERVIEW OF HUD HOUSING QUALITY STANDARDS

Note: This document provides an overview of HQS. For more detailed information see the following documents:

- 24 CFR 982.401, Housing Quality Standards (HQS)
- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

### **Sanitary Facilities**

The dwelling unit must include sanitary facilities within the unit. □The sanitary facilities must be usable in privacy and must be in proper operating condition and adequate for personal cleanliness and disposal of human waste.

### **Food Preparation and Refuse Disposal**

The dwelling unit must have space and equipment suitable for the family to store, prepare, and serve food in a sanitary manner.

### **Space and Security**

The dwelling unit must provide adequate space and security for the family. This includes having at least one bedroom or living/sleeping room for each two persons.

### **Thermal Environment**

The unit must have a safe system for heating the dwelling unit. Air conditioning is not required but if provided must be in proper operating condition. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Portable electric room heaters or kitchen stoves with built-in heating units are not acceptable as a primary source of heat for units located in climatic areas where permanent heat systems are required.

### **Illumination and Electricity**

Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. Minimum standards are set for different types of rooms. Once the minimum standards are met, the number, type and location of electrical sources are a matter of tenant preference.

### **Structure and Materials**

The dwelling unit must be structurally sound. Handrails are required when four or more steps (risers) are present, and protective railings are required when porches, balconies, and stoops are thirty inches or more off the ground. The elevator servicing the unit must be working [if there is one]. Manufactured homes must have proper tie-down devices capable of surviving wind loads common to the area.

## **Interior Air Quality**

The dwelling unit must be free of air pollutant levels that threaten the occupants' health. There must be adequate air circulation in the dwelling unit. Bathroom areas must have one openable window or other adequate ventilation. Any sleeping room must have at least one window. If a window was designed to be opened, it must be in proper working order.

## **Water Supply**

The dwelling unit must be served by an approved public or private water supply that is sanitary and free from contamination. Plumbing fixtures and pipes must be free of leaks and threats to health and safety.

## **Lead-Based Paint**

Lead-based paint requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six years of age, excluding zero-bedroom dwellings. Owners must:

- Disclose known lead-based paint hazards to prospective tenants before the lease is signed,
- provide all prospective families with "Protect Your Family from Lead in Your Home",
- Stabilize deteriorated painted surfaces and conduct hazard reduction activities when identified by the ECC/HANH
- Notify tenants each time such an activity is performed
- Conduct all work in accordance with HUD safe practices
- As part of ongoing maintenance ask each family to report deteriorated paint.

For units occupied by environmental intervention blood lead level (lead poisoned) children under six years of age, a risk assessment must be conducted (paid for by the ECC/HANH). If lead hazards are identified during the risk assessment, the owner must complete hazard reduction activities.

See HCV GB p. 10-15 for a detailed description of these requirements. For additional information on lead-based paint requirements see 24 CFR 35, Subparts A, B, M, and R.

## **Access**

Use and maintenance of the unit must be possible without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire.

## **Site and Neighborhood**

The site and neighborhood must be reasonably free from disturbing noises and reverberations, excessive trash or vermin, or other dangers to the health, safety, and general welfare of the occupants.

## **Sanitary Condition**

The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation. The unit must have adequate barriers to prevent infestation.

### **Smoke Detectors**

Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any person with a hearing impairment, smoke detectors must have an appropriate alarm system as specified in NFPA 74 (or successor standards).

### **Hazards and Health/Safety**

The unit, interior and exterior common areas accessible to the family, the site, and the surrounding neighborhood must be free of hazards to the family's health and safety.

## EXHIBIT 8-2: SUMMARY OF TENANT PREFERENCE AREAS RELATED TO HOUSING QUALITY

Note: This document provides an overview of unit and site characteristics and conditions for which the family determines acceptability. For more detailed information see the following documents:

- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

Provided the minimum housing quality standards have been met, HUD permits the family to determine whether the unit is acceptable with regard to the following characteristics.

- *Sanitary Facilities.* The family may determine the adequacy of the cosmetic condition and quality of the sanitary facilities, including the size of the lavatory, tub, or shower; the location of the sanitary facilities within the unit; and the adequacy of the water heater.
  - *Food Preparation and Refuse Disposal.* The family selects size and type of equipment it finds acceptable. When the family is responsible for supplying cooking appliances, the family may choose to use a microwave oven in place of a conventional oven, stove, or range. When the owner is responsible for providing cooking appliances, the owner may offer a microwave oven in place of an oven, stove, or range only if other subsidized and unsubsidized units on the premises are furnished with microwave ovens only. The adequacy of the amount and type of storage space, the cosmetic conditions of all equipment, and the size and location of the kitchen are all determined by the family.
  - *Space and Security.* The family may determine the adequacy of room sizes and room locations. The family is also responsible for deciding the acceptability of the type of door and window locks.
  - *Energy conservation items.* The family may determine whether the amount of insulation, presence of absence of storm doors and windows and other energy conservation items are acceptable.
  - *Illumination and Electricity.* The family may determine whether the location and the number of outlets and fixtures (over and above those required to meet HQS standards) are acceptable or if the amount of electrical service is adequate for the use of appliances, computers, or stereo equipment.
- (6) *Structure and Materials.* Families may determine whether minor defects, such as lack of paint, or worn flooring or carpeting will affect the livability of the unit.
- (7) *Indoor Air.* Families may determine whether window and door screens, filters, fans, or other devices for proper ventilation are adequate to meet the family's needs. However, if screens are present, they must be in good condition.
- (8) *Sanitary Conditions.* The family determines whether the sanitary conditions in the unit, including minor infestations, are acceptable.

(9) *Neighborhood conditions.* Families may determine whether neighborhood conditions such as the presence of drug activity, commercial enterprises, and convenience to shopping will affect the livability of the unit.

Families have no discretion with respect to lead-based paint standards and smoke detectors.

## Chapter 9

### GENERAL LEASING POLICIES

#### INTRODUCTION

Chapter 9 covers the lease-up process from the family's submission of a Request for Tenancy Approval to execution of the HAP contract.

In order for ECC/HANH to assist a family in a particular dwelling unit, or execute a Housing Assistance Payments (HAP) contract with the owner of a dwelling unit, ECC/HANH must determine that all the following program requirements are met:

- The unit itself must qualify as an eligible unit [24 CFR 982.305(a)]
- The unit must be inspected by ECC/HANH and meet the Housing Quality Standards (HQS) [24 CFR 982.305(a)]
- The lease offered by the owner must be approvable and must include the required Tenancy Addendum [24 CFR 982.305(a)]
- The rent to be charged by the owner for the unit must be reasonable [24 CFR 982.305(a)]
- The owner must be an eligible owner, approvable by ECC/HANH, with no conflicts of interest [24 CFR 982.306]
- For families initially leasing a unit only: Where the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family cannot exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]

#### PART I – LEASING POLICIES

##### 9-I.A. TENANT SCREENING

ECC/HANH has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy [24 CFR 982.307(a)(1)].

ECC/HANH may elect to screen applicants for family behavior or suitability for tenancy. See Chapter 3 for a discussion of ECC/HANH'S policies with regard to screening applicant families for program eligibility [24 CFR 982.307(a)(1)].

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before ECC/HANH approval of the tenancy, ECC/HANH must inform the owner that screening and selection for tenancy is the responsibility of the owner [24 CFR 982.307(a)(2)]. ECC/HANH must also inform the owner or manager of his/her rights and obligations under the Violence against Women Act of 2013 (VAWA) [24 CFR 5.2005(a)(2)].

ECC/HANH must provide the owner with the family's current and prior address (as shown in the PECC/HANH records) and the name and address (if known to ECC/HANH) of the landlord at the family's current and prior address [24 CFR 982.307(b)(1)].

ECC/HANH is permitted, but not required, to offer the owner other information in ECC/HANH'S possession about the tenancy history or drug trafficking of family members [24 CFR 982.307(b)(2)].

ECC/HANH's policy on providing information to the owner must be included in the family's briefing packet [24 CFR 982.307(b)(3)].

ECC/HANH may not disclose to the owner any confidential information provided by the family in response to an ECC/HANH request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(b)(4)].

#### ECC/HANH Policy

ECC/HANH will not screen applicants for family behavior or suitability for tenancy.

ECC/HANH will not provide additional screening information to the owner.

### **9-I.B. REQUESTING TENANCY APPROVAL [Form HUD-52517]**

After the family is issued a voucher, the family must locate an eligible unit, with an owner or landlord willing to participate in the voucher program. Once a family finds a suitable unit and the owner is willing to lease the unit under the program, the owner and the family must request ECC/HANH to approve the assisted tenancy in the selected unit.

The owner and the family must submit two documents to ECC/HANH:

- Completed Request for Tenancy Approval (RFTA) – Form HUD-52517
- Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum – Form HUD-52641-A

The RFTA contains important information about the rental unit selected by the family, including the unit address, number of bedrooms, structure type, year constructed, utilities included in the rent, and the requested beginning date of the lease, necessary for ECC/HANH to determine whether to approve the assisted tenancy in this unit.

Owners must certify to the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent.

Owners must certify that they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless ECC/HANH has granted a request for reasonable accommodation for a person with disabilities who is a member of the tenant household.

For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure statement.

Both the RFTA and the proposed lease must be submitted no later than the expiration date stated on the voucher. [HCV GB p.8-15].

#### ECC/HANH Policy

The owner or family must submit the following documents to ECC/HANH:

- Completed Request for Tenancy Approval (RFTA) – Form HUD-52517;

- Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum – Form HUD-52641-A;

The owner must also submit the following documents to ECC/HANH:

- The owner’s W-9 form providing his/her taxpayer identification number;
- A completed authorization form for direct deposit of HAP payments;
- Documentation from the Office of the Tax Collector of the applicable municipality reflecting that property taxes are current; and
- A deed to the property.

The RFTA must be signed by both the family and the owner.

The owner may submit the RFTA on behalf of the family.

Completed RFTA (including the proposed dwelling lease) must be submitted as hard copies, in-person, by mail, or email.

The family may not submit, and ECC/HANH will not process, more than one (1) RFTA at a time.

When the family submits the RFTA ECC/HANH will review the RFTA for completeness.

If the RFTA is incomplete (including lack of signature by family, owner, or both), or if the dwelling lease is not submitted with the RFTA, ECC/HANH will notify the family and the owner of the deficiencies.

Missing information and/or missing documents will only be accepted as hard copies, in-person, by mail, or email. ECC/HANH will not accept missing information over the phone.

When the family submits the RFTA and proposed lease, ECC/HANH will also review the terms of the RFTA for consistency with the terms of the proposed lease.

If the terms of the RFTA are not consistent with the terms of the proposed lease, ECC/HANH will notify the family and the owner of the discrepancies.

Corrections to the terms of the RFTA and/or the proposed lease will only be accepted as hard copies, in-person, or by email. ECC/HANH will not accept corrections by phone.

Because of the time sensitive nature of the tenancy approval process, ECC/HANH will attempt to communicate with the owner and family by phone, fax, or email. ECC/HANH will use mail when the parties cannot be reached by phone, fax, or email.



Owners must also submit proof of ownership of the property, which shall include the title deed and the most recent tax bill. In the case of a property owned by a partnership, limited partnership, corporation, limited liability corporation or any other ownership entity, the representative or principal of such ownership entity shall provide a copy of the organizational documents, including but not limited to the certificate of incorporation and certificate of good standing issued by the Office of the Secretary of State of the State of Connecticut.

In addition, an executed copy of the agreement between the owner and the Management Company or Agent shall be required.

See Chapter 13 for a discussion of the HAP contract and contract provisions.

### **9-I.C. OWNER PARTICIPATION**

ECC/HANH does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where ECC/HANH may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. There are also criteria for which ECC/HANH must disapprove an owner. No owner has a right to participate in the HCV program [24 CFR 982.306(e)]

See Chapter 13 for a full discussion of owner qualification to participate in the HCV program.

### **9-I.D. ELIGIBLE UNITS**

There are a number of criteria that a dwelling unit must meet in order to be eligible for assistance under the voucher program. Generally, a voucher-holder family may choose any available rental dwelling unit on the market in ECC/HANH's jurisdiction. This includes the dwelling unit they are currently occupying.

#### **Ineligible Units [24 CFR 982.352(a)]**

ECC/HANH may not assist a unit under the voucher program if the unit is a public housing or Indian housing unit; a unit receiving project-based assistance under section 8 of the 1937 Act (42 U.S.C. 1437f); nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services; college or other school dormitories; units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions; a unit occupied by its owner or by a person with any interest in the unit.

#### **ECC/HANH-Owned Units [24 CFR 982.352(b)]**

Otherwise eligible units that are owned or substantially controlled by ECC/HANH issuing the voucher may also be leased in the voucher program. In order for an ECC/HANH owned unit to be leased under the voucher program, the unit must not be ineligible housing and ECC/HANH must inform the family, both orally and in writing, that the family has the right to select any eligible unit available for lease and that the family is free to select an ECC/HANH-owned unit without any pressure or steering by ECC/HANH.

### ECC/HANH Policy

ECC/HANH does not have any eligible ECC/HANH-owned units available for leasing under the voucher program.

### **Special Housing Types [24 CFR 982 Subpart M]**

HUD regulations permit, but do not generally require, ECC/HANH to permit families to use voucher assistance in a number of special housing types in accordance with the specific requirements applicable to those programs. These special housing types include single room occupancy (SRO) housing, congregate housing, group home, shared housing, manufactured home space (where the family owns the manufactured home and leases only the space), cooperative housing and homeownership option. See Chapter 15 for specific information and policies on any of these housing types that ECC/HANH has chosen to allow.

The regulations do require ECC/HANH to permit use of any special housing type if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

### **Duplicative Assistance [24 CFR 982.352(c)]**

A family may not receive the benefit of HCV tenant-based assistance while receiving the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit:

- Public or Indian housing assistance;
- Other Section 8 assistance (including other tenant-based assistance);
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);
- Section 101 rent supplements;
- Section 236 rental assistance payments;
- Tenant-based assistance under the HOME Program;
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);
- Any local or State rent subsidy;
- Section 202 supportive housing for the elderly;
- Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or
- Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

### **Housing Quality Standards (HQS) [24 CFR 982.305 and 24 CFR 982.401]**

In order to be eligible, the dwelling unit must be in decent, safe and sanitary condition. This determination is made using HUD's Housing Quality Standards (HQS) and/or equivalent state or

local standards approved by HUD. See Chapter 8 for a full discussion of the HQS standards, as well as the process for HQS inspection at initial lease-up.

### **Unit Size**

In order to be eligible, the dwelling unit must be appropriate for the number of persons in the household. A family must be allowed to lease an otherwise acceptable dwelling unit with fewer bedrooms than the number of bedrooms stated on the voucher issued to the family, provided the unit meets the applicable HQS space requirements [24 CFR 982.402(d)]. The family must be allowed to lease an otherwise acceptable dwelling unit with more bedrooms than the number of bedrooms stated on the voucher issued to the family. See Chapter 5 for a full discussion of subsidy standards.

### **Rent Reasonableness [24 CFR 982.305 and 24 CFR 982.507]**

In order to be eligible, the dwelling unit must have a reasonable rent. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the premises.

See Chapter 8 for a full discussion of rent reasonableness and the rent reasonableness determination process.

### **Rent Burden [24 CFR 982.508]**

Where a family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the family share cannot exceed 40 percent of the family's adjusted monthly income. The term "family share" refers to the amount the family pays toward rent and utilities. The gross rent for the unit minus the total housing assistance payment (HAP) for the unit equals the family share. See Chapter 6 for a discussion of calculation of gross rent, the use of payment standards, and calculation of family income, family share of rent and HAP.

## **9-I.E. LEASE AND TENANCY ADDENDUM**

The family and the owner must execute a written dwelling lease agreement for the assisted unit. This written lease is a contract between the tenant family and the owner; ECC/HANH is not a party to this contract.

Upon or after the entry into a rental agreement but prior to the tenant's occupancy of a dwelling unit, the landlord and tenant or their designee will conduct a walk-through of the dwelling unit. The preoccupancy walk-through checklist prepared by the Commissioner of Housing shall be used. A copy of the signed checklist is to be submitted to ECC/HANH before the HAP contract is executed.

The tenant must have legal capacity to enter a lease under State and local law. 'Legal capacity' means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner [24 CFR 982.308(a)]

### **Lease Form and Tenancy Addendum [24 CFR 982.308]**

If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form. If the owner does not use a standard lease

form for rental to unassisted tenants, the owner may use another form of lease. The HAP contract prescribed by HUD contains the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease for the assisted tenants is in such standard form.

All provisions in the HUD-required Tenancy Addendum must be added word-for-word to the owner's standard lease form. The Tenancy Addendum includes the HUD requirements for the tenancy. Because it is a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the owner. If there is a conflict between the owner's lease and the Tenancy Addendum, the terms of the Tenancy Addendum shall prevail over any other provisions of the lease.

#### ECC/HANH Policy

ECC/HANH does not provide a model or standard dwelling lease for owners to use in the HCV program.

#### **Lease Information [24 CFR 982.308(d)]**

The assisted dwelling lease must contain all of the required information as listed below:

- The names of the owner and the tenant:
- The unit rented (address, apartment number, and any other information needed to identify the contract unit)
- The term of the lease (initial term and any provisions for renewal)
- The amount of the monthly rent to owner
- A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family

#### **Term of Assisted Tenancy**

The initial term of the assisted dwelling lease must be for at least one year [24 CFR 982.309]. The initial lease term is also stated in the HAP contract.

The HUD program regulations permit ECC/HANH to approve a shorter initial lease term if certain conditions are met.

#### ECC/HANH Policy

ECC/HANH will not approve an initial lease term of less than one (1) year.

During the initial term of the lease, the owner may not raise the rent to owner [24 CFR 982.309].

Any provisions for renewal of the dwelling lease will be stated in the dwelling lease [HCV Guidebook, pg. 8-22]. There are no HUD requirements regarding any renewal extension terms, except that they must be stated in the dwelling lease if they exist.

ECC/HANH may execute the HAP contract even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC. [24 CFR 982.309(b)].

#### **Security Deposit [24 CFR 982.313 (a) and (b)]**

The owner may collect a security deposit from the tenant. ECC/HANH may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. However, if ECC/HANH chooses to do so, language to this effect must be added to Part A of the HAP contract [Form HUD-52641].

ECC/HANH Policy

ECC/HANH will allow the owner to collect any security deposit amount permissible under state law.

## **Separate Non-Lease Agreements between Owner and Tenant**

Owners may not demand or accept any rent payment from the family in excess of the rent to the owner as approved by ECC/HANH minus ECC/HANH's housing assistance payments to the owner [24 CFR 982.451(b)(4)].

The owner may not charge the tenant extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)].

### ECC/HANH Policy

ECC/HANH permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease.

Any items, appliances, dishwasher, garage, or other services that are customarily provided to unassisted families as part of the dwelling lease with those families or are permanently installed in the dwelling unit must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

The Owner shall not require a separate agreement or payment for any appliances or appurtenances which have been included in the rent reasonableness calculation by ECC/HANH.

The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

## **ECC/HANH Review of Lease**

ECC/HANH will review the dwelling lease for compliance with all applicable requirements.

### ECC/HANH Policy

If the dwelling lease is incomplete or incorrect, ECC/HANH will notify the family and the owner of the deficiencies. Missing and corrected lease information will only be

accepted as hard copies, in-person, by mail, or by email. ECC/HANH will not accept missing and corrected information over the phone

Because the initial leasing process is time-sensitive, ECC/HANH will attempt to communicate with the owner and family by phone, or email. ECC/HANH will use mail when the parties can't be reached by phone, or email.

ECC/HANH is permitted, but is not required, to review the lease to determine if the lease complies with State and local law and is permitted to decline to approve the tenancy if ECC/HANH determines that the lease does not comply with State or local law [24 CFR 982.308(c)]

#### ECC/HANH Policy

ECC/HANH will not review the owner's lease for compliance with state/local law.

#### **9-I.F. TENANCY APPROVAL [24 CFR 982.305]**

After receiving the family's Request for Tenancy Approval, with proposed dwelling lease, ECC/HANH must promptly notify the family and owner whether the assisted tenancy is approved.

Prior to approving the assisted tenancy and execution of a HAP contract, ECC/HANH must ensure that all required actions and determinations, discussed in Part I of this chapter have been completed.

These actions include ensuring that the unit is eligible; the unit has been inspected by ECC/HANH and meets the Housing Quality Standards (HQS); the lease offered by the owner is approvable and includes the required Tenancy Addendum; the rent to be charged by the owner for the unit must be reasonable; where the family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family does not exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]; the owner is an eligible owner, not disapproved by ECC/HANH, with no conflicts of interest [24 CFR 982.306]; the family and the owner have executed the lease, including the Tenancy Addendum, and the lead-based paint disclosure information [24 CFR 982.305(b)].

#### ECC/HANH Policy

ECC/HANH will complete its determination within 10 business days of receiving all required information.

If the terms of the RTA/proposed lease are changed for any reason, including but not limited to negotiation with ECC/HANH, ECC/HANH will obtain corrected copies of the RTA and proposed lease, signed by the family and the owner.

Corrections to the RTA/proposed lease will only be accepted as hard copies, in-person, by mail, or by email. ECC/HANH will not accept corrections over the phone.

If ECC/HANH determines that the tenancy cannot be approved for any reason, the owner and the family will be notified in writing and given the opportunity to address any reasons for disapproval. ECC/HANH will instruct the owner and family of the steps that are necessary to obtain approval of the tenancy.



Where the tenancy is not approvable because the unit is not approvable, the family must continue to search for eligible housing within the timeframe of the issued voucher.

If the tenancy is not approvable due to rent affordability or rent reasonableness, ECC/HANH will attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy will be approved. If the owner is not willing to negotiate an approvable rent, the family must continue to search for eligible housing within the timeframe of the issued voucher.

When family reports changes in factors that will affect the total family share prior to the effective date of the HAP contract at admission, the information will be verified and the total family share will be recalculated.

### **9-I.G. HAP CONTRACT EXECUTION [24 CFR 982.305]**

The HAP contract is a written agreement between ECC/HANH and the owner of the dwelling unit. Under the HAP contract, ECC/HANH agrees to make housing assistance payments to the owner on behalf of the family, and the owner agrees to comply with all program requirements as stated in the HAP contract.

The HAP contract form is prescribed by HUD.

If ECC/HANH has given approval for the family of the assisted tenancy, the owner and ECC/HANH must execute the HAP contract.

The term of the HAP contract must be the same as the term of the lease [24 CFR 982.451(a)(2)].

ECC/HANH is permitted to execute a HAP contract even if the funding currently available does not extend for the full term of the HAP contract.

ECC/HANH must make a best effort to ensure that the HAP contract is executed before the beginning of the lease term. Regardless, the HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.

ECC/HANH may not pay any housing assistance payment to the owner until the HAP contract has been executed. If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, ECC/HANH will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days).

Any HAP contract executed after the 60-day period is void, and ECC/HANH may not pay any housing assistance payment to the owner.

#### ECC/HANH Policy

The following ECC/HANH representatives are authorized to execute a contract on behalf of ECC/HANH: HCV Director and Service Center Supervisor, or their designee.

The owner and the assisted family will execute the dwelling lease and the owner must provide a copy to ECC/HANH. ECC/HANH will ensure that both the owner and the assisted family receive copies of the dwelling lease.



The owner and ECC/HANH will execute the HAP contract. ECC/HANH will ensure that the owner receives a copy of the executed HAP contract.

### **9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308]**

If the tenant and the owner agree to any changes in the lease, such changes must be in writing, and the owner must immediately give ECC/HANH a copy of such changes. The lease, including any changes, must remain in accordance with the requirements of this chapter.

Generally, ECC/HANH approval of tenancy and execution of a new HAP contract are not required for changes in the lease. However, under certain circumstances, the execution of a new lease and HAP contract are required. These circumstances include:

- Changes in lease requirements governing tenant or owner responsibilities for utilities or appliances
- Changes in lease provisions governing the term of the lease
- The family moves to a new unit, even if the unit is in the same building or complex

In these cases, if the HCV assistance is to continue, the family must submit a new Request for Tenancy Approval (RTA) along with a new dwelling lease containing the proposed changes. A new tenancy must then be approved in accordance with this chapter.

Where the owner is changing the amount of the rent to owner, the owner must notify ECC/HANH at least 60 days before any such changes go into effect [24 CFR 982.308(g)(4)]. ECC/HANH will agree to such an increase only if the amount of the rent to owner is considered reasonable according to the rent reasonableness standards discussed in Chapter 8. If the requested rent is not found to be reasonable, the owner must either reduce the requested rent increase, or terminate the tenancy in accordance with the terms of the lease.

No rent increase is permitted during the initial term of the lease [24 CFR 982.309(a)(3)].

#### ECC/HANH Policy

Refer to Chapter 8: Rent reasonableness when the owner is requesting a rent increase.

## Chapter 19

### MIXED FINANCE DEVELOPMENTS INCLUDING RENTAL ASSISTANCE DEMONSTRATION/PROJECT-BASED VOUCHER (RAD/PBV)

#### PROJECT DESCRIPTION MIXED DEVELOPMENTS

##### OVERVIEW

Mixed-Finance public housing allows HUD to mix public, private, and non-profit funds to develop and operate housing developments. New developments may be made up of a variety of housing types: HCV/PBV, homeownership, private, subsidized, and public housing. These new communities are provided for residents with a wide range of incomes and are designed to fit into the surrounding community.

Under its MTW Plan, ECC/HANH has increased the percentage of Housing Choice Voucher budget authority for the Agency that is permitted to project-base to 25%.

ECC/HANH may attach funding to mixed-finance developments which include Project-Based Section 8 units (the “PBV units”). These PBV units may be owned and managed by entities other than ECC/HANH. ECC/HANH may delegate certain admissions and occupancy functions as discussed within the Administrative Plan to the owners and/or managers of those mixed-finance developments. Such admissions and occupancy functions must be performed in accordance with this Administrative Plan and applicable HUD and ECC/HANH requirements.

Mixed-finance developments may be subject to Low-Income Housing Tax Credit (LIHTC) and/or Affordable Housing Program (AHP) Requirements. For purposes of this Administrative Plan:

- Tax Credit Requirements shall mean any and all matters required by Section 42 of the Internal Revenue Code of 1986 and regulations there under (Section 42), the Connecticut Housing Finance Agency (CHFA) or any agreement with a condition of receipt of tax credits, whether or not such requirement is explicitly stated in Section 42, or CHFA requirements; and
- AHP Requirements shall mean any and all matters required by the Federal Housing Finance Board Affordable Housing Program regulations at 12 CFR 951.

In order to ensure compliance with LIHTC and/or AHP Requirements, ECC/HANH will not impose any policy within this Administrative Plan upon any mixed-finance development if such policies would create non-compliance with Tax Credit Requirements and/or AHP Requirements.

**Policies within this chapter that are consistent with the HANH TBV and standard PBV program will state, “No changes to this section.” Please refer to the corresponding chapter.**

**Policies within this chapter that differ will be stated accordingly.**

ECC/HANH will not disapprove Owner policies required for compliance with LIHTC and AHP Requirements, unless mandated by PBV Requirements.

- Examples of policies that may differ than the Administrative Plan include the requirement for annual re-certifications (to the extent required by LIHTC Requirements) and different income tier requirements.

In the event of a conflict between any PBV contract requirements and this Administrative Plan, those deal-specific documents shall control as long as in compliance with PBV Requirements.

- “PBV Requirements” refers to 24 CFR HUD regulations, any HUD-approved waivers of regulatory requirements, and federal laws, notices and Executive Orders pertaining to Project-Based Section 8 Units, including future waivers or amendments.

ECC/HANH’s PBV/RAD program is designed to ensure that PBV assistance is used to support goals that may not be able to be equally achieved through the use of tenant-based voucher assistance.

ECC/HANH’s PBV/RAD program is committed to the following priorities:

1. Supportive housing for families and persons with disabilities;
2. Accessible housing for persons with mobility limitations;
3. Affordable housing opportunities in mixed-income developments and in neighborhoods that underserve low-income families, including neighborhoods with low minority concentrations and low concentrations of poverty
4. Neighborhood revitalization projects, including ECC/HANH’s public housing community redevelopment projects
5. Assisting families in imminent danger of homelessness

PBV assistance may be attached to existing housing or newly constructed or rehabilitated housing [24 CFR 983.52]. If PBV units are already selected for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, ECC/HANH is not required to reduce the number of these units if the amount of budget authority is subsequently reduced. However, ECC/HANH is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC [24 CFR 983.6].

**RAD/PBV developments**

RAD/PBV allows projects funded under the public housing program to convert their assistance to long-term, project-based Section 8 rental assistance contracts. Under this component of RAD, public housing agencies (PHAs) may choose between two forms of Section 8 Housing

Assistance Payment (HAP) Contracts: project-based vouchers (PBVs) or project-based rental assistance (PBRA). ECC/HANH will administer PBVs.

RAD provides the opportunity to test the conversion of public housing and other HUD-assisted properties to long-term, project-based Section 8 rental assistance to achieve certain goals, including the preservation and improvement of these properties through enabling access by ECC/HANH and owners to private debt and equity to address immediate and long-term capital needs. RAD is also designed to test the extent to which residents have increased housing choices after the conversion, and the overall impact on the subject properties.

Under RAD/PBV, the HAP Contract will be administered ECC/HANH and managed by a separate entity. Contract rents will be established and the initial contract will be for a period of at least 15 years and up to 20 years upon approval of ECC/HANH. At expiration of the initial contract and each renewal contract, the ECC/HANH shall offer, and the Project Owner shall accept, a renewal contract.

Each project with a PBV HAP Contract will also be subject to a RAD Use Agreement that will renew with the HAP Contract. ECC/HANH will provide a Choice-Mobility option to residents of Covered Projects. With the exception of provisions identified in PIH-2012-32 (HA) H-2017-03, Rev-3 (as well as retained flexibilities of Moving to Work (MTW) agencies), all regulatory and statutory requirements of the PBV program in 24 CFR part 983, and applicable standing and subsequent Office of Public and Indian Housing guidance, including related handbooks, shall apply.

## **Chapter 19**

### **SECTION I**

#### **OVERVIEW OF THE PROGRAM AND PLAN**

##### **INTRODUCTION**

No changes to this section.

##### **PART I: THE PHA (ECC/HANH)**

###### **1-I.A. OVERVIEW**

No changes to this section.

###### **1-I.B. ORGANIZATION AND STRUCTURE OF ECC/HANH**

No changes to this section.

###### **1-I.C. ECC/HANH MISSION**

No changes to this section.

###### **1-I.D. ECC/HANH'S PROGRAMS**

No changes to this section.

###### **1-I.E. ECC/HANH'S COMMITMENT TO ETHICS AND SERVICE**

No changes to this section.

##### **PART II: THE HOUSING CHOICE VOUCHER (HCV) PROGRAM**

###### **1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM**

For the standard PBV program:

In Section 232 of the Fiscal Year 2001 Appropriations Act, Congress authorized the project-based voucher program (PBV). The PBV program is a discretionary component of ECC/HANH's housing choice voucher (HCV) program. There are no appropriations for this program, instead funding comes directly from funds already obligated by HUD to ECC/HANH under its HCV Annual Contributions Contract (ACC). ECC/HANH may use up to 20 percent of its HCV budget authority for project-based vouchers.

For the RAD PBV program:

RAD is intended to assess the effectiveness of converting public housing, moderate rehabilitation properties, and units under the rent supplement and rental assistance payments programs to long-term, project-based Section 8 rental assistance. The program's four primary objectives are to:

- Preserve and improve public and other assisted housing.
- Standardize the administration of the plethora of federally subsidized housing programs and rules. The conversions are intended to promote operating efficiency by using a Section 8 project-based assistance model that has proven successful and effective for over 30 years. In other words, RAD aligns eligible properties more closely with other affordable housing programs.
- Attract private market capital for property renovations. Through the use of this model, properties may be able to leverage private debt and equity to make capital repairs.
- Increase tenant mobility opportunities.

ECC/HANH or owner can select one of two major sub-programs under RAD:

- Project-based rental assistance (PBRA)
- Project-based vouchers (PBVs)

HUD's Office of Multifamily Housing Programs administers the PBRA component, whereas HUD's Office of Public and Indian Housing administers the PBV component.

This chapter will focus on public housing conversions to the PBV program. In order to distinguish between requirements, we will refer to the standard PBV program and the RAD PBV programs.

For the LIHTC program:

The Low-Income Housing Tax Credit (LIHTC) program was enacted by Congress as part of the Tax Reform Act of 1986 to provide the private market with incentives for construction, rehabilitation, or acquisition of low-income affordable rental housing. These federal tax credits are allocated by the Internal Revenue Service (IRS) to state allocating agencies based, in part, on the state's population. In exchange for the investment in low-income housing, the owner receives tax credits for a period of ten years provided the owner maintains program compliance for at least 30 years.

## **1-II.B. HCV PROGRAM BASICS**

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

For a description of the PBV program, see HANH's Administrative Plan, **Chapter 17 Project-Based Vouchers**.

### **1-II.C. THE HCV PARTNERSHIPS**

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

For a description of the PBV program, see HANH’s Administrative Plan, **Chapter 17 Project-Based Vouchers**.

### **1-II.D. APPLICABLE REGULATIONS**

For the standard PBV program:

The regulations are contained at 24 CFR 983. 24 CFR Part 982 applies to the PBV program, with the exception of sections that are not applicable as described in 24 CFR Part 983.

For the RAD PBV program

RAD is authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Pub. L. No. 112-55, approved November 18, 2011), as amended by the Consolidated Appropriations Act, 2014 (Public Law 113-76, approved January 17, 2014) and the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235, approved December 6, 2014), collectively, the “RAD Statute.” RAD requirements may be found in PIH-2012-32 (HA), REV-2, RAD Quick Reference Guide (10/14), The Welcome Guide for New Awardees: RAD 1st Component (3/15), and RAD FAQs.

For the LIHTC program:

The applicable regulations are found at Section 42 of the Internal Revenue Code of 1986, as amended (“Section 42”). The state-specific LIHTC compliance manual outlines state policies and procedures as well as timelines and required forms for the LIHTC program. The manual for the state of Connecticut may be accessed at: <http://www.spectrumlihtc.com/states/connecticut/>.

## **PART III: THE HCV ADMINISTRATIVE PLAN**

### **1-III.A. OVERVIEW AND PURPOSE OF THE PLAN**

HANH’s administrative plan already establishes guidelines for staff to follow to determine eligibility and continued occupancy for HANH’s tenant-based HCV program. Selected parts of the administrative plan also apply to the standard and RAD PBV programs. On the whole, regulations for both the standard and RAD PBV programs generally closely follow the regulations for the tenant-based HCV program. While PBV regulations generally follow the tenant-based HCV voucher regulations, they are not identical. Further, RAD PBV rules further deviate from and waive specific standard PBV regulations. In other words, the standard PBV program follows many of the same regulations as the tenant-based HCV program, but not all of them and the RAD PBV

program follow many of the same regulations as the standard PBV program, but not all of them. Where applicable, the HCV policies in this document continue to govern the administration of the both the standard and RAD PBV programs, regardless of whether the units are in mixed-finance developments or not. In cases where HCV requirements are to be followed, no changes are made to the administrative plan. This additional chapter is development-specific and intended to address standard and RAD PBV requirements as well as those for the LIHTC program.

**1-III.B. CONTENTS OF THE PLAN [24 CFR 982.54]**

No changes to this section.

**1-III.C. ORGANIZATION OF THE PLAN**

No changes to this section.

**1-III.D. UPDATING AND REVISING THE PLAN**

No changes to this section.



## Chapter 19

### SECTION II

#### FAIR HOUSING AND EQUAL OPPORTUNITY

##### INTRODUCTION

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Federal fair housing law imposes on the Department of Treasury and state housing finance agencies (HFAs), including the Connecticut Housing Finance Authority, an obligation to affirmatively further fair housing. Although the LIHTC program is an IRS program, in 2000 the IRS entered into a Memorandum of Understanding (MOU) with the HUD and the Department of Justice (DOJ) to enforce fair housing laws. HUD is generally charged with enforcing the Fair Housing Act and may refer cases to the DOJ.

##### PART I: NONDISCRIMINATION

##### 2-I.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

All units in the building must be for use by the general public (as defined in Regulation at section 1.42-9 and further clarified in section 42(g)(9)), including the requirement that no finding of discrimination under the Fair Housing Act occurred for the building.

LIHTC properties are also subject to Title VIII of the Civil Rights Act of 1968, which makes it unlawful to discriminate in any aspect relating to the sale, rental, or financing of dwellings because of race, color, religion, sex, or national origin. The Fair Housing Act of 1988 expanded coverage of Title VIII to include familial status and disabilities.

Notifications of administrative and legal actions in regards to the Fair Housing Act will be reported by CHFA to the IRS using Form 8823.

Since 2013, the Violence Against Women Act of 2013 (VAWA) applies to LIHTC properties.

While all of the laws listed in this chapter do not apply to the LIHTC program since tax credit owners are not considered recipients of federal financial assistance. However, since all units discussed in this policy are combined PBV/LIHTC units, the owner/agent must follow the more stringent requirements for the PBV program.

##### 2-I.B. NONDISCRIMINATION

No changes to this section.

## **PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES**

### **2-II.A. OVERVIEW**

No changes to this section

### **2-II.B. DEFINITION OF REASONABLE ACCOMMODATION**

A reasonable accommodation can be a physical modification to a unit or a relaxation to a rule/procedure that will assist an otherwise eligible applicant/resident with a disability to have equal opportunity to use and enjoy their housing or participate in housing services.

### **2-II.C. REQUEST FOR AN ACCOMMODATION**

No changes to this section.

### **2-II.D. VERIFICATION OF DISABILITY**

No changes to this section.

### **2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION**

No changes to this section.

### **2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS**

No changes to this section.

### **2-II.G PHYSICAL ACCESSIBILITY**

No changes to this section.

### **2-II.H. DENIAL OR TERMINATION OF ASSISTANCE**

No changes to this section.

## **PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

No changes to this section for the standard or RAD PBV programs.

### **2-III.A. OVERVIEW**

No changes to this section.

### **2-III.B. ORAL INTERPRETATION**

No changes to this section.

### **2-III.C. WRITTEN TRANSLATION**

No changes to this section.

### **2-III.D. IMPLEMENTATION PLAN**

No changes to this section.

**EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]**

No changes to this section

**PART IV: VIOLENCE AGAINST WOMEN ACT (VAWA)**

**VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY (Act Includes Men)**

**1. Purpose and Applicability**

The purpose of Owner’s Policy pursuant to the Violence Against Women Act (VAWA) is to implement the applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2013 (Pub. L. 113-4) and more generally to set forth Owner’s policies and procedures regarding domestic violence, dating violence, and stalking, as hereinafter defined. Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence. This section of the Administrative Plan sets forth those provisions of Owner’s VAWA Policy which apply to the Residents of Owner’s Rental Assistance Demonstration.

The purposes of these provisions are as follows:

- a. To maintain compliance with all applicable legal requirements imposed by VAWA;
- b. To ensure the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking who are assisted by Owner;
- c. To providing and maintain housing opportunities for victims of domestic violence, dating violence, or stalking;
- d. To create and maintain collaborative arrangements between Owner , law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence and stalking, who are assisted by Owner; and
- e. To take appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting individuals assisted by Owner.

**2. Definitions**

- a. Domestic Violence – The term ‘domestic violence’ includes:
  - (A)felony or misdemeanor crimes of violence (including verbal, emotional, psychological, physical and sexual acts of abuse) committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited 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

- (B) 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.”

b. *Sexual assault* – Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.

c. *Dating Violence* – means 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.
  - (iii) The frequency of interaction between the persons involved in the relationship.

d. *Stalking* – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) Fear for the person's individual safety or the safety of others; or
- (B) Suffer substantial emotional distress

e. *Affiliated Individual* - means, with respect to an individual:

- (A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands *in loco parentis*; or
- (B) any individual, tenant, or lawful occupant living in the household of that individual.

f. *Perpetrator* – means person who commits an act of domestic violence, sexual assault, dating violence or stalking against a victim.

### 3. Admissions and Screening

a. *Non-Denial of Assistance*

Owner will not deny admission to public housing to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

b. *Admissions Preference*

Applicants for housing assistance from HANH will receive a preference in admissions by virtue of their status as victims of domestic violence, sexual assault, dating violence or stalking.

c. *Mitigation of Disqualifying Information*

When so requested in writing by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, HANH shall take such information into account in mitigation of potentially disqualifying information, relevant to the domestic violence such as poor credit history or previous damage to a dwelling. If requested by an

applicant to take such mitigating information into account, HANH shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence and its probable relevance to the potentially disqualifying information. HANH will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

#### **4. Termination of Tenancy or Assistance in connection with VAWA.**

##### **a. VAWA Protections**

Under VAWA, public housing residents and persons assisted under the Section 8 rental assistance program have the following specific protections, which will be observed by Owner:

1. An incident or incidents of actual or threatened domestic violence, sexual assault, dating violence, or stalking will not be considered to be a “serious or repeated” violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.
2. In addition to the foregoing, tenancy or assistance will not be terminated by Owner as a result of criminal activity, if that criminal activity is directly related to domestic violence, sexual assault, dating violence or stalking engaged in by a member of the assisted household, a guest or another person under the resident’s control, and the resident or an immediate family member is the victim or threatened victim of this criminal activity.

However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

- (a) Nothing contained in this paragraph shall limit any otherwise available authority of Owner to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, sexual assault, dating violence, or stalking in question against the resident or a member of the resident’s household. However, in taking any such action, Owner shall not apply a more demanding standard to the victim of domestic violence, sexual assault, dating violence or stalking than that applied to other residents.
- (b) Nothing contained in this paragraph shall be construed to limit the authority of Owner to evict or terminate from assistance any resident or lawful applicant if Owner, can demonstrate an actual and imminent threat to other residents or to those employed at or providing service to the property, if the resident is not evicted or terminated from assistance.

##### **b. Removal of Perpetrator/Lease Bifurcation**

Owner may bifurcate a lease, or remove a household member or lawful occupant from a lease to evict, remove, terminate occupancy rights, or terminate assistance to such member who engage in criminal activity directly related to domestic violence, sexual assault, dating violence, or stalking against an affiliated individual or other individual. , Such action against

the perpetrator of such violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the resident or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by federal, state, or local law applicable to terminations of tenancy

## 5. Verification of Domestic Violence, Dating Violence or Stalking

### a. Requirement for Verification

The law allows, but does not require, HANH to verify that an incident or incidents of actual or threatened domestic violence, sexual assault, dating violence, or stalking claimed by a resident or other lawful occupant is *bona fide* and meets the requirements of the applicable definitions set forth in this policy. Subject only to waiver as provided below in paragraph 5, Owner shall require verification in all cases where an individual claims protection against an action involving such individual, proposed to be taken by Owner.

Verification of a claimed incident or incidents of actual or threatened domestic violence, sexual assault, dating violence or stalking may be accomplished in one of the following three ways:

1. HUD-approved form - by providing to Owner a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, sexual assault, dating violence or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator only if known by the victim.
2. Other documentation - by providing to Owner documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
3. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, sexual assault, dating violence, or stalking
4. Time allowed to provide verification/ failure to provide - An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, sexual assault, dating violence or stalking, and is requested by Owner to return the completed application with supporting documentation, i.e. police reports, courts records, etc, within 14 business days of

the date the application was requested. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

5. Waiver of verification requirement - The President of HANH, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

## 6. Confidentiality

### a. Right of confidentiality

All information (including the fact that an individual is a victim of domestic violence, sexual assault, dating violence or stalking) provided to Owner in connection with a verification required or provided in lieu of such verification where a waiver of verification is granted, shall be retained by Owner in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:

1. requested or consented to by the individual in writing, or
2. required for use in an eviction proceeding as permitted in VAWA, or
3. otherwise required by applicable law.

### b. Notification of rights

All residents of shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

## 7. Transfer to New Residence

### a. Application for transfer

In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, sexual assault, dating violence, or stalking, Owner will, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by a LIHTC/RAD/PBV resident to a different unit in order to reduce the level of risk to the individual and/or family. Transfer from one LIHTC, ACC, PBV or RAD/PBV site will be allowed subject to approved LIHTC income guidelines for that site. VAWA transfer requests will be placed on a centralized transfer list for LIHTC/RAD/PBV/LIPH residents with the applicable preference

A resident who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the resident or another member of the household who is or was the victim of domestic violence dating violence or stalking and who reasonably believes that the resident or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.



b. Action on applications

Owner will act upon such an application within ten (10) calendar days.

c. No right to transfer

Owner will make every effort to accommodate requests for transfer when suitable alternative vacant units are available and the circumstances warrant such action. However, the decision to grant or refuse to grant a transfer shall lie within the sole discretion of Owner, and this policy does not create any right on the part of any applicant to be granted a transfer.

d. Family rent obligations

If a family moves before the expiration of the lease term in order to protect the health or safety of a household member, the family will remain liable for the rent during the remainder of the lease term unless released by HANH. In cases where HANH determines that the family's decision to move was reasonable under the circumstances, HANH may wholly or partially waive rent payments and any rent owed shall be reduced by the amounts of rent collected for the remaining lease term from a resident subsequently occupying the unit.

## **8. Court Orders/Family Break-up**

a. Court orders

It is HANH's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by HANH. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

b. Family break-up

Other HANH policies regarding family break-up are contained in HANH's VAWA Policy, in HANH's Annual MTW Plan and in HANH's Section 8 Administrative Plan.

## **9. Relationships with Service Providers**

It is the policy of Owner to cooperate with organizations and entities, both private and governmental that provides shelter and/or services to victims of domestic violence. If Owner staff becomes aware that an individual assisted by Owner is a victim of domestic violence, sexual assault, dating violence or stalking, Owner may refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring Owner either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence or to make a referral in any particular case.

(a) Notification

Owner shall provide written notification to applicants and residents, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance.



**Chapter 19**  
**SECTION III**  
**ELIGIBILITY**

**INTRODUCTION**

No changes to this section for the standard PBV program.

For the RAD PBV program:

ECC/HANH may not re-screen existing public housing tenants upon conversion. Current households are not subject to rescreening, income eligibility or income targeting. Current households are grandfathered in for conditions that occurred prior to conversion. They are, however, subject to any ongoing eligibility requirements for actions that occur after conversion.

When determining the eligibility of new admissions, the RAD PBV program follows the same eligibility criteria as the HCV program.

Under RAD, “involuntary permanent relocation” is prohibited and each resident must be able to exercise his or her right to return to the RAD project. ECC/HANH or the Owner is permitted to offer a resident alternative housing options when a resident is considering his or her future housing plans, provided that all times prior to the resident’s decision, ECC/HANH and the Project Owner’s preserve the resident’s ability to exercise his or her right of return to the RAD project.

Alternative housing option package may include a variety of housing options including but not limited to:

- Transfer to public housing
- Admission to other affordable housing properties subject to the program rules applicable to such properties
- Housing Choice Vouchers (HCVs) subject to standard HCV program administration requirements. ECC/HANH must operate their HCV programs, including any HCVs offered as alternative housing options, in accordance with their approved policies as documented in their Section 8 Administrative Plan and HUD regulations at 24 CFR part 982.

For the LIHTC program:

Managing eligibility in a tax credit project is a critical component in maintaining the credits. Unlike in the PBV program, the LIHTC program has no requirements to verify the citizenship status or social security number of any family member. Nor are there any requirements to deny applicants based on certain types of criminal activity. In order to be eligible for a LIHTC unit, the applicant household must:

- Have an income at or below the applicable MTSP income limit
- Be in compliance with the LIHTC student rule
- Meet the owner’s screening criteria (if any)

- Pay a restricted rent

## **PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS**

### **3-I.A. OVERVIEW**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC program uses the HUD Handbook 4350.3, REV-1 to define members of the household.

### **3-I.B. FAMILY AND HOUSEHOLD [24 CFR 982.201(c); FR Notice 02/03/12; Notice PIH 2014-20]**

No changes to this section.

### **3-I.C. FAMILY BREAKUPS AND REMAINING MEMBER OF TENANT FAMILY**

No changes to this section for PBV.

For the LIHTC program:

#### **Original Household No Longer Occupied Unit (8823 Guide, Chapter 4)**

A LIHTC household may continue to add members as long as at least one member of the original low-income household continues to live in the unit. Once all the original tenants have moved out of the unit, the remaining tenants must be certified as a new income-qualified household unless the remaining tenants were independently income qualified at the time they moved into the unit.

### **3-1.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]**

No changes to this section.

### **3-1.E. SPOUSE, COHEAD, AND OTHER ADULT**

No changes to this section.

### **3-1.F. DEPENDENT [24 CFR 5.603]**

No changes to this section.

### **3-1.G. FULL-TIME STUDENT [24 CFR 5.603; HCV GB, p. 5-29]**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Definition of full-time student: IRC §152(f)(2) defines, in part, a “student” as an individual, who during each of five calendar months during the calendar year in which the taxable year of the taxpayer begins, is a full-time student at an educational organization described in IRC §170(b)(1)(A)(ii) or is pursuing a full-time course of

institutional on-farm training under the supervision of an accredited agent of an educational organization described in IR §170(b)(1)(A)(ii) or of a state or political subdivision of a state. Treas. Reg. §1.151-3(b) further provides that the five calendar months need not be consecutive.

The determination of student status as full or part-time should be based on the criteria used by the educational institution the student is attending.

An educational organization, as defined by IRC §170(b)(1)(A)(ii), is one that normally maintains a regular faculty and curriculum, and normally has an enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term “educational organization” includes elementary schools, junior and senior high schools, colleges, universities, and technical, trade and mechanical schools. It does not include on-the-job training courses.

**3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 and 5.403, FR Notice 02/03/12]**

No changes to this section.

**3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]**

No changes to this section.

**3-I.J. GUESTS [24 CFR 5.100]**

No changes to this section.

**3-I.K. FOSTER CHILDREN AND FOSTER ADULTS**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Foster children and foster adults who are living with an applicant or who have been approved by the owner/agent to live with a participant family are considered household members but not family members. The unearned income of foster children and unearned and earned income of adults is counted in family annual income for the LIHTC program. Foster children/adults do not qualify for a dependent deduction [24 CFR 5.603; HUD-50058 IB, p. 13; HUD Handbook 4350.3 REV-1, CHG-4)

**3-I.L. ABSENT FAMILY MEMBERS**

No changes to this section for the standard or RAD PBV programs.

This section applies to the LIHTC program with the following exceptions:

- A head, spouse or co-head who is absent because of military duty is considered temporarily absent. A son or daughter on active military duty is considered temporarily absent only if the person leaves dependents or a spouse in the unit.

- Add a definition of Family Members Permanently Confined for Medical Reasons that reads:

**Family Members Permanently Confined for Medical Reasons**

If a family member is confined to a nursing home or hospital on a permanent basis, the family decides whether or not the person continues to be a household member.

**3-I.M. LIVE-IN AIDE**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program, the policy is amended to read:

ECC/HANH Policy

A family’s request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. For continued approval, the family must submit a new, written request-subject to HANH verification-at each annual reexamination.

**PART II: BASIC ELIGIBILITY CRITERIA**

**3-II.A. INCOME ELIGIBILITY AND TARGETING**

No changes to this section for the standard PBV program.

For the RAD PBV program:

Existing residents are not subject to income eligibility requirements. An over-income household at the time of conversion would continue to be treated as an assisted unit under RAD requirements. Once the family moves out of the unit, the unit must then be leased to an income eligible family. All new admissions after conversion must also be income eligible and follow standard PBV requirements.

For the LIHTC program:

The paragraph on income limits is amended to read:

**Income Limits**

HUD establishes income limits for all areas of the country and publishes them annually in the *Federal Register*. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section.

HUD publishes separate income limits for LIHTC projects called the Multifamily Tax Subsidy Income Limits. Multifamily Tax Subsidy Projects (MTSP) Income Limits were developed to meet the requirements established by the Housing and Economic Recovery Act (HERA) of 2008 (Public Law 110-289) that allows 2007 and 2008 projects to

increase over time. The MTSP income limits are used to determine qualification levels as well as set maximum rental rates for projects funded with tax credits.

### **Definitions of the Income Limits [24 CFR 5.603(b)]**

*Low-income family.* A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

*Very low-income family.* A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

*50% MTSP income limit:* The initial 50 percent income limit for each Non-Impacted MTSP is the Section 8 VLIL. In subsequent years, the income limit for each MTSP may not decline and will be the highest Section 8 VLIL obtained throughout the project's qualifying period.

*60% MTSP income limit:* The 60 percent income limit for MTSPs is calculated by multiplying the MTSP VLIL by 1.2 (IRS Revenue Ruling 89-24)

*Extremely low-income family.* A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

### **Using Income Limits for Eligibility [24 CFR 982.201]**

For units with LIHTCs blended with either standard PBV or RAD PBV new admissions after conversion:

Income eligibility is determined by comparing the annual income of an applicant family to the applicable income limit for their family size. In order to be income eligible, an applicant family's anticipated income must be under the *lower* of the following income limits:

- The *very low-income* limit (50% Section 8 income limit); and
- The applicable 60% MTSP income limit

For LIHTC units blended with RAD PBV with existing residents at the time of the conversion:

The LIHTC program does not recognize protections for existing residents. In order for a unit to qualify as an LIHTC unit, the family must be under the applicable MTSP income limit.

### **Using Income Limits for Targeting [24 CFR 982.201]**

For all new admissions, when using income limits for income targeting, use the lower of:

- The *extremely low-income* low Section 8 income limit); and
- The applicable 60% MTSP income limit

For the RAD PBV program:

The income targeting requirement does not apply to existing residents at the time of conversion. Subsequent new admissions count towards ECC/HANH's calculation.

### **3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]**

No changes to this section for the standard PBV program or new admissions to the RAD PBV program.

For the RAD PBV program:

Existing residents at the time of conversion are not re-screened for their citizenship status.

This section does not apply to the LIHTC program.

### **3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2012-10]**

No changes to this section for the standard PBV program or new admissions to the RAD PBV program.

For the RAD PBV program:

Existing residents at the time of conversion do not have their social security numbers re-verified.

This section does not apply to the LIHTC program.

### **3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230; HCV GB, p. 5-13]**

No changes to this section for the standard PBV program.

This section does not apply to the LIHTC program.

The state of Connecticut's LIHTC compliance manual requires that an authorization of release of information accompany verification requests.

### **3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612, FR Notice 4/10/06]**

For units with LIHTCs blended with either standard PBV or RAD PBV, both the HUD student rule and the LIHTC student rule must be satisfied. The following section is amended to read:

#### **HUD student rule for combined LIHTC/PBV Units:**

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established new restrictions on the eligibility for PBV of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities

receiving PBV assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive PBV assistance. If, however, a student in these circumstances is determined independent from his/her parents in accordance with ECC/HANH policy, the income of the student's parents will not be considered in determining the student's eligibility.

The new law does not apply to students who reside with parents who are applying to receive PBV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

### **Definitions**

No changes to this section for the standard or RAD PBV programs.

#### ***Dependent Child***

No changes to this section for the standard or RAD PBV programs.

#### ***Independent Student***

No changes to this section for the standard or RAD PBV programs.

#### ***Institution of Higher Education***

No changes to this section for the standard or RAD PBV programs.

#### ***Parents***

No changes to this section for the standard or RAD PBV programs.

#### ***Person with Disabilities***

No changes to this section for the standard or RAD PBV programs.

#### ***Veteran***

No changes to this section for the standard or RAD PBV programs.

### **Determining Student Eligibility**

No changes to this section for the standard or RAD PBV programs.

#### ***Determining Parental Income Eligibility***

No changes to this section for the standard or RAD PBV programs.

In addition, the above HUD student rule, all units with LIHTCs combined with standard PBV or RAD PBV must also comply with the LIHTC student rule. The following section is added:

### **The LIHTC Student Rule**

Units comprised of full-time students (as defined by IRC §152(f)(2)) do not qualify as LIHTC units, unless the applicant household meets one or more of the following exceptions:

Exceptions: A unit would not be disqualified for tax credits if it is occupied as specified in Section 42(i)(3)(D):

- (i) By an individual who is:
  - I. A student and receiving assistance under title IV of the Social Security Act; or
  - II. A student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or Part E of title IV of the Social Security Act (foster care), or
  - III. A student enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar Federal, State, or local laws; or
- (ii) Entirely by full-time students if such students are:
  - I. Single parents and their children and such parents are not dependents (as defined in section 152) and the children are not dependents of another individual other than the parents, or
  - II. Married and file a joint return.

### **PART III: DENIAL OF ASSISTANCE**

#### **3-III.A. OVERVIEW**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither the IRS nor the Connecticut Housing Finance Agency require that applicants be denied based on certain types of drug abuse or criminal activity. The owner/agent may develop fair, reasonable screening criteria in the LIHTC program. The owner/agent's authority in this area is limited by the Violence against Women Act of 2013 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking. Since units are combined LIHTC/PBV units, the more stringent PBV requirements should be followed.

Addition:

LIHTC and RAD/PBV Owners will deny admission based on ECC/HANH Denial of Assistance and may establish additional screening criteria for admissions to the property

#### **Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

#### **Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), 24 CFR 5.2005(b)]**

No changes to this section for the standard or RAD PBV programs.



This section does not apply to the LIHTC program.

### **3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

### **3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE**

#### **Criminal Activity [24 CFR 982.553]**

**No changes to this section**

#### **Addition:**

**The Owner will follow the Intent to Deny procedure as established by ECC/HANH, thereby giving the applicant household an opportunity to review and explain the criminal background, before any further action is taken.**

#### **Previous Behavior in Assisted Housing [24 CFR 982.552(c)]**

**No changes to this section**

### **3-III.D. SCREENING**

#### **Screening for Eligibility**

No changes to this section.

#### **Screening for Suitability as a Tenant [24 CFR 982.307]**

**No changes to this section**

### **3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE**

#### **Evidence [24 CFR 982.553(c)]**

No changes to this section.

#### **Consideration of Circumstances [24 CFR 982.552(c)(2)]**

No changes to this section.

#### **Removal of a Family Member's Name from the Application**

No changes to this section.

#### **Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]**

No changes to this section.

### **3-III.F. NOTICE OF ELIGIBILITY OR DENIAL**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

There is no requirement for a written denial notice nor for an informal review. However, since units are combined PBV/LIHTC, the more stringent PBV requirements should be followed.

**3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

No changes to this section.

## Chapter 19

### SECTION IV

#### APPLICATIONS, WAITING LIST, TENANT SELECTION AND TRANSFER POLICY

##### INTRODUCTION

No changes to this section for the standard PBV program.

For the RAD PBV program:

RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed. As part of the conversion process, ECC/HANH must consider the best way to transition families who are already on the existing public housing waiting list to the new RAD/PBV waiting list. Considerations vary depending on whether the current public housing waiting list is system-wide or site-based and on what type of waiting list ECC/HANH will adopt once units are converted. While special consideration must be given when initially establishing the RAD PBV waiting list, once the waiting list is established, requirements are the same in RAD PBV as in the regular PBV program.

For the LIHTC program:

Neither the state of Connecticut nor the IRS Code requires owner/agents to maintain a written waiting list or adopt a written tenant selection plan. An Application for Housing is included in the state of Connecticut's LIHTC compliance manual and must be used as part of the application process.

#### PART I: THE APPLICATION PROCESS

##### 4-I.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

##### 4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]

ECC-HANH currently has one TBV wait list for use by all PBV and PBV RAD developments. Once the TBV list is exhausted each development will maintain a site-based waiting list. Applications for assistance will be processed by the Management Agent/Owner responsible for each development.

At the time of the approval of the financial plan, applicants on the TBV waitlist shall be contacted to determine if they are interested in being placed on the PBV RAD waitlist. Applicants will be given 14 days from the date of the letter to respond. The order that

applicants will be placed on the new waitlist will be based of the application date on their HCV Tenant Based application.

The Application for Housing included in the Tax Credit compliance manual for the state of Connecticut must be used for all LIHTC/PBV units. The information furnished on the fully completed application must be reviewed along with supplementary historical documents submitted with the application.

#### ECC/HANH Policy

When opening the waiting list, ECC/HANH or the 3<sup>rd</sup> Party entity will publicly announce the accepting of applications (see Section 4-II-C).

Families may apply for the wait list through the ECC/HANH Applicant portal at <https://ecc.myhousing.com> or the 3<sup>rd</sup> Party website. If the applicant needs a reasonable accommodation to complete the pre-application, the applicant may contact the Reasonable Accommodation Manager (RAM). ~~203-498-8800 x1507~~. Application forms can also be obtained at the ECC/HANH website at [www.elmcitycommunities.org](http://www.elmcitycommunities.org) or United Way's 211 Info line at <http://www.cthcvp.org>.

A family may request to pick up an application form at the agency offices or to have the application mailed to them as a reasonable accommodation.

All applications received via mail will be date and time stamped. Mailed applications will be added to the waitlist based on the date and time that they are stamped as received.

Only one application will be accepted per family; duplicate applications will be discarded.

Applications received after the published deadline date will be rejected.

Completed applications must be submitted via the Wait List portal. Applications must be complete in order to be accepted by the ECC/HANH for processing.

The Applicant Portal does not allow incomplete applications to be submitted through the portal. If a pre-application submitted in any way other than the portal is incomplete, the ECC/HANH will not accept the application but will instead notify the applicant by mail or email, if applicable, that the application is incomplete and has been denied

An applicant whose application has been denied for not meeting the published application criteria will be provided with the opportunity to appeal ECC/HANH's decision that the application did not meeting the published application criteria within 10 business days of the notice of application denial.

#### **4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS**

No changes to this section.

#### **4-I D. PLACEMENT ON THE WAITING LIST**

No changes to this section

## PART II: MANAGING THE WAITING LIST

### 4-II. A. OVERVIEW

No changes to this section.

### 4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

ECC-HANH currently has one TBV wait list for use by all PBV and PBV RAD developments. Once the TBV list is exhausted each development will maintain a site-based waiting list. Applications for assistance will be processed by the Management Agent responsible for each development.

At the time of the approval of the financial plan, applicants on the TBV waitlist shall be contacted to determine if they are interested in being placed on the PBV RAD waitlist. Applicants will be given 14 days from the date of the letter to respond. The order that applicants will be placed on the new waitlist will be based of the application date on their HCV Tenant Based application.

### 4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

#### Closing the Waiting List

No changes to this section.

#### Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until ECC/HANH publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

#### ECC/HANH Policy

ECC/HANH's waiting list will always remain open for the following families who have the preferences listed below.

Note: This is not a preference hierarchy.

- **Displaced by Government Action**

- i. Displacement as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, and including from ECC/HANH public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)

- ii. Displacement as the result of a local natural disaster and/or condemnation of a property or dwelling for health and safety reasons;

iii. Displacement as defined by US Department of Housing and Urban Development as the result of a natural disaster or event defined Emergency event resulting in the displacement of persons needing housing assistance.

- **Reasonable Accommodation**

Reasonable Accommodation for disability issues under the Fair Housing Act for residents currently residing in an ECC/HANH public housing unit who require an accessible unit as a reasonable accommodation where ECC/HANH is unable to accommodate the need through the transfer to another ECC/HANH public housing unit.

- **Violence Against Women Act (VAWA)**

Violence Against Women Act (VAWA) for applicants on the LIPH waitlist and LIPH residents who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH resident and applicant families claiming protections under the Violence Against Women Act (VAWA), See the VAWA preference policy for more information;

- **Documented Witness Protection Program;**

For persons or families that are in a documented Witness Protection Program.  
Documentation to be provided by the appropriate law enforcement agency.

### **LIPH Emergency – Health and Safety Dwelling**

1. Currently residing in an ECC/HANH public housing unit where dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants and the transfer to another public housing unit is not available, where necessary repairs cannot be made within a reasonable time or a unit does not meet the needs of the family;

- **LIPH – Crime and Safety**

2. An individual or family ~~C~~currently residing in an ECC/HANH public housing unit, who are in a situation involving crime and safety, where transfer of a current Low Income Public Housing family to another public housing development does not meet the needs of the family, due to other situations involving crime and safety;

- **Homeless**

For individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) for project-based developments with homeless requirements.

3. Homeless preference for families/referrals for project-based

## **4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]**

No changes to this section.

#### **4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

No changes to this section.

#### **4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]**

No changes to this section.

##### **Purging the Waiting List**

No changes to this section.

##### **Removal from the Waiting List**

No changes to this section.

### **PART III: SELECTION FOR HCV ASSISTANCE**

#### **4-III.A. OVERVIEW**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

#### **4-III.B. SELECTION AND HCV FUNDING SOURCES**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

#### **4-III.C. SELECTION METHOD**

Applicants who will occupy units with PBV or PBV/RAD assistance must be selected according to the corresponding Admission and Continued Occupancy Plan (ACOP) and/or Housing Choice Voucher Administrative Plan (Admin Plan) for each development. Once those Waiting Lists have been exhausted, the development will establish a site based PBV or PBV/RAD Waiting List. Separate waiting lists will be maintained for LIPH units and PBV units according to the development Tenant Selection Plan.

##### **Local Preferences [24 CFR 982.207; HCV p. 4-16]**

ECC/HANH is permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits ECC/HANH to establish other local preferences, at its discretion. Any local preferences established must be consistent with the ECC/HANH Moving to Work Annual Plan and the City of New Haven's Consolidated Plan and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

ECC/HANH offers preferences to ~~the below~~ families in the order stated below. These preferences apply to the non-Rental Assistance Development (RAD)LIHTC/PBV and LIPH units only.

For the RAD units, please refer to the applicable Resident Selection Plans.

### **1.) Displaced by Government Action**

- a. Displacement of residents living in ECC/HANH developments as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, and including from ECC/HANH public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)
- b. Displacement of residents living in ECC/HANH developments as the result of a local natural disaster and/or condemnation of a property or dwelling for health and safety reasons; i.e. Fire Dept., LCI
- c. Displacement as defined by US Department of Housing and Urban Development as the result of a natural disaster or event defined Emergency event resulting in the displacement of persons needing housing assistance.

### **2.) Reasonable Accommodation**

Reasonable Accommodation for disability issues under the Fair Housing Act for residents currently residing in an ECC/HANH public housing, PBV or RAD/PBV unit who require a transfer as a reasonable accommodation where a vacant unit would meet a resident's disability-related need(s).

### **3.) Violence Against Women Act (VAWA)**

Violence Against Women Act (VAWA) for applicants who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH resident and applicant families claiming protections under the Violence Against Women Act (VAWA), See the VAWA preference policy for more information.

*\*This preference applies if an applicant is already on the site-based waitlist as a result of having previously applied for site based waitlist. The preference will be applied, and the applicant will be repositioned on the waitlist based on the date of the original approval date.*

*An applicant who is not yet on the RAD/PBV site based waitlist will be added only to the LIPH applicant site-based waitlist as outlined in the ACOP.*

### **4.) Documented Witness Protection**

For individuals or families that are in a documented Witness Protection Program. Documentation to be provided by the appropriate law enforcement agency.

### **5.) Emergency – Health and Safety Dwelling**

For individuals and families currently residing in an ECC/HANH public housing unit where dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants and the transfer to another public



housing unit is not available, where necessary repairs cannot be made within a reasonable time or a unit does not meet the needs of the family;

#### **6.) LIPH – Crime and Safety**

Currently residing in an ECC/HANH public housing unit, who are in a situation involving crime and safety, where transfer of a current Low-Income Public Housing family to another public housing development does not meet the needs of ECC/HANH public housing residents due to other situations involving crime and safety

#### **7.) Homeless**

For individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) for project-based developments with homeless requirements.

2.8.) Families who have a homeless preference by the HUD definition and are referred from the Coordinated Access Network (CAN) and are placed on the homeless set aside waiting list

Note:

For families with a Reasonable Accommodation preference in the LIHTC/PBV and RAD/PBV units:

- 1) For LIHTC/PBV or RAD/PBV units with accessible features,
  - a. selection will be given to existing residents (per the Tenant Selection Plan) who have been approved for a reasonable accommodation transfer and who need the accessibility features of the available accessible unit.
  - b. selection will be given to residents from LIPH, PBV and RAD/PBV units who have been placed on the ECC/HANH Reasonable Accommodation Transfer List because they require an accessible unit.
  - c. selection will be given to applicant families from the ECC/HANH agency wide Accessible Waiting List
- 2) For families with a Reasonable Accommodation preference for a non-accessible unit
  - a. selection will be given to existing residents (per the Tenant Selection Plan) who have been approved for a reasonable accommodation transfer and whose disability-related needs would be met by a transfer to that particular vacant unit.
  - b. selection will be given to residents from LIPH, PBV and RAD/PBV units who have been placed on the ECC/HANH Reasonable Accommodation Transfer List and whose disability-related needs would be met by a transfer to that particular unit.
  - c. selection will be given to applicant families from the ECC/HANH agency wide Accessible Waiting List

- 3) A family may request a transfer as a reasonable accommodation for a disability. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer for a person with a mobility impairment, a unit with a bed and bath on the first floor or a transfer to a unit with accessible features.
- 4) Once a family’s reasonable accommodation has been approved, the family will be placed on the Reasonable Accommodation Transfer List based on the date of such reasonable accommodation request and bedroom size. Approved families will be offered an available unit that meets their disability related needs in a Low-Income Public Housing (LIPH), Project Based Voucher (PBV) or RAD/PBV development/portfolio accordingly.
- 5) Once it has been determined that ECC/HANH cannot accommodate the family in the LIPH, PBV or RAD/PBV portfolio, the family will be added to the HCV/TBV Reasonable Accommodation List for an opportunity for a Tenant Based Voucher (TBV). The family will be given the option for a TBV or may choose to remain on the Reasonable Accommodation Transfer list until a unit that meets their needs becomes available. *(See Local Preference no. 2 listed above)*
- 6) The Property Manager for each development within the ECC/HANH portfolio will notify the Reasonable Accommodation Manager of all tenants approved for a reasonable accommodation transfer and such persons will placed on the Reasonable Accommodation Transfer List based on date of approval and bedroom size so they may be accommodated accordingly and timely.

All other selections (not related to reasonable accommodations) occur as follows. Each site shall maintain a site-based waiting list. Prior existing lists shall be exhausted in the following order with subsequent selections being made from site-based waiting lists.

<b>Development</b>	<b>Waiting List Selection</b>
Eastview Terrace I - RAD	<ol style="list-style-type: none"> <li>1) Eastview Terrace Right to Return Residents</li> <li>2) Eastview Terrace I Public Housing Waiting List</li> <li>3) Applicants on the HCV Waiting List as of the date of the financial plan approval</li> <li>4) Eastview Terrace RAD Site Based Waiting List</li> </ol>
Eastview Terrace - PBV	<ol style="list-style-type: none"> <li>1) HCV Waiting List</li> <li>2) Eastview Terrace PBV Site Based Waiting List</li> </ol>
Fair Haven - RAD (Eastview and Chatham)	<ol style="list-style-type: none"> <li>1) Farnam Right to Return Residents</li> <li>2) Farnam Public Housing Waiting List</li> <li>3) Applicants on the HCV Waiting List as of the date of the financial plan approval</li> <li>4) Fair Haven RAD Site Based Waiting List</li> </ol>

Wilmont Crossing - RAD	<ol style="list-style-type: none"> <li>1) West Rock Right to Return Residents</li> <li>2) Wilmont Crossing Public Housing Waiting List</li> <li>3) Applicants on the HCV Waiting List as of the date of the financial plan approval</li> <li>4) Wilmont Crossing RAD Site Based Waiting List</li> </ol>
Wilmont Crossing - PBV	<ol style="list-style-type: none"> <li>1) HCV Waiting List</li> <li>2) Wilmont Crossing PBV Site Based Waiting List</li> </ol>
Wilmont Crossings - Elderly Only Units	<ol style="list-style-type: none"> <li>1) Wilmont Crossing Elderly Only Site Based Waiting List</li> </ol>
Mill River Crossings/Farnam - RAD	<ol style="list-style-type: none"> <li>1) Farnam Right to Return Residents</li> <li>2) Farnam Public Housing Waiting List</li> <li>3) Applicants on the HCV Waiting List as of the date of the financial plan approval</li> <li>4) Mill River RAD Site Based Waiting List</li> </ol>
Ribicoff/ Twin Brook – RAD	<ol style="list-style-type: none"> <li>1) Ribicoff Returning Residents</li> <li>2) Public Housing Ribicoff Site Based Waiting Lists</li> <li>3) Applicants on the HCV Waiting List as of the date of the financial plan approval</li> <li>4)Twin Brook RAD Site Based Waiting List</li> </ol>
Brookside I & II PBV	<ol style="list-style-type: none"> <li>1) Returning West Rock Residents</li> <li>2) HCV Waiting List</li> <li>3) Brookside PBV Site Based Waiting List</li> </ol>
Rockview I - PBV	<ol style="list-style-type: none"> <li>1) Returning West Rock Residents</li> <li>2) HCV Waiting List</li> <li>3) Rockview PBV Site Based Waiting List</li> </ol>
Rockview II - RAD	<ol style="list-style-type: none"> <li>1) Returning West Rock Residents</li> <li>2) Westville Manor Site Based Waiting List</li> <li>3) HCV Waiting List</li> <li>4) Rockview RAD Site Based Waiting List</li> </ol>
Quinnipiac Terrace I, II, III - PBV	<ol style="list-style-type: none"> <li>1) Quinnipiac Terrace Right to Return Residents</li> <li>2) HCV Waiting List</li> <li>3) Quinnipiac PBV Site Based Waiting List</li> </ol>
Trinity Rowe - PBV	<ol style="list-style-type: none"> <li>1) Trinity Rowe Right to Return Residents</li> </ol>

	<ol style="list-style-type: none"> <li>2) Trinity Rowe LIPH Wait List</li> <li>3) HCV Waiting List</li> <li>4) Trinity Rowe PBV Site Based Waiting List</li> </ol>
Monterey Place-RAD	<ol style="list-style-type: none"> <li>1) Current Monterey LIPH Wait List</li> <li>2) HCV Wait List</li> <li>3) Monterey RAD Site Based Wait List</li> </ol>
RAD Group I – Constance Baker Motley (CB Motley)	<ol style="list-style-type: none"> <li>1) CB Motley Right to Return Residents</li> <li>2) CB Motley LIPH Site Based Waiting List</li> <li>3) CB Motley RAD Site Based Waiting List</li> </ol>
RAD Group I – Katherine Harvey Terrace	<ol style="list-style-type: none"> <li>1) Katherine Harvey Terrace Right to Return Residents</li> <li>2) Katherine Harvey Terrace LIPH Site Based Waiting List</li> <li>3) Katherine Harvey Terrace RAD Site Based Waiting List</li> </ol>
RAD Group I – Newhall Gardens	<ol style="list-style-type: none"> <li>1) Newhall Gardens Right to Return Residents</li> <li>2) Newhall Gardens LIPH Site Based Waiting List</li> <li>3) Newhall Gardens RAD Site Based Waiting List</li> </ol>
RAD Group I – Prescott Bush	<ol style="list-style-type: none"> <li>1) Prescott Bush Right to Return Residents</li> <li>2) Prescott Bush LIPH Site Based Waiting List</li> <li>3) Prescott Bush RAD Site Based Waiting List</li> </ol>
RAD Group II -Stanley Justice Landing	<ol style="list-style-type: none"> <li>1) Stanley Justice Right to Return Residents (if applicable)</li> <li>2) Scattered Site Wait List</li> <li>3) Applicants on the HCV Waiting List as of the date of the financial plan approval</li> <li>4) Scattered Site RAD Site Based Waiting List</li> </ol>
RAD Group II - Fulton Park	<ol style="list-style-type: none"> <li>1) Fulton Park Right to Return Residents (if applicable)</li> <li>2) LIPH Scattered Site Wait List</li> <li>3) HCV Waiting List</li> <li>4) Scattered Site RAD Site Based Waiting List</li> </ol>
RAD Group II – Waverly Townhouses	<ol style="list-style-type: none"> <li>1) Waverly Townhouses Right to Return Residents (if applicable)</li> <li>2) LIPH Scattered Site Wait List</li> <li>3) Applicants on the HCV Waiting List as of the date of the financial plan approval</li> </ol>

	4) Waverly Townhouses RAD Site Based Waiting List
RAD Group II - 76 Glen Haven - RAD	1) 76 Glen Haven Right to Return Residents (if applicable) 2) LIPH Scattered Site Wait List 3) HCV Waiting List 4) Scattered Site RAD Site Based Waiting List
RAD Group III - McQueeney Towers - RAD	1) McQueeney Towers Right to Return Residents (if applicable) 2) McQueeney Towers LIPH Wait List 3) Applicants on the HCV Waiting List as of the date of the financial plan approval 4) McQueeney Towers RAD Site Based Waiting List
RAD Group III - Winslow Celentano - RAD	1) Winslow Celentano Right to Return Residents (if applicable) 2) Winslow Celentano LIPH Wait List 3) Applicants on the HCV Waiting List as of the date of the financial plan approval 4) Winslow Celentano RAD Site Based Waiting List
RAD - Robert T Wolfe - RAD	1) Robert T. Wolfe Right to Return Residents (if applicable) 2) Robert T. Wolfe LIPH Wait List 3) HCV Waiting List 4) Robert T Wolfe Site Based Waiting List
RAD Group IV - Matthew Ruoppolo Manor - RAD	1) Matthew Ruoppolo Manor Right to Return Residents (if applicable) 2) Matthew Ruoppolo Manor LIPH Wait List 3) Applicants on the HCV Waiting List as of the date of the financial plan approval 4) Matthew Ruoppolo Manor Site Based Waiting List
RAD Group IV - Fairmont Heights - RAD	1) Fairmont Heights Right to Return Residents (if applicable) 2) Fairmont Heights LIPH Wait List 3) Applicants on the HCV Waiting List as of the date of the financial plan approval 4) Fairmont Heights RAD Site Based Waiting List
<u>RAD Valley Townhouses</u>	1) <u>Fairmont Heights Right to Return Residents (if applicable)</u> 2. <u>Fairmont Heights LIPH Wait List</u> 3. <u>Applicants on the HCV Waiting List as of the date of the financial plan approval</u> 4. <u>Fairmont Heights RAD Site Based Waiting List</u>

<u>RAD McConaughy Terrace</u>	<ol style="list-style-type: none"> <li>1) <u>Fairmont Heights Right to Return Residents (if applicable)</u></li> <li>2) <u>Fairmont Heights LIPH Wait List</u></li> <li>3) <u>Applicants on the HCV Waiting List as of the date of the financial plan approval</u></li> <li>4) <u>Fairmont Heights RAD Site Based Waiting List</u></li> </ol>
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**Elderly Designated Unit Mix Prior to Conversion to Project-based Rental Assistance**

Number of Bedrooms	0	1	2	3	4	5	6	Total
Prescott Bush	20	25	5	0	0	0	0	50
Katherine Harvey Terrace	0	12	0	0	0	0	0	12
New Hall Gardens	0	23	0	0	0	0	0	23
C.B. Motley	8	34	0	0	0	0	0	42
Wilmot Crossing	0	25	1	0	0	0	0	26
<b>Total</b>	<b>28</b>	<b>119</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>153</b>

The Owner may not establish a limit on the number of Elderly families or Disabled families who may be accepted for occupancy in a development that was Mixed Population development prior to conversion. In selecting Elderly families and Disabled families to occupy units in mixed population developments, the owner must first offer units that have special accessibility features for persons with disabilities to families who include persons with disabilities who require the accessibility features of such units (see §§ 8.27 and 100.202 of this Part 24 CFR).”

**Waiting Lists for Converted Units**

The Owner shall use the ECC/HANH site-based waiting for each development list used by it prior to conversion for the selection of occupants post-conversion, except for units that have special accessibility features for persons with disabilities who require the accessibility features of such units (see §§ 8.27 and 100.202 of Part 24 CFR).”

First priority: Subject to preference for families residing in the existing developments (right to return families) on the date of the financial plan approval.

Second priority: Interested applicants on the site-based waiting lists for the properties at the time of approval of the date of the financial plan approval, over all other applicants based on their position on the existing site-based waiting lists.

Third priority: At the time of the approval of the financial plan, applicants on the ECC Housing Choice Voucher Wait List shall also be contacted to determine if they are interested in being placed on the Development Waiting List. Applicants on the existing HCV Waitlist will be given third priority over all other applicants based on their position on this list.

Fourth priority: Applicants on the RAD site-based waiting.

Occupants of units with accessibility features shall be selected from (1) a current occupant of another unit of the same project, or comparable projects under common control, having disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features, or, if no such occupant exists, then (2) to an eligible qualified applicant on the Agency wide Accessible Waiting List having a disability requiring the accessibility features of the vacant unit.

With respect to units where preference for occupancy shall be to the elderly or to the elderly and disabled on an equal basis, ~~the Authority~~ ECC/HANH shall transfer each site-based waiting list to the owner and the Owner shall manage each list in accordance with the Authority ECC/HANH-approved resident selection plan. The Owner shall select occupants from these lists until all applicants on these lists ~~shall~~ have been either offered a unit, withdrawn or removed, or rejected for admission. The Owner shall maintain its site-based waiting list once these requirements have been met.

#### **Income Targeting Requirement [24 CFR 982.201(b)(2)]**

No changes to this section with the exception of LIHTC developments.

LIHTC developments are subject to the published LIHTC Income guidelines.

#### **Order of Selection**

No changes to this section.

#### **4-III.D. NOTIFICATION OF SELECTION**

At the time of the approval of the financial plan, applicants on the ECC/HANH Housing Choice Voucher Wait List shall also be contacted to determine if they are interested in being placed on the Development Waiting List.

##### ECC/HANH Policy

ECC/HANH will notify the family by first class mail, or email if applicable when it is selected from the waiting list. The notice will inform the family of the following:

Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

Who is required to attend the interview

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

Documents that must be provided at the interview to document eligibility for a preference, if applicable

Other documents and information that should be brought to the interview

~~All documents that must be provided at the interview, including information about what constitutes acceptable documentation~~

If a notification letter is returned with no forwarding address, the family will be removed from the waiting list. A notice of denial (see Chapter 3) will be sent to the family's address of record, as well as to any known alternate address.

Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will be scheduled for a second interview. Applicants who cannot be contacted after a second attempt or who fail to show for a second interview shall have their applications withdrawn, subject to reasonable accommodation for people with disabilities.

#### **4-III.E. THE APPLICATION INTERVIEW**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual requires an applicant interview. The applicant interview must include an interview with all adult household members to review the application and historical documents and clarify any discrepancies or missing information. The interview must be documented with the required Interview Checklist included in the State of Connecticut's LIHTC Tax Credit compliance manual for the state of Connecticut. This checklist must be signed and dated by management and all adult applicants.

#### **4-III.F. COMPLETING THE APPLICATION PROCESS**

No changes to this section

### **PART IV. VAWA APPLICANT WAITLIST & TRANSFER WAITLIST PREFERENCE**



#### **4-IV.A OVERVIEW**

No changes to this section

Addition:

Resident transfer is allowable from one LIHTC/RAD/PBV development to another subject to applicable LIHTC income guidelines.

This includes the LIPH/ACC units.

#### **4.IV-B. PREFERENCE QUALIFICATIONS**

No changes to this section

#### **4-IV.C HCV/LIPH OPTION FOR APPLICANTS ON LIPH SITE BASED WAITING LISTS WITH VAWA WAIT LIST PREFERENCE**

Not applicable

#### **4-IV.D LIPH/PBV/RAD-PBV to HCV OPTIONS FOR RESIDENTS**

No changes to this section

### **PART V: RESIDENT TRANSFER POLICY**

#### **4-V.A OVERVIEW**

This section explains the transfer policy, based on HUD regulations, HUD guidance, and ECC/HANH policy decisions.

This section describes HUD regulations and ECC/HANH policies related to transfers in three parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: ECC/HANH Required Transfers. This part describes types of transfers that may be required by ECC/HANH, notice requirements, and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

ECC/HANH may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation or protection under VAWA.

ECC/HANH must have specific policies in place to deal with acceptable transfer requests.

Preferences for Resident Transfers are as follows: (Applies to LIHTC ACC, PBV and RAD/PBV).

- 1) Emergency
- 2) Urgent- Non-VAWA Crime and Safety related transfers
- 3) Reasonable Accommodation for Accessible Units
- 4) Reasonable Accommodation for other than those needing accessible units or units with accessible features
- 5) Transfers mandated by modernization projects
- 6) VAWA transfers
- 7) Transfers due to over and under housing by more than two degrees
- 8) Other administrative transfers

**Transfers from one LIHTC ACC, PBV or RAD/PBV development to another LIHTC ACC, PBV, RAD/PBV or LIPH development are allowable for all preferences, subject to LIHTC income guidelines and applicable Tenant Selection Plans.**

The transfer list is an agency-wide transfer list and not a site-based list. One out of every ten offers will be made to a resident-requested transfer.

Per the development Resident Selection Plan, a resident who resides in a development and requires a different unit size or type will have a priority over other households on the Site based Waitlist for the unit that has become vacant in that Development.

#### **4-V.B EMERGENCY TRANSFERS**

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, ECC/HANH must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

ECC/HANH Policy

Emergency transfers must be approved by the Owner or designee.

The Owner is not required to give prior notice of an emergency transfer.

Emergency conditions that occur due to abuse or neglect will be grounds for emergency transfer, however resident will be charged for the damages caused to the apartment.

The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

- Maintenance conditions in the resident’s unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours.
- Examples of such unit or building conditions would include: a gas leak; no heat in the building during the winter; no water; toxic contamination; and serious water leaks.

**4-V.C. EMERGENCY TRANSFER PROCEDURES**

ECC/HANH Policy

If the transfer is necessary because of maintenance or other life-threatening conditions defined above, and an appropriate unit is not immediately available, Owner will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location.

If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, Owner will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers are mandatory for the tenant. Refusal of a resident to accept an emergency transfer is grounds for termination of assistance or lease termination and eviction.

In cases where ECC/HANH does not have a unit available for an emergency transfer ECC/HANH can transfer the resident to one of its affiliated entities.

Emergency transfers from one LIHTC/RAD/PBV/LIPH development are allowable for Emergencies that cannot be immediately mediated and are subject to applicable LIHTC income guidelines. Emergency transfers will be placed on a centralized transfer list for LIHTC/RAD/PBV/LIPH residents.

**4-V.D. COSTS OF TRANSFER**

ECC/HANH Policy

Owner will bear the reasonable costs of temporarily accommodating the tenant and of long-term transfers, if any, due to emergency conditions.

The reasonable cost of transfers includes the cost of packing, moving, and unloading.

Owner will move the family at Owner's expense.

All amounts owed under tenancy will follow the family regardless of transfer.

#### **4-V.E. TYPES OF ECC/HANH REQUIRED TRANSFERS**

ECC/HANH may require that a resident transfer to another unit under some circumstances. For example, ECC/HANH may require a resident to transfer to make an accessible unit available to a disabled family, or may transfer a resident in order to maintain occupancy standards based on family composition, or may transfer residents in order to demolish or renovate the unit.

**A transfer that is required by ECC/HANH is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].**

The types of transfers that may be required by the Owner, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers as discussed in Part I of this chapter.

Transfers required by the Owner are mandatory for the tenant.

##### **Transfers to Make an Accessible Unit Available**

When a family is given an accessible unit, but does not require the accessible features, ECC/HANH may require the family to agree to move to a non-accessible unit when it becomes available.

##### ECC/HANH Policy

When a non-accessible unit becomes available, Owner will transfer a family living in an accessible unit that does not require the accessible features to an available unit that is not accessible. Owner may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the unit. The Property Manager will give the family a 30-day notice to move, with the right to request a grievance hearing and a reasonable accommodation to remain in the unit if applicable.

##### **Occupancy Standards Transfers**

ECC/HANH may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or overhoused according to ECC/HANH policy. On some occasions, ECC/HANH may initially place a resident in an inappropriately sized unit at lease-up, where the family is overhoused, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition

##### ECC/HANH Policy

Owner will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

For purposes of the transfer policy, overcrowded and over-housed are defined as follows: *Overcrowded*: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the sleeping room. For example, 5 persons could occupy a two-bedroom unit if the family wishes.

*Over-housed*: the family no longer qualifies for the bedroom size in which they are living based on ECC/HANH's occupancy standards as described in Section 5-I.B.

Owner may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on Owner's occupancy standards, when Owner determines there is a need for the transfer.

Owner may elect not to transfer an over-housed family in order to prevent vacancies.

A family that is required to move because of family size will be advised by Owner that a transfer is necessary and that the family has been placed on the transfer list.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) will only be required to transfer if it is necessary to comply with the approved exception.

Scattered site in-house transfers supersede scattered site wait list applicants.

## **Demolition, Disposition, Revitalizations, or Rehabilitation Transfers**

### ECC/HANH Policy

Owner will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished. ECC/HANH's relocation plan may or may not require transferring affected families to other available public housing units. These transfers may be subject to Uniformed Relocation Act (URA) Guidelines.

If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list.

In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

## **4V.F. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]**

An ECC/HANH required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, ECC/HANH may not act on the transfer until the conclusion of the grievance process.

## **PART VI: TRANSFERS REQUESTED BY TENANTS**

### **4-VI.A. OVERVIEW**

HUD provides ECC/HANH with discretion to consider transfer requests from tenants. The only requests that ECC/HANH is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of ECC/HANH. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by ECC/HANH.

Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

### **4-VI.B. TYPES OF RESIDENT REQUESTED TRANSFERS**

#### ECC/HANH Policy

The types of requests for transfers that the Owner will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to the Owner's occupancy standards, and transfers to a location closer to employment.

### **4-VI.C. HIGH PRIORITY RESIDENT REQUESTED TRANSFERS**

#### ECC/HANH Policy

The Owner will consider the following as high priority transfer requests with an applicable preference:

- Reasonable Accommodation –  
When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature  
  
When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first floor unit for a person with mobility impairment, or a transfer to a unit with accessible features
- VAWA –  
To qualify for the VAWA preference, the incident must have taken place no more than 90 calendar days prior to date of the Owner's receipt of transfer request and verified with the Reasonable Accommodation Manager through the VAWA process.
- Urgent –  
When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the Owner's discretion, include an

assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime, or domestic violence, dating violence, sexual assault, or stalking. For instances of domestic violence, dating violence, sexual assault, or stalking, the threat may also be established through documentation or by any proof accepted by the Owner.

In the event of an urgent transfer, involving violence or criminal activity against a family, the family will be placed on the transfer list with Crime and Safety preference and moved to an appropriately sized unit accordingly.

Such circumstances will include:

- Targeted violence- a family member is the actual or potential victim of a criminal attack, retaliation for testimony or hate crime and the threat of violence is verified by a law enforcement professional and/or agency.
- Inadvertent violence- to protect a family member from criminal activity that is occurring at the property of the community in which they are not the targeted victim but request to be transferred for their safety and the threat of violence is verified by a law enforcement professional or agency.

#### **4-VI.D. REGULAR PRIORITY RESIDENT-REQUESTED TRANSFERS**

##### ECC/HANH Policy

Existing elderly families shall be given preference to elderly-designated properties.

Other than the above, the regular priority resident requested transfer list is maintained in a first-come, first-served basis.

Transfers requested by the tenant are considered optional for the tenant.

#### **4-VI.E. ELIGIBILITY FOR TRANSFER**

##### ECC/HANH Policy

Except for emergency transfers or for purposes of reasonable accommodation, Owner will only consider transfer requests from residents that meet the following requirements:

Have not engaged in criminal activity that threatens the health and safety of residents and staff

Owe no back rent or other charges, or have a pattern of late payment

Have no housekeeping lease violations or history of damaging property

Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the Owner's advantage to make the transfer. Exceptions may also be made when ECC/HANH determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking and who provides documentation of abuse.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of one year from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

#### **4-VI.F. SECURITY DEPOSITS**

##### ECC/HANH Policy

When a family transfers from one unit to another, Owner will transfer their security deposit to the new unit. The tenant will be billed for any maintenance or others charges due for the "old" unit.

#### **4-VI.G. TRANSFER**

ECC/HANH must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2010-26].

##### ECC/HANH Policy

The resident will bear all of the costs of transfer s/he requests. However, Owner will bear the transfer costs when the transfer is done as a reasonable accommodation.

#### **4-VI.H. HANDLING OF REQUESTS**

##### ECC/HANH Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, the Owner will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the Owner will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The Owner will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, sexual assault, or stalking or taking no action when sufficient information to make a determination is not provided.

If the family does not meet the "good record" requirements, the manager will address the problem and, until resolved, the request for transfer will be denied.

The Owner will respond within 10 business days of the submission of the family's request. If Owner denies the request for transfer, the family will be informed of its grievance rights.



#### **4-VI.I. COST OF TRANSFER**

ECC/HANH must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2010-26].

##### ECC/HANH Policy

The resident will bear all of the costs of transfer s/he requests. However, the Owner will bear the transfer costs when the transfer is done as a reasonable accommodation.

#### **4-VI.J. HANDLING OF REQUESTS**

##### ECC/HANH Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, the Owner will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the Owner will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The Owner will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, sexual assault, or stalking.

If the family does not meet the "good record" requirements, the manager will address the problem and, until resolved, the request for transfer will be denied.

The Owner will acknowledge the receipt of the transfer request within 10 business days. If ECC/HANH denies the request for transfer, the family will be informed of its grievance rights. Reasonable Accommodation requests will be verified by a 3<sup>rd</sup> party professional and ECC/HANH will respond within 10 business days of the approval of the reasonable accommodation request.

#### **4-VI.K REFUSAL FOR GOOD CAUSE**

##### ECC/HANH Policy

Examples of good cause for refusal of a unit offer include, but are not limited to:

- The family demonstrates to ECC/HANH's satisfaction that accepting the unit offer will require an adult family member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
- The family demonstrates to ECC/HANH's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP. 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 (as listed on final application) or live-in aide necessary to the care of the principal family member.
- The unit is inappropriate for the applicant's disabilities or approved reasonable accommodation, 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.
- The unit has lead-based paint and the family includes children under the age of six.
- Other compelling reasons as approved by ECC/HANH.

ECC/HANH will require documentation of good cause for unit refusals.

## **PART 4-VII: EFFORT TO END HOMELESSNESS**

### **HOMELESS PREFERENCE/WAITING LIST SET-ASIDES**

ECC/HANH is adding a homeless admissions preference/set-aside for applicants for the project-based and tenant-based Effort to End Homelessness Initiatives.

This preference/set-aside applies to families or individuals who are:

- (1) homeless;
- (2) at risk of homelessness;
- (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or
- (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

The HUD definition of Homeless is listed in 4 categories:

#### **Category 1**

##### **Literally homeless individuals/families**

Individuals and families who lack a fixed, regular, and adequate nighttime residence, which includes one of the following:

- Place not meant for human habitation
- Living in a shelter (Emergency shelter, hotel/motel paid by government or charitable organization)

- Exiting an institution (where they resided for 90 days or less AND were residing in emergency shelter or place not meant for human habitation immediately before entering institution)

## **Category 2**

**Individuals/families who will imminently (within 14 days) lose their primary nighttime residence, which includes ALL of the following:**

- Have no subsequent residence identified AND
- Lack the resources or support networks needed to obtain other permanent housing

## **Category 3**

**Unaccompanied youth (under 25 years of age) or families with children/youth who meet the homeless definition under another federal statute and includes ALL of the following:**

- Have not had lease, ownership interest, or occupancy agreement in permanent housing at any time during last 60 days
- Have experienced two or more moves during last 60 days
- Can be expected to continue in such status for an extended period of time because of chronic disabilities, OR chronic physical health or mental health conditions, OR substance addiction, OR histories of domestic violence or childhood abuse (including neglect) OR presence of a child or youth with a disability, OR two or more barriers to employment

## **Category 4**

**Individuals/families fleeing or attempting to flee domestic violence, dating violence, violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or family member and includes ALL of the following:**

- have no identified residence, resources or support networks
- Lack the resources and support networks needed to obtain other permanent housing

Source: [http://www.hudhre.info/documents/HEARTH\\_HomelessDefinition\\_FinalRule](http://www.hudhre.info/documents/HEARTH_HomelessDefinition_FinalRule)

### **ECC/HANH Policy**

ECC/HANH has established a homeless preference and set-aside waiting lists for individuals and families that meet the HUD definition of homelessness.

There will be a set-aside waiting lists for families and individuals who will be housed in the PBV and TBV supportive housing programs and set-aside waiting lists for families and individuals who will be housed in the -Effort to End Homelessness Initiatives.

The homeless preference will also apply to applicants to the ECC/HANH PBV and RAD/PBV developments.

Current applicants on the HCV waiting list will be notified of the new admissions preference/set-aside waiting lists and will be instructed on the necessary procedure to qualify. They will need to contact the Coordinated Access Network (CAN) for an assessment and referral to ECC/HANH.

They will be granted a first right to an available unit under the preference should they meet the above definition of homeless.

Notice to persons on the HCV waiting list will be done by mail no later than thirty (30) days prior to the effective date of the preference. This preference will be effective November 1, 2022.

In order to be eligible for the preference, an applicant must be a direct referral from the Coordinated Access Network (CAN).

ECC/HANH must have a Memorandum of Understanding (MOU) with the CAN for vouchers under the ECC/HANH MTW Homeless Voucher initiative. ECC/HANH must have a MOU with the CAN specific to the homeless preference.

The CAN will conduct an applicant assessment through their Coordinated Entry system and will send the referral to ECC/HANH.

Once the referral has been received, the applicant will be placed on the Homeless Preference/Set-Aside Waiting List.

The referral must include a commitment by the homeless service provider to supportive services to help the household transition from homelessness to permanent housing, including tenant selection, eligibility and lease requirements.

When a unit becomes vacant in a PBV or RAD/PBV development the applicant who meets the criteria of the admissions preference and who is on the existing waiting list will be selected for eligibility determination and unit offer.

When tenant-based vouchers are offered, the applicant who meets the criteria of the admissions preference and who is on the existing waiting list will be selected first for eligibility determination and a voucher offer.

All applicants must comply with current admissions requirements at the specific property, including income and background screening criteria.

Applicants must also comply with the ECC eligibility and background screening criteria as stated in Chapter 3 (Eligibility) of this Admin Plan.

Applicants who do not pass the eligibility criteria will be provided with the basis of the intent to deny or denial in writing and will be notified of their right to request a meeting to review the information or right to request an informal hearing. (Chapter 16, Informal Reviews and Hearings.)

If the intent to deny review or informal review meeting is favorable to the applicant, the applicant will be returned to the waiting list with the homeless preference and offered the next available unit or voucher.

**Note:** This preference can be amended as needed and/or removed with proper notification of such to all affected parties, including written notification to HUD.

ECC/HANH has also allocated vouchers to supportive housing providers and the CAN in an effort to end homelessness.

Applicants are assessed by the supportive housing provider, prioritized and referred to ECC/HANH accordingly.

The applicant is placed on the appropriate provider set aside waiting list. When a unit or allocated voucher becomes available the applicant is notified by ECC/HANH for an eligibility appointment.

Applicants must also comply with the ECC eligibility and background screening criteria as stated in Chapter 3 (Eligibility) of this Admin Plan, unless specifically stated in the MOU.

Applicants who do not pass the eligibility criteria will be provided with the basis of the intent to deny or denial in writing and will be notified of their right to request a meeting to review the information or right to request an informal hearing. (Chapter 16, Informal Reviews and Hearings.)

If the intent to deny review or informal review meeting is favorable to the applicant, the applicant will be returned to the waiting list with the homeless preference and offered the next available unit or voucher.

**Chapter 19**  
**SECTION V**  
**BRIEFINGS AND VOUCHER ISSUANCE**

**INTRODUCTION**

For the standard and RAD PBV programs:

Like in the HCV program, families who are to receive assistance in a PBV unit must be briefed by ECC/HANH; however, the required briefing topics and materials differ for PBV assistance.

Regulations pertaining to voucher issuance do not apply to the PBV program since families are not issued vouchers for project-based assistance.

This chapter does not apply to the LIHTC program.

**PART I: BRIEFINGS AND FAMILY OBLIGATIONS**

**5-I.A. OVERVIEW**

For the standard and RAD PBV programs, this section is amended to read:

HUD regulations require ECC/HANH to conduct mandatory briefings for applicant families who qualify for assistance in a PBV unit. The briefing provides a broad description of owner and family responsibilities and ECC/HANH's procedures. This part describes how oral briefings will be conducted, specifies what written information will be provided to families, and lists the family's obligations under the program.

**5-I.B. BRIEFING [24 CFR 982.301] [24 CFR 983.252]**

**No changes to this section, with the exception that ECC/HANH includes staff for the particular PBV/RAD development.**

**Notification and Attendance**

**No changes to this section, with the following exception:**

**“If the applicant family wishes to add or remove a member(s) at the time of the initial briefing, the family will be referred Development staff”.**

**Oral Briefing (24 CFR 983.252(a))**

For standard and RAD PBV units only the first two bullets apply:

- A description of how the program works; and
- Family and owner responsibilities

## **Briefing Packet [24 CFR 983.252(b)]**

For standard and RAD PBV units, the regulations only require that the following items must be included in the briefing packet:

- How the ECC/HANH determines the total tenant payment for a family;
- Family obligations under the program; and
- Applicable fair housing information

### **5-I.C. FAMILY OBLIGATIONS**

#### **Time Frames for Reporting Changes Required By Family Obligations**

No changes to this section.

#### **Family Obligations [24 CFR 982.551]**

For the standard and RAD PBV programs, this section is amended to read:

Obligations of the family are described in the housing choice voucher (HCV) regulations and on the PBV Statement of Family Responsibility. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. ECC/HANH must inform families of these obligations during the oral briefing, and the same information must be included in the briefing packet. When an offer of PBV assistance is made, the family must meet those obligations in order to participate in the program. Violation of any family obligation may result in termination of assistance, as described in Chapter 12.

## **PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE**

### **5-II.A. OVERVIEW**

For the standard and RAD PBV programs, this section is amended to read:

While ECC/HANH must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions for the regular HCV program, subsidy standards are not used to determine maximum subsidy in PBV units. Rather, subsidy standards in the PBV program are only used to determine the appropriate unit size for the family. This part presents the policies that will be used to determine the family unit size, and the policies that govern making exceptions to those standards.

### **5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402] [24 CFR 983.253(b)]**

For the standard and RAD PBV programs, this section is amended to read:

This section applies except that family size is not entered on the family's voucher since there is no voucher in PBV. Provisions relating to maximum subsidy based on family size and family's ability to lease a larger or smaller unit than their voucher size do not

apply. The contract unit leased to the family must be appropriate for the size of the family based on ECC/HANH's subsidy standards.

**5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS**

No changes to this section.

**5-II.D. VOUCHER ISSUANCE [24 CFR 982.302]**

This section does not apply to the standard or RAD PBV programs.

**5-II.E. VOUCHER TERM, EXTENSIONS, AND SUSPENSIONS**

This section does not apply to the standard or RAD PBV programs.



## Chapter 19

### SECTION VI

#### INCOME AND SUBSIDY DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 982]

#### INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's payment and ECC/HANH'S subsidy. ECC/HANH will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations.

#### **Addition:**

For LIHTC/PBV and RAD/PBV, rent redetermination will be completed annually in compliance with LIHTC guidelines.

#### PART I: ANNUAL INCOME

##### 6-I.A. OVERVIEW

No changes to this section:

##### 6-I.B. HOUSEHOLD COMPOSITION AND INCOME

No changes to this section, with the following exception:

Full-time students 18 years of age or older (not head, spouse, or co-head) All employment income is excluded, except \$480 [24 CFR 5.609(c)(11)].

##### **Temporarily Absent Family Members**

No changes to this section

##### *Absent Students*

No changes to this section

##### *Absences Due to Placement in Foster Care*

No changes to this section

##### *Absent Head, Spouse, or Co-head*

No changes to this section

### **Family Members Permanently Confined for Medical Reasons**

No changes to this section

### **Joint Custody of Dependents**

No changes to this section

### **Caretakers for a Child**

No changes to this section

## **6-I.C. ANTICIPATING ANNUAL INCOME**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC file should instead follow the HUD Handbook 4350.3, REV-1, Chapter 5 as the reference guide to be used for identifying income to be included or excluded when determining annual household income. Additionally, guidance in the Tax Credit Compliance Manual for the state of Connecticut must be considered.

### **Basis of Annual Income Projection**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

For LIHTC files, the policies in this section of the administrative plan do not apply. The LIHTC program follows HUD Handbook 4350.3 REV-1 as the reference guide to be used for identifying income to be included or excluded when determining annual household income. Additionally, guidance in the Tax Credit Compliance Manual for the state of Connecticut must be considered. Generally, the most conservative calculation of anticipated household income should be made to ensure that there is no doubt that a family is income eligible. If a lesser number is warranted, a detailed explanation written in the LIHTC file is encouraged.

For example: A written third-party employment verification that states an individual works between 15 and 25 hours per week. In the LIHTC program, 25 hours would generally be used to annualize income, which would be the most conservative approach. Further, interim recertifications for changes in household income may not be conducted in the LIHTC program. All income for the entire year must be accounted for at the time of the initial certification or annual recertification.

HUD's Enterprise Income Verification (EIV) system and all associated reports may never be present in the LIHTC file. EIV Income Reports may never be used to verify income in the LIHTC program.

## 6-I.D. EARNED INCOME

### **Types of Earned Income Included in Annual Income**

#### ***Wages, including military pay and Related Compensation***

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC file should follow HUD Handbook 4350.3 REV-1 as the reference guide to be used for identifying income to be included or excluded when determining annual household income. Additionally, guidance in the Tax Credit Compliance Manual for the state of Connecticut must be considered. Generally, the most conservative calculation of anticipated household income should be made to ensure that there is no doubt that a family is income eligible. If a lesser number is warranted, a detailed explanation written in the LIHTC file is encouraged.

All regular pay, special pay and allowances of a member of the Armed Forces, with the exception of hostile fire pay, are included in income. Military basic housing allowances are generally included as income, however, there is an exception if the building is located in any county, or adjacent county, in which a qualified military installation is located. Qualified bases are listed in IRS Notice 2008-79.

#### ***Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]***

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

**Temporary Income:** Temporary income is generally considered excluded income.

**Sporadic or Zero Income:** The IRS states that "the best way to determine whether a prospective tenant is income-qualified is to conduct a detailed interview with the tenant. An interview can be used to follow up on information disclosed on the application, surface information that would not otherwise be known, and help the property manager make an informed decision." A tenant does not need to have income every month, but each month should be accounted for with either an anticipated amount of income, or an explanation of why no income is anticipated and how that month's expenses will be covered. A prior year's tax return and/or paycheck stubs should be used to provide support for the anticipated income amount. Households with zero income must complete the Unemployed or Zero Income Statement (TC-100F) found in the state of Connecticut's LIHTC compliance manual for the LIHTC file.

#### ***Children's Earnings***

No changes to this section.

#### ***Income of a Live-in Aide***

No changes to this section.

#### ***Income Earned under Certain Federal Programs***

No changes to this section.

***Federal, State and Local Employment Training Programs – may be PARTIALLY or fully excluded. Therefore, report and exclude***

No changes to this section.

#### **6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program, the following should be added:

**Self-Employed Individuals:** A tax return must be filed for all self-employed individuals who will reside in a LIHTC unit who operate sole-proprietorship businesses or otherwise report income on Schedule C, regardless of whether the taxpayer is reporting a profit or a loss. If the person is not eligible to get an SSN, which is needed to file a tax return, an individual taxpayer identification number (ITIN) can be obtained using IRS Form W-7.

Include the net income from a business, including self-employment. Net income is gross income less allowable business expenses, interest on loans, and straight-line depreciation. The owner should include any salaries or assets withdrawn from the business, unless the withdrawal is a reimbursement.

If a tenant is using a portion of their LIHTC unit to provide daycare services, the tenant must have applied for (and not have been rejected), be granted (and still have in effect), or be exempt from having a license, certification, registration, or approval as a daycare facility or home under state law. See IRS Form 8829, Expense for Business Use of Your Home and Publication 587, Business Use of Your Home for more information.

#### **Business Expenses**

No changes to this section.

#### **Business Expansion**

No changes to this section.

#### **Capital Indebtedness**

No changes to this section.

#### **Negative Business Income**

No changes to this section.

#### **Withdrawal of Cash or Assets from a Business**

No changes to this section.

### **Co-owned Businesses**

No changes to this section.

## **6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]**

### **Overview**

No changes to this section.

### **General Policies**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The owner/agent must verify all known income and assets that affect eligibility. However, if the total assets for a household are \$5,000 or less, the applicants may satisfy the asset requirement by signing a statement attesting to such fact.

### ***Income from Assets***

No changes to this section.

### ***Valuing Assets***

No changes to this section.

### ***Lump-Sum Receipts***

No changes to this section.

### ***Imputing Income from Assets [24 CFR 5.609(b)(3), Notice PIH 2012-29]***

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5 for Calculating Income from Assets for the LIHTC program. The owner/agent will not include income from assets unless the total market value of all assets for the family equals **\$5,000 or more**. The owner/agent will then include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income.

The passbook rate is .06% for the LIHTC program.

### ***Determining Actual Anticipated Income from Assets***

No changes to this section.

### ***Withdrawal of Cash or Liquidation of Investments***

No changes to this section.

### ***Jointly Owned Assets***

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5 for Calculating Income from Assets for the LIHTC program. If assets are owned by more than one person, prorate the assets according to the percentage of ownership. If no percentage is specified or provided by a state or local law, prorate the assets evenly among all owners.

If an asset is not effectively owned by an individual, do not count it as an asset. An asset is not effectively owned when the asset is held in an individual's name, but (a) the asset and any income it earns accrue to the benefit of someone else who is not a member of the family, and (b) that other person is responsible for income taxes incurred on income generated by the assets.

Determining which individuals have ownership of an asset requires collecting as much information as is available and making the best judgment possible based on that information.

### ***Assets Disposed for Less than Fair Market Value [24 CFR 5.603(b)]***

No changes to this section.

### ***Minimum Threshold***

No changes to this section.

### ***Separation or Divorce***

No changes to this section.

### ***Foreclosure or Bankruptcy***

No changes to this section.

### ***Family Declaration***

No changes to this section.

### **Types of Assets**

#### ***Checking and Savings Accounts***

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5 for Types of Assets for the LIHTC file. For families with a total market value of assets of less than \$5,000, an *Under \$5,000 Asset Form* found in the state of Connecticut's LIHTC compliance manual may be used.

For the LIHTC file, in determining the value of a checking account, the owner/agent will use average 6-month balance.

In determining the value of a savings account, the owner/agent will use the current balance.

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

***Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds***

No changes to this section.

***Equity in Real Property or Other Capital Investments***

No changes to this section.

***Trusts***

No changes to this section.

***Retirement Accounts***

***Company Retirement/Pension Accounts***

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5 for Types of Assets for the LIHTC file. Unlike in the PBV program, the owner/agent does not consider whether or not the periodic payment from the asset is a reimbursement of the family's investment. Periodic payments from retirement/pensions accounts are counted as income once the family member retires.

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, ECC/HANH must know whether the money is accessible before retirement

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate. The balance in the account is counted as an asset only if it remains accessible to the family member.

***IRA, Keogh, and Similar Retirement Savings Accounts***

No changes to this section.

***Personal Property***

No changes to this section.

### *Life Insurance*

No changes to this section.

## **6-I.H. PERIODIC PAYMENTS**

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

### **Periodic Payments Included in Annual Income**

No changes to this section.

### **Lump-Sum Payments for the Delayed Start of a Periodic Payment**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

While the regulation applies, since rents in the LIHTC program are not income-based, ECC/HANH policy on adjusting tenant rent does not apply to the LIHTC file.

### **Treatment of Overpayment Deductions from Social Security Benefits**

No changes to this section.

### **Periodic Payments Excluded from Annual Income**

No changes to this section for the standard or RAD PBV programs.

The LIHTC file should follow this section as written with the exception of payment received for the care of foster children or foster adults. In the LIHTC program only, include the unearned income of foster children and all income of foster adults. Exclude the earned income of foster children.

## **6-I.I. PAYMENTS IN LIEU OF EARNINGS**

No changes to this section.

## **6-I.J. WELFARE ASSISTANCE**

### **Overview**

No changes to this section.

### **Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The full amount of welfare benefits received by the family are included as income. This section does not apply. Imputed welfare income is not considered in the LIHTC program.



## **6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]**

### **Alimony and Child Support**

No changes to this section.

### **Regular Contributions or Gifts**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5. The policy is amended to read:

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as clothing provided to a family on a regular basis. Groceries provided directly by persons not living in the unit are excluded from annual income.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by ECC/HANH. For contributions that may vary from month to month (e.g., utility payments), ECC/HANH will include an average amount based upon past history.

## **6-I.L. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9) and FR 5/20/14]**

### **Student Financial Assistance Included in Annual Income [24 CFR 5.609(b)(9) and FR 4/10/06]**

No changes to this section.

### **Student Financial Assistance Excluded from Annual Income [24 CFR 5.609(c)(6)]**

No changes to this section.

## **6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME**

No changes to this section for the standard or RAD PBV programs.

Everything in this section applies to the LIHTC program with the exception of adoption assistance payments. The LIHTC program follows the regulation, not ECC/HANH policy for the PBV program. For the LIHTC file, the owner/agent should exclude amounts that exceed \$480 from adoption assistance payments.

An additional exclusion for the LIHTC program should also be added:

- Federal Government/Uniformed Services pension funds paid directly to an applicant/tenant's former spouse pursuant to the terms of a court decree of divorce, annulment, or legal separation are excluded. See HUD Handbook 4350.3 REV-1, Chapter 5 for additional information.

## **PART II: MONTHLY INCOME TIERED RENT AND TOTAL TENANT PAYMENT**

### **6-II.A. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME**

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program.

#### **Anticipating Expenses**

No changes to this section

#### **Families That Qualify for Both Medical and Disability Assistance Expenses**

No changes to this section

### **6-II.B. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]**

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program.

#### **Earned Income Limit on the Disability Assistance Expense Deduction**

No changes to this section

#### **Eligible Disability Expenses**

No changes to this section

##### ***Eligible Auxiliary Apparatus***

No changes to this section

##### ***Eligible Attendant Care***

No changes to this section

##### ***Payments to Family Members***

No changes to this section

#### **Necessary and Reasonable Expenses**

No changes to this section

#### **Families That Qualify for Both Medical and Disability Assistance Expenses**

No changes to this section

### **6-II.C. CHILD CARE EXPENSE DEDUCTION**

No changes to this section

#### **Clarifying the Meaning of *Child* for This Deduction**

No changes to this section

## **Qualifying for the Deduction**

### *Determining Who Is Enabled to Pursue an Eligible Activity*

No changes to this section

### *Seeking Work*

No changes to this section

### *Furthering Education*

No changes to this section

### *Being Gainfully Employed*

No changes to this section

## **Earned Income Limit on Child Care Expense Deduction**

No changes to this section

## **Eligible Child Care Expenses**

No changes to this section

## **PART III: CALCULATING FAMILY SHARE AND ECC/HANH SUBSIDY**

Only specified parts of Part III apply to the standard and RAD PBV programs as indicated below.

This part does not apply to the LIHTC program.

### **6-III.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS**

#### **Family Share [24 CFR 982.305(a)(5)]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

#### **ECC/HANH Subsidy [24 CFR 982.505(b)]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-IX.C. Tenant Rent to Owner** for standard and RAD PBV requirements.

#### **Utility Reimbursement [24 CFR 982.514(b)]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

Please see Chapter 17 of HANH’s Administrative Plan at **Section 17-IX.C. Tenant Rent to Owner** for standard and RAD PBV requirements regarding utility reimbursement payments.

**6-III.B. APPLYING PAYMENT STANDARDS [24 CFR 982.505]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

**6-III.C. APPLYING UTILITY ALLOWANCES [24 CFR 982.517]**

**Overview**

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

Please see Chapter 17 of HANH’s Administrative Plan at **Section 17-VIII.B. Rent Limits, Use of FMRs, Exception Payment Standards, and Utility Allowances** for standard and RAD PBV requirements.

**Reasonable Accommodation**

No changes to this section.

**Utility Allowance Revisions**

No changes to this section.

**6-III.D. PRORATED ASSISTANCE FOR MIXED FAMILIES [24 CFR 5.520]**

No changes to this section for the standard or RAD PBV programs.

**6-III.E. PHASE IN OF INCREASE IN TOTAL TENANT PAYMENT FOR RAD PROJECTS**

Year 1: Any recertification (interim or annual) performed prior to the second -annual recertification after conversion – 20 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 2: Year 2 annual recertification and any interim recertification prior to year 3 annual recertification – 25 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 3: Year 3 annual recertification and any interim recertification prior to year 4 annual recertification – 33 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 4: Year 4 annual recertification and any interim recertification prior to year 5 annual recertification – 50percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 5: Year 5 annual recertification and all subsequent recertifications – Full Calculated PBV TTP.

This section does not apply to the LIHTC program.

## **Chapter 19**

### **SECTION VII**

#### **VERIFICATION**

24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, Notice PIH 2010-19, HUD Handbook 4350.3 REV-1, 8823 Guide, State of Connecticut's LIHTC compliance manual]

#### **INTRODUCTION**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program, this section is amended to read:

The owner/agent must verify all information that is used to establish the family's eligibility and is required to obtain written authorization from the family in order to collect the information. Applicants and residents must cooperate with the verification process. In blended LIHTC/PBV units, the owner/agent must not pass on the cost of verification to the family.

The owner/agent will follow the verification guidance provided by HUD Handbook 4350.3, REV-1, Chapter 5; The Guide for Completing Form 8823; and the State of Connecticut's LIHTC compliance manual.

Part I describes the general verification process. Part II provides more detailed requirements related to family information. Part III provides information on income and assets, and Part IV does not apply to the LIHTC program.

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies of ECC/HANH.

#### **PART I: GENERAL VERIFICATION REQUIREMENTS**

##### **7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230]**

###### **Consent Forms**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

The state of Connecticut's LIHTC Compliance Manual requires that an authorization of release of information accompany verification requests.

###### **Penalties for Failing to Consent [24 CFR 5.232]**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

There is no penalty in the LIHTC program for failure to complete a consent form. There is no required informal review or hearing in the LIHTC program either.

## **7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS**

### **HUD's Verification Hierarchy [Notice PIH 2010-19]**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

The LIHTC program does not follow HUD's Verification Hierarchy. HUD's Enterprise Income Verification (EIV) System may never be used. EIV reports may never be a part of the LIHTC file.

### **Requirements for Acceptable Documents**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC Compliance Manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

### **Verification of Family Income of less than \$5,000**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual and IRS Code require that all income be verified regardless of the amount.

### **File Documentation**

Everything in this section applies to both the standard and RAD PBV programs and LIHTC program, with the exception of verification of deductions since these are not calculated in the LIHTC program.

## **7-I.C. UP-FRONT INCOME VERIFICATION (UIV)**

No changes to this section.

### **Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

The LIHTC program does not follow HUD's Verification Hierarchy. HUD's Enterprise Income Verification (EIV) System may never be used. EIV reports may never be a part of the LIHTC file.

**Upfront Income Verification Using Non-HUD Systems (Optional)**

No changes to this section for the standard or RAD PBV programs.

With the exception of HUD's EIV system, using non-HUD UIV systems is acceptable for the LIHTC file.

**7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

**Written Third-Party Verification Form**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC Compliance Manual provides mandatory written third-party verification forms for certain types of income.

The form should be mailed or faxed to the source and never hand-carried. The following forms are required for tenant certification:

- Tenant Application
- Interview Checklist
- Tenant Income Certification
- Unemployed or Zero Income Statement
- Re-certification Update
- Certification Worksheet
- Student Verification
- Lease Addendum (Mixed-Use or 100%)
- Employment Verification
- Under \$5,000 Asset Certification or Asset Income Verification (Third Party)
- Self-Certification (for 100% properties)

All required forms are available in the state of Connecticut's LIHTC Compliance Manual, Chapter 6.

### **Oral Third-Party Verification [Notice PIH 2010-19]**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut LIHTC compliance manual states that ECC/HANH should pursue phone verification to clarify any missing or ambiguous information on the initial application or recertification form.

### **When Third-Party Verification is Not Required [Notice PIH 2010-19]**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Verification of all income and assets is required in the LIHTC program following the state of Connecticut's requirements identified in the LIHTC Compliance Manual. The only exception is that self-certification is acceptable in 100% LIHTC properties when an annual recertification is being conducted.

## **7-I.E. SELF-CERTIFICATION**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Self-certification is acceptable in 100% LIHTC properties when an annual recertification is being conducted.

## **PART II: VERIFYING FAMILY INFORMATION**

### **7-II.A. VERIFICATION OF LEGAL IDENTITY**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither the IRS Code nor the state of Connecticut requires verification of legal identity. This section does not apply to the LIHTC program.

### **7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216, Notice PIH 2012-10]**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither the IRS Code nor the state of Connecticut's LIHTC compliance manual requires proof of or verification of social security numbers. This section does not apply to the LIHTC program.



### **7-II.C. DOCUMENTATION OF AGE**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither the IRS Code nor the state of Connecticut's LIHTC compliance manual requires documentation of age. This section does not apply to the LIHTC program.

### **7-II.D. FAMILY RELATIONSHIPS**

No changes to this section.

#### **Marriage**

No changes to this section.

#### **Separation or Divorce**

No changes to this section.

#### **Absence of Adult Member**

No changes to this section.

#### **Foster Children and Foster Adults**

No changes to this section.

#### **Guardianship of Minor Children**

No changes to this section.

### **7-II.E. VERIFICATION OF STUDENT STATUS**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow guidance located at **3-II.G of Chapter 19**. Student status is verified using the Student Verification in the state of Connecticut's LIHTC Compliance Manual.

#### **Restrictions on Assistance to Students Enrolled in Institutions of Higher Education**

No changes to this section for the standard or RAD PBV programs.

#### ***Independent Student***

No changes to this section for the standard or RAD PBV programs.

### **7-II.F. DOCUMENTATION OF DISABILITY**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC program does not consider deductions from gross income. Therefore, verification that a person meets the HUD/Social Security definition of disability is not necessary in the tax credit program. A different definition of disability is used for

reasonable accommodation requests. Verification of SSA disability benefits must follow the state of Connecticut's LIHTC compliance manual.

**Family Members Receiving SSA Disability Benefits**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program

**Family Members Not Receiving SSA Disability Benefits**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

**7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

**7-II.H. VERIFICATION OF PREFERENCE STATUS**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

**PART III: VERIFYING INCOME AND ASSETS**

**7-III.A. EARNED INCOME**

**Tips**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Tips are verified using the Employment Verification form (TC-100D) in the state of Connecticut's LIHTC compliance manual, Chapter 6.

**Wages**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone

is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

The owner/agent is required to verify employment income using the Employment Verification form (TC-100D) in the state of Connecticut's LIHTC compliance manual, Chapter 6.

### **7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

A tax return must be filed for all self-employed individuals who will reside in a LIHTC unit who operate sole-proprietorship businesses or otherwise report income on Schedule C, regardless of whether the taxpayer is reporting a profit or a loss. If the person is not eligible to get an SSN, which is needed to file a tax return, an individual taxpayer identification number (ITIN) can be obtained using IRS Form W-7.

Include the net income from a business, including self-employment. Net income is gross income less allowable business expenses, interest on loans, and straight-line depreciation. The owner should include any salaries or assets withdrawn from the business, unless the withdrawal is a reimbursement.

If a tenant is using a portion of their LIHTC unit to provide daycare services, the tenant must have applied for (and not have been rejected), be granted (and still have in effect), or be exempt from having a license, certification, registration, or approval as a daycare facility or home under state law. See IRS Form 8829, Expense for Business Use of Your Home and Publication 587, Business Use of Your Home for more information.

### **7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS**

#### **Social Security/SSI Benefits**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

### **7-III.D. ALIMONY OR CHILD SUPPORT**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

### **7-III.E. ASSETS AND INCOME FROM ASSETS**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The market value, cash value, and anticipated income for all assets, regardless of the amount, must be verified using third party documentation methods.

#### **Assets Disposed of for Less than Fair Market Value**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Assets disposed of for less than fair market value during the two years preceding the date of application or the effective date of the recertification must be disclosed by the applicant/tenant. In accordance with the state of Connecticut's LIHTC Compliance Manual, if the cash value of the disposed asset exceeds the gross amount the family received by more than \$1,000, the difference between the cash value of the asset and the amount received must be counted for two years.

### **7-III.F. NET INCOME FROM RENTAL PROPERTY**

No changes to this section.

### **7-III.G. RETIREMENT ACCOUNTS**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone

is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

#### **7-III.H. INCOME FROM EXCLUDED SOURCES**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither IRS Code nor the state of Connecticut's LIHTC Compliance Manual discusses verification of excluded income.

#### **7-III.I. ZERO ANNUAL INCOME STATUS**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither IRS Code nor the state of Connecticut's LIHTC compliance manual explicitly prohibits a zero-income applicant/tenant from residing in a LIHTC unit. Extreme caution should be taken, however, when renting to a zero-income household. The state of Connecticut requires a Certification of Zero Income (TC-100F) form be completed by all adult household members with no reported income. The IRS expects reasonable judgment to be used for estimating the income a household will receive during the year. If the applicant/tenant's income cannot be determined using current information, actual income received or earned within the 12-month period before the determination of annual income can be used.

#### **7-III.J. STUDENT FINANCIAL ASSISTANCE**

No changes to section.

#### **7-III.K. PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS**

No changes to section.

### **PART IV: VERIFYING MANDATORY DEDUCTIONS**

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program. Deductions are not verified or considered in the LIHTC program.

## Chapter 19

### SECTION VIII

#### **HOUSING QUALITY STANDARDS AND RENT REASONABLE DETERMINATIONS [24 CFR 982 Subpart I and 24 CFR 982.507] (State of Connecticut LIHTC compliance manual)**

#### **INTRODUCTION**

For the standard and RAD PBV programs:

Housing Quality Standards (HQS) apply to the PBV program. Special HQS requirements for shared housing, manufactured home space rental and the homeownership program do not apply because these housing types are not assisted under the PBV program. Further, requirements for when inspections are conducted differ between the project-based and tenant-based programs.

Rent reasonableness also applies to the PBV program, although the requirements for when rent reasonableness is determined differ between the project-based and tenant-based programs.

For the LIHTC program:

Nothing in this chapter applies to the LIHTC program. HQS is not used for inspections and rent reasonableness determinations are not made for tax credit units.

When work is occurring under RAD, HUD requires that all units meet HQS no later than the date of completion of the Work as indicated in the RCC.

The IRS requires that the state allocating agency conduct a physical inspection of LIHTC properties at least once every three years. The state of Connecticut has identified Uniform Physical Condition Standards (UPCS) and State Building Codes as the inspection standard used for the LIHTC program. While the LIHTC programs use UPCS, REAC protocol is not used like in HUD programs that rely on UPCS.

#### **PART I: PHYSICAL STANDARDS**

##### **8-I.A. GENERAL HUD REQUIREMENTS**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

##### **8-I.B. ADDITIONAL LOCAL REQUIREMENTS**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

#### **8-I.C. LIFE-THREATENING (LT) CONDITIONS [24 CFR 982.404(a)]**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Exigent health violations and safety and fire hazards require immediate attention from the owner because of their life-threatening potential. Exigent health and safety violations include exposed electrical wires or water leaks on or near electrical equipment; propane/natural gas/methane gas detected; emergency/fire exits that are blocked; unusable fire escapes; gas or oil-fired hot water heaters with missing or misaligned chimneys that pose carbon monoxide hazards. Fire safety hazards include missing or inoperative smoke detectors; fire extinguishers expired or window security bars preventing egress from a building.

#### **8-I.D. OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]**

##### **Family Responsibilities**

No changes to this section for the standard or RAD PBV programs.

Nothing in this section applies to the LIHTC program.

#### **8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL [24 CFR 35.1225]**

No changes to this section for the standard or RAD PBV programs.

While the Lead Hazard Reduction Act of 1992 and certain parts of 24 CFR Part 35 applies to the LIHTC program, requirements listed here for tenant-based assistance programs do not apply to the LIHTC program.

#### **8-I.F. VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.401, 24 CFR 982.403]**

This section applies to the RAD and standard PBV program with the following exception: If ECC/HANH determines that a unit is overcrowded because of an increase in family size or a change in family composition.

Reference Chapter 17 of HANH's Administrative Plan at **Section 17-VIIC.MOVES** for how to handle overcrowded, under-occupied, and accessible units (24 CFR 983.260).

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

## PART II: THE INSPECTION PROCESS

### 8-II.A. OVERVIEW [24 CFR 982.405]

#### **Types of Inspections**

Only selected parts of this section apply to the standard and RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VIII.D. INSPECTING UNITS** for the difference definitions of inspections conducted by ECC/HANH.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

#### **Inspection of ECC/HANH-Owned Units [24 CFR 982.352(b)]**

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-VIII.D. INSPECTING UNITS** for the requirements for inspecting ECC/HANH-owned units.

#### **Inspection Costs**

No changes to this section for standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum may bill the owner/agent for failure to have a site representative capable of keeping up with the Spectrum inspector present during all times of the inspection.

#### **Notice and Scheduling**

No changes to this section for standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect 20% of the units and all common areas in all buildings by December 31<sup>st</sup> of the second year after the last building places in service. Spectrum will notify the owner/agent at least 30 days in advance of the site visit.

#### **Owner and Family Inspection Attendance**

No changes to this section for standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum requires an owner/agent representative to accompany the ECC/HANH inspector at all times during the site inspection.



## 8-II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

### Timing of Initial Inspections

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of ECC/HANH's Administrative Plan at **Section 17-III.D. INSPECTING UNITS** for timing of initial inspections in the standard and RAD PBV programs.

For the RAD PBV program:

The RAD PBV program follows the same inspection requirements as the standard PBV program with the exception that RAD PBV units must meet HQS no later than the date of completion of initial repairs as indicated in the RAD Conversion Commitment (RCC).

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect 20% of the units and all common areas in all buildings by December 31<sup>st</sup> of the second year after the last building places in service. Spectrum will notify the owner/agent at least 30 days in advance of the site visit.

### Pre-HAP Contract Inspections [24 CFR 983.103(b)]

#### Alternative Inspection Provision [Notice PIH 2017-20 (HA)]

ECC/HANH can approve assisted tenancy of a unit prior to the HQS inspection if the property has passed an alternative inspection within the past 24 months.

Under this provision, ECC/HANH approves the assisted lease term, conducts the initial within 15 days of receiving the Request for Tenancy Approval (RFTA) form. (Form HUD-52517)

If the unit has failed HQS deficiencies, the HAP is suspended until the HAP failed deficiencies have been corrected.

ECC/HANH then makes assistance payments retroactively, dating back to the effective date of the assisted lease term, once the unit has been inspected and found to meet HQS standards.

ECC/HANH Policy

#### **A. Eligible Alternative Inspection Methods**

The alternative inspection method **must** meet all the following requirements:

- 1) ECC/HANH must be able to obtain the results of the alternative inspection that occurred within the last 24 months.

2) If the alternative inspection method used sampling (a sample of the total number of units at the property), the unit in question must have been included in the universe of units from which the sample was drawn.

For example, if a 100-unit property includes 20 units that are occupied by an HCV-assisted family, then those 20 units must have been included in the universe of units from which the alternative inspection sample was pulled.

However, this does not mean that any or all of the 20 units would necessarily have to be part of the units that were originally inspected, only a part of the universe that the sample was originated from.

- 3) ECC/HANH may rely upon the following alternative inspections which would have occurred within the last 24 months:
- a. Housing assisted under the HOME Investment Partnerships (HOME) program
  - b. Housing financed using Low Income Housing Tax Credits (LIHTCs), CHFA
  - c. inspections performed by HUD, without prior HUD approval.

In order to use an alternative inspection method other than that used for HOME, LIHTC, or inspections performed by HUD, that method must be approved by HUD's Real Estate Assessment Center (REAC) and additional amendment must be made to this HCV Administrative Plan.

## **B. Timing of the Initial HQS Inspection**

The alternative inspection provision does not eliminate the requirement for ECC/HANH to conduct the initial HQS inspection.

ECC/HANH must conduct the initial HQS inspection within 15 days of receiving the RFTA (Form HUD-52517).

## **C. Approval of Assisted Tenancy**

ECC/HANH will approve the assisted tenancy and execution of the lease before the initial HQS inspection takes place and will inspect the unit within 15 days of receiving the RFTA.

- 1) At the time of voucher issuance, as part of the tenant package, ECC/HANH will provide the family with the list of conditions defined as life-threatening in this Administrative Plan.
- 2) The family will submit the RFTA for the unit.
- 3) ECC/HANH will determine if the property passed an inspection within the previous 24 months that qualifies as an alternative inspection.

- 4) ECC/HANH will obtain a copy of the alternative inspection report.
- 5) ECC/HANH will notify both the owner and the family that unit is eligible for approval based on alternative inspection.
- 6) ECC/HANH will explain to the family how the alternative inspection provision applies to the unit they have selected. The family may choose to:
  - a. accept the unit,
  - b. decline the unit until it has passed ECC/HANH's inspection, or
  - c. decline the unit and wait for another LIHTC PBV, RAD/PBV unit offer with their voucher.
- 7) ECC/HANH needs to ensure that the owner understands that they will not receive the initial HAP until ECC/HANH has inspected the unit and determined the unit meets HQS, even though the family's assisted tenancy has commenced and that the HAP payment will be paid retroactively to the date of the lease term.
- 8) If the unit has been accepted, ECC/HANH will determine that the rent to owner is reasonable and that the family share does not exceed 40 percent of monthly adjusted income (unless gross rent is equal or less than the payment standard), and that the lease includes the tenancy addendum.
- 9) ECC/HANH will approve occupancy and the family and owner will execute the lease (including HCV tenancy addendum and lead-based paint disclosure information as required).
- 10) ECC/HANN will conduct the initial HQS inspection (within 15 days of receiving the RFTA).

#### **D. Housing Assistance Payment**

Under the alternative inspection provision, no housing assistance payments will be made to the owner until the unit passes the initial HQS inspection. If the unit passes the HQS inspection, ECC/HANH will make housing assistance payments retroactively to the effective date of the lease.

##### **Process for HAP Payment the Alternative Inspection Provision Only**

- After the initial inspection, ECC/HANH will notify the owner and family in writing of the inspection results.
- If the unit passes HQS, ECC/HANH will begin making HAP payment retroactively to the start of the assisted lease term.
- If the unit fails the HQS inspection
  - ECC/HANH must require that life-threatening deficiencies be corrected within 24 hours and that non-life-threatening deficiencies be corrected within 30 days
  - If the deficiencies are corrected within the timeframes, noted above, and the unit passes the HQS inspection, ECC/HANH will

make the HAP payment retroactive to the start of the assisted lease term

- ECC/HANH must withhold HAP during the period that unit has failed deficiencies and will only make the HAP payment retroactively when the unit has passed the inspection
- If the deficiencies are not corrected during the timeframe, ECC/HANH abate the HAP payment, per ECC/HANH abatement policy
- ECC/HANH must then follow the HAP termination process and issue a voucher to the family to move due to the owner non-compliance with HQS.

### **E. Notification of Owners and Tenants**

ECC/HANH must notify owners and families of the new procedures and timeline for assistance payments

ECC/HANH must advise families of the list of the life-threatening deficiencies so the family can look for the items in the unit and notify ECC/HANH if the deficiencies are found or decline to enter into a lease with the owner. The list should be provided at the family briefing or voucher issuance meeting.

ECC/HANH will notify the family that if the family agrees to move into the unit and the unit does not pass the inspection, the family may be obligated to stay in the unit, in accordance with the lease, until the repairs are completed or ECC/HANH terminates the HAP contract for that unit in accordance with the HQS enforcement policy and that if the HAP contract for the unit is terminated, the family will have to move in order to retain the voucher.

### **Inspection Results and Reinspections**

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of ECC/HANH's Administrative Plan at **Section 17-III.D. INSPECTING UNITS** for timing of initial inspections in the standard and RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will provide a written Owner's Report after review with CHFA. A 30-day period in which to reply will be given. Late submissions will be considered noncompliance by Spectrum.

The owner/agent's responses to the Owner's Report will be reviewed and, after review with CHFA, a notification to the owner/agent will be sent out informing the owner of their compliance status. If non-compliance is being reported, an unsigned copy of the generated IRS Form 8823 will be included as an attachment.

## **Utilities**

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART III: Dwelling Units** for the standard and RAD PBV programs.

## **Appliances**

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART III: Dwelling Units** for the standard and RAD PBV programs.

### **8-II.C. ANNUAL/BIENNIAL HQS INSPECTIONS [24 CFR 982.405(a)]**

At least once every 24 months during the term of the HAP contract, ECC/HANH must inspect a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this inspection requirement.

#### ECC/HANH Policy

Owner will follow its regular tenant-based program inspection requirements as outlined in Chapter 8.

If more than 20 percent of the sample of inspected contract units in a building, fail the initial inspection, ECC/HANH must reinspect 100 percent of the contract units in the building.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART III: Dwelling Units** for the standard and RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect 20% of the units, and all common areas in all buildings at least once every three years.

The owner/agent must certify annually that the buildings and units in an LIHTC project were suitable for occupancy.

### **8-II.D. SPECIAL INSPECTIONS [HCV GB, p. 10-30]**

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

### **8-II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b); HCV GB, p. 10-32]**

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

## **8-II.F. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT**

### **Notification of Corrective Actions**

No changes to section for the standard and RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will provide a written Owner's Report, after review with CHFA. A 30-day period in which to reply will be given. Late submissions will be considered noncompliance by Spectrum.

The owner/agent's responses to the Owner's Report will be reviewed and, after review with CHFA, a notification to the owner/agent will be sent out informing the owner of his compliance status. If non-compliance is being reported, an unsigned copy of the generated IRS Form 8823 will be included as an attachment.

### **Extensions**

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

### **Reinspections**

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

## **8-II.G. ENFORCING OWNER COMPLIANCE**

No changes to section for the standard and RAD PBV programs.

For the LIHTC program:

If non-compliance is being reported, an unsigned copy of the generated IRS Form 8823 will be included as an attachment

### **HAP Contract Termination**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART VI: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for HAP contract terminations in the standard and RAD PBV programs.

## **8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(b)]**

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

## **PART III: RENT REASONABLENESS [24 CFR 982.507]**

This part does not apply to the LIHTC program.

### **8-III.A. OVERVIEW**

This section does not apply to the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART VIII.C: RENT REASONABLENESS** for how rent reasonableness is determined in the standard and RAD PBV programs.

#### **ECC/HANH-Owned Units [24 CFR 982.352(b)]**

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART VIII.C: RENT REASONABLENESS** for how rent reasonableness is determined in the standard and RAD PBV programs for ECC/HANH-owned units.

### **8-III.B. WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED**

#### **Owner-Initiated Rent Determinations**

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART VIII.B. RENT LIMITS and PART VIII.C: RENT REASONABLENESS** for when rent reasonableness is determined in the standard and RAD PBV programs.

#### **ECC/HANH- and HUD-Initiated Rent Reasonableness Determinations**

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17- PART VIII.B. RENT LIMITS and PART VIII.C: RENT REASONABLENESS** for when rent reasonableness is determined in the standard and RAD PBV programs.

#### **LIHTC- and HOME-Assisted Units [24 CFR 982.507(c)]**

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17- PART VIII.B. RENT LIMITS** for how to determine rent for LIHTC units in the standard and RAD PBV programs.

### **8-III.C. HOW COMPARABILITY IS ESTABLISHED**

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17- PART VIII.B. RENT LIMITS and PART VIII.C: RENT REASONABLENESS** for when rent reasonableness is determined in the standard and RAD PBV programs.

#### **Units that Must Not Be Used as Comparables**

No changes to the standard or RAD PBV programs.

## **Rents Charged for Other Units on the Premises**

No changes to the standard or RAD PBV programs.

### **8-III.D. ECC/HANH RENT REASONABLENESS METHODOLOGY**

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17- PART VIII.B. RENT LIMITS and PART VIII.C: RENT REASONABLENESS** for when rent reasonableness is determined in the standard and RAD PBV program.

## **Chapter 19**

### **SECTION IX**

#### **GENERAL LEASING POLICIES**

### **INTRODUCTION**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

### **PART I: LEASING POLICIES**

#### **9-I.A. TENANT SCREENING**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Tenant Screening in the standard PBV program and for new admissions after conversion to the RAD PBV programs is described in detail in Chapter 17 of HANH's Administrative Plan at **Section 17-VI.G. Tenant Screening (24 CFR 983.255)**.

**Owners are in the LIHTC and RAD/PBV sites are responsible for screening prospective tenants for admission based on their Property Management screening guidelines.**

For the RAD PBV program:

ECC/HANH may not re-screen existing public housing tenants upon conversion. Current households are not subject to rescreening, income eligibility or income targeting. Current households are grandfathered in for conditions that occurred prior to conversion. They are, however, subject to any ongoing eligibility requirements for actions that occur after conversion.

When determining the eligibility of new admissions, including tenant screening, the PBV program follows the same eligibility criteria as the HCV program.



### **9-I.B. REQUESTING TENANCY APPROVAL [Form HUD-52517]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VI.E. Offer of PBV Assistance** for how PBV assistance is offered.

### **9-I.C. OWNER PARTICIPATION**

No changes to this section.

### **9-I.D. ELIGIBLE UNITS**

#### **Ineligible Units [24 CFR 982.352(a)]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17.II.D. Prohibition of Assistance for Certain Units** for Ineligible Housing Types in the standard PBV program.

#### **ECC/HANH-Owned Units [24 CFR 982.352(b)]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

HANH does engage in mixed-finance development and is a PBV-owner. HANH must comply with certain conditions identified in PIH Notice 2015-05.

#### **Special Housing Types [24 CFR 982 Subpart M]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Ineligible special housing types for the standard PBV program include:

- Shared housing
- Manufactured housing
- Transitional housing
- For existing housing, a unit that is occupied by a person ineligible to participate in the PBV program
- Any units which construction or rehabilitation has commenced as defined in 24 CFR 983.152 after proposal submission and prior to execution of an AHA

#### **Duplicative Assistance [24 CFR 982.352(c)]**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

#### **Housing Quality Standards (HQS) [24 CFR 982.305 and 24 CFR 982.401]**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

### **Unit Size**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VI.E. Offer of PBV Assistance** for how standard and RAD PBV assistance is offered.

### **Rent Reasonableness [24 CFR 982.305 and 24 CFR 982.507]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VIII Determining Rent to Owner** for standard and RAD PBV rent reasonableness requirements.

### **Rent Burden [24 CFR 982.508]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

For the RAD PBV program:

While HCV rent burden requirements do not apply to the standard or RAD PBV programs, please see Chapter 17 of HANHs Administrative Plan **Part VIII: Determining Rent to Owner** for special rent phase-in requirements for RAD PBV units.

## **9-I.E. LEASE AND TENANCY ADDENDUM**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

### **Lease Form and Tenancy Addendum [24 CFR 982.308]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Part VII: Occupancy, Section 17-VII.B. Lease** for standard and RAD PBV lease requirements.

### **Lease Information [24 CFR 982.308(d)]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Part VII: Occupancy, Section 17-VII.B. Lease** for standard and RAD PBV lease requirements.

### **Term of Assisted Tenancy**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Part VII: Occupancy, Section 17-VII.B. Lease** for standard and RAD PBV lease requirements.

**Security Deposit [24 CFR 982.313 (a) and (b)]**

No changes to this section.

For the RAD PBV program:

Owners are permitted to recognize security deposit amounts that have been previously provided by tenants who are in-place at the time of the RAD conversion. Otherwise, the security deposit requirements for standard PBV apply.

**Separate Non-Lease Agreements between Owner and Tenant**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC program requires that any mandatory supportive service or amenity charge be counted as part of the gross rent calculation. Such costs may include parking fees, a telephone if required to open the door or project gate as part of a security system, housekeeping, trash removal, meal service, or other required costs. Charges for optional services other than housing do not have to be included in gross rent, but such service must truly be option.

**ECC/HANH Review of Lease**

No changes to this section.

**9-I.F. TENANCY APPROVAL [24 CFR 982.305]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

**9-I.G. HAP CONTRACT EXECUTION [24 CFR 982.305]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-V: Housing Assistance Payments Contract (HAP)** for standard and RAD PBV HAP contract requirements.

**9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308]**

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VII: Occupancy** for standard and RAD PBV changes in the lease.

## Chapter 19

### SECTION X

#### MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY (CHFA LIHTC Compliance Manual)

##### INTRODUCTION

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

For the standard and RAD PBV programs:

Please see Chapter 17 of HANH’s Administrative Plan at **Section 17-VII.C.: Moves** for standard and RAD PBV move requirements.

For the LIHTC program:

The LIHTC program requires that when LIHTC households move to another unit within the same building, the LIHTC status of the two units “swap”. Thus, if a qualified LIHTC tenant moves to an “empty” unit, the new unit ceases to be “empty” and becomes a qualified unit. The original unit will then be deemed “empty”.

Moves can occur between different buildings in the same project, as long as the tenant’s income did not exceed 140% of the AMI at the most recent certification. Moves cannot occur between different buildings in different projects without initially re-qualifying the tenant as eligible under the LIHTC program.

## Chapter 19

### SECTION XI

#### REEXAMINATIONS

##### INTRODUCTION

Owners are required to reexamine each family's income and composition and to adjust the family's level of assistance accordingly.

For the RAD PBV program:

A family living in a unit converted from public housing to RAD PBV may retain its certification date. Unless a family's annual reexamination is due at the same time as the effective date of the RAD PBV HAP contract, ECC/HANH does not need to recertify tenants at the point of conversion. For each family residing in a unit undergoing conversion of assistance under RAD, the administering PHA (ECC/HANH) will have to submit a HUD-50058 reflecting the family's admission to the voucher program. The effective date of the new admission will be the same as the effective date of the RAD PBV HAP contract. The form should include the same information previously found on the public housing 50058, including the next annual reexamination date.

For the LIHTC program:

Annual reexamination requirements under the LIHTC program are added to this chapter as required. The state of Connecticut requires that owners re-certify tenants in tax credit units annually, on or before the anniversary date of the previous certification. Annual recertifications using third-party certifications are required in mixed-use LIHTC properties, while self-certification is acceptable in 100% LIHTC properties.

#### **PART I: BI/TRIENNIAL REEXAMINATIONS [24 CFR 982.516]**

##### **11-I.A. OVERVIEW**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

##### **11-I.B. SCHEDULING BI/TRIENNIAL REEXAMINATIONS**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut does not have a standard requirement for scheduling the annual LIHTC recertification process. The annual recertification must be completed within 12 months from the initial certification date, or 12 months from the most recent certification.

##### **Notification of and Participation in the Bi/Triennial Reexamination Process**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut does not have a standard notification requirement for the annual LIHTC recertification process. The annual recertification must be completed within 12 months from the initial certification date, or 12 months from the most recent certification

#### **11-I.C. CONDUCTING BI/TRIENNIAL REEXAMINATIONS**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC file must have a completed annual reexamination. The state of Connecticut requires that households be recertified annually using either a full reexamination or a self-certification, depending on the type of project. The state of Connecticut requires that proof that all LIHTC households were interviewed to ensure that the information provided by the household is adequate and safe.

##### **For 100% tax credit and tax-exempt bond properties:**

Every LIHTC household must undergo a complete annual recertification the year following move-in. In subsequent years, a self-certification is acceptable using the required and recommended forms found in the state of Connecticut's LIHTC compliance manual including the Recertification Update and the Self-Certification of Annual Income forms. A Lease Addendum form (TC-100B(1)) must be completed by the household and the owner/agent and placed in the file.

##### **For tax credit properties with tax credit and non-tax credit units:**

Every LIHTC household must undergo a complete annual recertification every year. Self-certifications are not allowed in this type of project. CHFA required and recommended forms found in the state of Connecticut's LIHTC compliance manual forms must be used, including the Recertification Update form. A Lease Addendum form (TC-100B) must be completed by the household and the owner/agent and placed in the file.

#### **11-I.D. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

#### **11-I.E. EFFECTIVE DATES**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program. The annual recertification must be completed within 12 months from the initial certification date, or 12 months from the most recent certification

## **PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]**

### **11-II.A. OVERVIEW**

No changes to this section for the standard or RAD PBV programs.

Rents are not based on income in the LIHTC program and interim reexaminations are not performed.

### **11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Changes in family and household composition are addressed differently depending on whether the building is mixed-use or a 100% LIHTC building.

#### **Family Size Increases in 100% LIHTC Buildings:**

If a building is a 100% LIHTC building, the new household member's income is added to the income disclosed on the existing household's original tenant income certification (TIC).

#### **Family Size Increases in Mixed-Use Buildings:**

If a building is a mixed-use LIHTC building, the new household member's income is added to the income disclosed on the existing household's most recent tenant income certification (TIC). The household continues to be income-qualified, and the income of the new household member is taken into consideration with the income of the existing household for purposes of the New Available Unit Rule.

### **11-II.C. CHANGES AFFECTING INCOME OR EXPENSES**

No changes to this section for the standard or RAD PBV programs.

This entire section does not apply to the LIHTC program.

For the LIHTC program:

#### **Next Available Unit Rule**

If the gross household income of residents in the LIHTC unit increases to more than 140% of the current, applicable MTSP income limit, the unit is then considered by the IRS to be an "over-income" unit. The IRS allows this unit to continue to generate a LIHTC provided the following two conditions are met:

1. The next available comparable size unit in the building must be rented to a new LIHTC-qualified household.
2. The over-income unit must continue to be rent restricted.

The owner/agent must rent to LIHTC-qualified resident ALL comparable units that are available or that subsequently become available in the same building until the applicable fraction (excluding the over-income unit(s)) is restored to the percentage on which the credit is based.

## **11-II.D. PROCESSING THE INTERIM REEXAMINATION**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

## **PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT**

This part does not apply to the standard or RAD PBV programs or the LIHTC program.

### **11-III.A. OVERVIEW**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

### **11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES**

This part does not apply to the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VIII.B.: Rent Limits** for how FMRs, Exception Payment Standards and Utility Allowances are used in the standard and RAD PBV programs.

### **11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

### **11-III.D. DISCREPANCIES**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.



## Chapter 19

### SECTION XII

#### TERMINATION OF ASSISTANCE AND TENANCY

Selected parts of this chapter apply to the standard and RAD PBV programs.

This chapter does not apply to the LIHTC program. Neither the state of Connecticut's LIHTC compliance manual nor the IRS Code discusses termination of tenancy. Termination of tenancy in the LIHTC program must comply with the state of Connecticut's landlord/tenant law. In addition, federal VAWA requirements apply to the LIHTC program.

#### PART I: GROUNDS FOR TERMINATION OF ASSISTANCE

##### 12-I.A. OVERVIEW

No changes to this section.

##### 12-I.B. FAMILY NO LONGER REQUIRES ASSISTANCE [24 CFR 982.455]

No changes to this section for the standard PBV program.

For additional information, see Chapter 17 of HANH's Administrative Plan **Part VII: Occupancy**.

For the RAD PBV program:

Current residents living in the property prior to conversion are placed on and remain under the HAP contract when TTP equals or exceeds gross rent. In this case, the family will pay with owner an amount equal to their TTP. The family will continue to pay this amount until/if circumstances change and HAP is paid on their behalf. In other words, assistance may subsequently be reinstated if the tenant becomes eligible for assistance. In such cases, the resident is still considered a program participant. All of the family obligations and protections under RAD and standard PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract.

Following conversion, the standard PBV regulations apply to any new families referred to the project. See Chapter 17 of HANH's Administrative Plan **Part VII: Occupancy**.

##### 12-I.C. FAMILY CHOOSES TO TERMINATE ASSISTANCE

No changes to this section.

##### 12-I.D. MANDATORY TERMINATION OF ASSISTANCE

No changes to this section.

##### **Failure to Provide Consent [24 CFR 982.552(b)(3)]**

No changes to this section.

**Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]**

No changes to this section.

**Failure to Disclose and Document Social Security Numbers [24 CFR 5.218(c), Notice PIH 2012-10]**

No changes to this section.

**Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]**

No changes to this section.

**Lifetime Registered Sex Offenders [Notice PIH 2012-28]**

No changes to this section.

**Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]**

No changes to this section.

**Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9]**

No changes to this section.

**12-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS**

**Mandatory Policies [24 CFR 982.553(b) and 982.551(l)]**

No changes to this section.

*Use of Illegal Drugs and Alcohol Abuse*

No changes to this section.

*Drug-Related and Violent Criminal Activity [24 CFR 5.100]*

No changes to this section.

**Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(c), 24 CFR 5.2005(c)]**

No changes to this section.

*Family Absence from the Unit [24 CFR 982.312]*

No changes to this section.

*Insufficient Funding [24 CFR 982.454]*

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **Section V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for how insufficient funding affects the standard and RAD PBV programs.

## **PART II: APPROACH TO TERMINATION OF ASSISTANCE**

### **12-II.A. OVERVIEW**

No changes to this section.

### **12-II.B. METHOD OF TERMINATION [24 CFR 982.552(a)(3)]**

This section does not apply to the standard or RAD PBV programs.

### **12-II.C. ALTERNATIVES TO TERMINATION OF ASSISTANCE**

#### **Change in Household Composition**

No changes to this section.

#### **Repayment of Family Debts**

No changes to this section.

### **12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE**

#### **Evidence**

No changes to this section.

#### **Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]**

No changes to this section.

#### **Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]**

No changes to this section.

### **12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING**

No changes to this section.

#### **Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]**

No changes to this section.

#### **Documentation of Abuse [24 CFR 5.2007]**

No changes to this section.

#### **Terminating the Assistance of a Domestic Violence Perpetrator**

No changes to this section.

### **12-II.F. TERMINATION NOTICE**

For the standard and RAD PBV programs, this section is amended to read:

HUD regulations requires ECC/HANH to provide written notice of termination of assistance to a family only when the family is entitled to an informal hearing. However, since the family's lease will also terminate when the family's assistance terminates it is a

good business practice to provide written notification to both owner and family anytime assistance will be terminated, whether voluntarily or involuntarily.

### **PART III: TERMINATION OF TENANCY BY THE OWNER**

#### **12-III.A. OVERVIEW**

No changes to this section.

#### **12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310, 24 CFR 5.2005(c), and Form HUD-52641-A, Tenancy Addendum]**

The standard and RAD PBV Tenancy Addendum is Form HUD-52530c.

##### **Serious or Repeated Lease Violations**

No changes to this section.

##### **Violation of Federal, State, or Local Law**

No changes to this section.

##### **Criminal Activity or Alcohol Abuse**

No changes to this section.

##### ***Evidence of Criminal Activity***

No changes to this section.

##### **Other Good Cause**

For the standard and RAD PBV programs:

Terminating tenancy for good cause does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose. Please see Chapter 17 of HANH's Administrative Plan at **Section VII: OCCUPANCY** for Owner Termination of Tenancy.

For the LIHTC program:

The owner may only evict, non-renew the lease, or otherwise terminate tenancy of an existing tenant for good cause.

#### **12-III.C. EVICTION [24 CFR 982.310(e) and (f) and Form HUD-52641-A, Tenancy Addendum]**

The standard and RAD PBV Tenancy Addendum is Form HUD-52530c.

#### **12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h), 24 CFR 982.310(h)(4)]**

No changes to this section.

### **12-III.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY’S ASSISTANCE**

This section does not apply to the standard or RAD PBV programs.

#### **EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS**

Each family must sign a PBV Statement of Family Responsibilities in lieu of the Statement of Family Obligations in both the standard and RAD PBV programs.

**Chapter 19**  
**SECTION XIII**  
**OWNERS**

**INTRODUCTION**

No changes to this section for the standard PBV program.

This section does not apply to the RAD PBV program.

This chapter does not apply to the LIHTC program.

**PART I. OWNERS IN THE HCV PROGRAM**

**13-I.A. OWNER RECRUITMENT AND RETENTION [HCV GB, pp. 2-4 to 2-6]**

**Recruitment**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for owner submission of PBV proposals and for ECC/HANH selection of PBV proposals.

**Retention**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for owner submission of PBV proposals and for ECC/HANH selection of PBV proposals.

**13-I.B. BASIC HCV PROGRAM REQUIREMENTS**

This section does not apply to the standard or RAD PBV programs.

For the standard PBV program, please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for owner submission of PBV proposals and for ECC/HANH selection of PBV proposals.

**13-I.C. OWNER RESPONSIBILITIES [24 CFR 982.452]**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II Section 17.V.E. OWNER RESPONSIBILITIES UNDER THE HAP** for owner responsibilities in the standard and RAD PBV programs.

### **13-I.D. OWNER QUALIFICATIONS**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for owner submission of PBV proposals and for ECC/HANH selection of PBV proposals in the standard PBV program.

#### **Owners Barred from Participation [24 CFR 982.306(a) and (b)]**

No changes to this section for the standard PBV program.

This section does not apply to the RAD PBV program.

#### **Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]**

No changes to this section for the standard PBV program.

This section does not apply to the RAD PBV program.

#### **Conflict of Interest [24 CFR 982.161; HCV GB p. 8-19]**

No changes to this section for the standard PBV program.

This section does not apply to the RAD PBV program.

#### **Owner Actions That May Result in Disapproval of a Tenancy Request [24 CFR 982.306(c)]**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for selection of owner proposals for the standard PBV program.

#### **Legal Ownership of Unit**

No changes to this section for the standard PBV program.

For the RAD PBV program:

For public housing conversions, ownership must be either of the following:

- A public or nonprofit entity that has legal title to the property. The entity must have the legal authority to direct the financial, legal, beneficial, and other interests of the property.
- A private entity, if the property has low-income tax credits. ECC/HANH must maintain control via a ground lease.

### **13-I.E. NON-DISCRIMINATION [HAP Contract – Form HUD-52641]**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for the HAP contract used in the standard and RAD PBV programs.

## **PART II. HAP CONTRACTS**

### **13-II.A. OVERVIEW**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for the HAP contract used in the standard and RAD PBV programs.

### **13-II.B. HAP CONTRACT CONTENTS**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for the HAP contract used in the standard and RAD PBV programs.

### **13-II.C. HAP CONTRACT PAYMENTS**

#### **General**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART IX PAYMENTS TO OWNER** for the how housing assistance payments are calculated to the owner in the standard and RAD PBV programs.

#### **Owner Certification of Compliance**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART IX PAYMENTS TO OWNER** for the how housing assistance payments are calculated to the owner in the standard and RAD PBV programs.

#### **Late HAP Payments [24 CFR 982.451(a) (5)]**

No changes to this section.

#### **Termination of HAP Payments [24 CFR 982.311(b)]**

No changes to this section.

### **13-II.D. BREACH OF HAP CONTRACT [24 CFR 982.453]**

No changes to this section.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for HAP contract terms and ECC/HANH and owner termination of the HAP contract in the standard and RAD PBV programs.



### **13-II.E. HAP CONTRACT TERM AND TERMINATIONS**

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for HAP contract terms and ECC/HANH and owner termination of the HAP contract in the standard and RAD PBV programs.

### **13-II.F. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]**

This section does not apply to the standard or RAD PBV programs.

## Chapter 19

### SECTION XIV

#### PROGRAM INTEGRITY

##### INTRODUCTION

No changes to this section for the standard or RAD PBV programs.

While neither the IRS Code nor the state of Connecticut's LIHTC compliance manual discuss program integrity, the owner may follow policies in the admin plan for program integrity for the LIHTC file, provided they do not violate any LIHTC requirements.

For the LIHTC program, add:

Neither IRS Code nor the state of Connecticut's LIHTC compliance manual discuss program integrity. The Guide for Completing Form 8823 states that LIHTC owners should demonstrate due diligence to prevent tenant fraud. If misrepresentation is suspected, additional steps should be taken to verify the accuracy of information provided by the tenant. The IRS does not consider reportable noncompliance to have occurred if tenant fraud is discovered and addressed by the owner prior to a state agency review or an IRS audit, and the owner satisfies the state agency that:

- The tenant provided false information;
- The owner did everything a prudent person would do to avoid fraudulent tenants (due diligence) and has implemented any needed changes to avoid future problems;
- The tenant has vacated the unit (if possible); and
- There is no pattern of accepting fraudulent tenants

An owner's opportunity to identify and self-correct misrepresentations or fraud by a tenant terminates upon notification of a state agency's intended review/inspection of the LIHTC project. Any noncompliance arising from such a misrepresentation or fraud discovered during a state agency's review/inspection should be reported to the IRS on Form 8823 under the appropriate category of noncompliance, regardless of the cause.

#### **PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE**

##### **14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE**

No changes to this section.

##### **14-I.B. DETECTING ERRORS AND PROGRAM ABUSE**

No changes to this section.

**Independent Audits and HUD Monitoring**

No changes to this section.

**Individual Reporting of Possible Errors and Program Abuse**

No changes to this section.

**14-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE**

**When ECC/HANH Will Investigate**

No changes to this section.

**Consent to Release of Information [24 CFR 982.516]**

No changes to this section.

**Analysis and Findings**

No changes to this section.

**Consideration of Remedies**

No changes to this section.

**Notice and Appeals**

No changes to this section.

**PART II: CORRECTIVE MEASURES AND PENALTIES**

**14-II.A. SUBSIDY UNDER- OR OVERPAYMENTS**

**Corrections**

No changes to this section.

**Reimbursement**

No changes to this section.

**14-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE**

No changes to this section.

**Family Reimbursement to ECC/HANH [HCV GB pp. 22-12 to 22-13]**

No changes to this section.

**ECC/HANH Reimbursement to Family [HCV GB p. 22-12]**

No changes to this section.

**Prohibited Actions**

No changes to this section.

**Penalties for Program Abuse**

No changes to this section.

**14-II.C. OWNER-CAUSED ERROR OR PROGRAM ABUSE**

No changes to this section.

**Owner Reimbursement to ECC/HANH**

No changes to this section.

**Prohibited Owner Actions**

No changes to this section.

**Remedies and Penalties**

No changes to this section.

**14-II.D. ECC/HANH-CAUSED ERRORS OR PROGRAM ABUSE**

For the standard and RAD PBV programs, the paragraph is amended to read:

The responsibilities and expectations of ECC/HANH staff with respect to normal program administration are discussed throughout this plan. This section specifically addresses actions of an ECC/HANH staff member that are considered errors or program abuse related to the HCV program. Additional standards of conduct may be provided in the ECC/HANH personnel policy.

ECC/HANH-caused incorrect subsidy determinations include (1) failing to correctly apply HCV rules regarding family composition, income, assets, and expenses, (2) assigning the incorrect voucher size to a family, (3) errors in calculation.

**Repayment to the ECC/HANH**

**ECC/HANH Reimbursement to Family or Owner**

No changes to this section.

**Prohibited Activities**

No changes to this section.

**14-II.E. CRIMINAL PROSECUTION**

No changes to this section.

**14-II.F. FRAUD AND PROGRAM ABUSE RECOVERIES**

No changes to this section.

## Chapter 19

### SECTION XV

#### SPECIAL HOUSING TYPES

[24 CFR 982 Subpart M]

#### INTRODUCTION

For the standard PBV programs:

Ineligible special housing types discussed in this chapter include:

- Shared Housing,
- Manufactured Housing
- Homeownership Option.

For the RAD PBV program:

Nothing in this chapter applies to RAD PBV. HUD has issued no guidance on converting public housing units to special housing types under the RAD program.

For the LIHTC program:

Ineligible special housing types discussed in this chapter include:

- Shared Housing,
- Cooperative Housing;
- Manufactured Housing;
- Homeownership Option.

The following types of housing, not discussed in this chapter, are additional housing types that are ineligible for the LIHTC program:

- Hospitals
- Nursing homes
- Sanitariums
- Life care facilities
- Retirement homes providing significant services other than housing
- Dormitories

#### **PART I: SINGLE ROOM OCCUPANCY [24 CFR 982.602 through 982.605]**

#### **15-I.A. OVERVIEW**

For the PBV program:

SRO is an allowable housing type. There is no separate HAP contract for each PBV lease.

For the LIHTC program:

Certain SRO housing units used on a non-transient basis may be qualified LIHTC units even though such housing may provide eating, cooking and sanitation facilities on a shared basis. Please check with your state allocating agency.

## **PART II: CONGREGATE HOUSING**

[24 CFR 982.606 through 982.609]

For the PBV program:

Congregate housing is an allowable housing type. There is no separate HAP contract for each PBV lease.

For the LIHTC program:

Certain congregate housing may be qualified LIHTC units even though such housing may provide eating, cooking and sanitation facilities on a shared basis. Please check with your state allocating agency.

## **PART III: GROUP HOME**

[24 CFR 982.610 through 982.614 and HCV GB p. 7-4]

For the PBV program:

Group home housing is an allowable housing type. There is no separate HAP contract for each PBV lease.

For the LIHTC program:

This type of housing is an ineligible housing type in the LIHTC program. This section does not apply to the LIHTC program.

## **PART IV: SHARED HOUSING [24 CFR 982.615 through 982.618]**

This type of housing is an ineligible housing type in the both the PBV and LIHTC programs.

## **PART V: COOPERATIVE HOUSING [24 CFR 982.619]**

For the PBV program:

Cooperative housing is an allowable housing type. There is no separate HAP contract for each PBV lease. See regulations at 24 CFR 983.9(2)(c), (3), (4), and (5) for a discussion of cooperative housing in the PBV program.

For the LIHTC program:

This type of housing is an ineligible housing type in the LIHTC program. This section does not apply to the LIHTC program.

## **PART VI: MANUFACTURED HOMES [24 CFR 982.620 through 982.624]**

This type of housing is an ineligible housing type in the both the PBV and LIHTC programs.

## **PART VII: HOMEOWNERSHIP [24 CFR 982.625 through 982.643]**

This type of housing is an ineligible housing type in the both the PBV and LIHTC programs.



## Chapter 19

### SECTION XVI

#### PROGRAM ADMINISTRATION

##### INTRODUCTION

Selected parts of this chapter apply to the standard and RAD PBV programs.

Nothing in this chapter applies to the LIHTC program. Additional topics specific to administering the LIHTC program are included as applicable.

##### **PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]**

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program.

##### **PART II: SETTING PROGRAM STANDARDS AND SCHEDULES**

###### **16-II.A. OVERVIEW**

For the standard and RAD PBV programs, this section is amended to read:

Although many of the program's requirements are established centrally by HUD, the HCV program's regulations recognize that some flexibility is required to allow ECC/HANH to adapt the program to local conditions. This part discusses how ECC/HANH establishes and updates certain schedules and standards that are used to administer the program locally. Details about how these schedules are applied to individual families are provided in other chapters. The schedules and standards discussed here include:

- *Utility Allowances*, which specify how a family's payment should be adjusted to account for tenant-paid utilities (application of utility allowances is discussed in Chapter 6).

###### ECC/HANH Policy

Copies of the utility allowance schedules are available for review in ECC/HANH's offices during normal business hours.

Families, owners, and members of the public may submit written comments on the schedules discussed in this part, at any time, for consideration during the next revision cycle.

ECC/HANH will maintain documentation to support its annual review of utility allowance schedules. This documentation will be retained for at least 3 years.

Establishing and updating the ECC/HANH passbook rate, which is used to calculate imputed income from assets, is covered in Chapter 6 (see Section 6-I.G.).

This section does not apply to the LIHTC program.

#### **16-II.B. PAYMENT STANDARDS [24 CFR 982.503; HCV GB, Chapter 7]**

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **PART VIII DETERMINING RENT TO OWNER** for determining rent to owner.

#### **16-II.C. UTILITY ALLOWANCES [24 CFR 982.517]**

No changes to this section for the standard PBV program and for standard PBV/LIHTC units.

For the RAD PBV program and RAD PBV/LIHTC units:

When contract rent amounts are set initially, the amount does not include a utility allowance. In general, the utility allowances that are used on the initial HAP contract at closing are the public housing utility allowances that are in effect prior to conversion. The CHAP must be updated prior to conversion to reflect current public housing utility allowances. At its discretion, ECC/HANH may use the FMRs and utility allowances in effect during the 30-day period immediately before the beginning date of the HAP contract.

After conversion, unless a waiver is requested and approved by HUD, ECC/HANH must maintain a utility allowance schedule for tenant-paid utilities in accordance with standard PBV and HCV utility allowance regulations at 24 CFR 983.301(f)(2)(ii) and 24 CFR 982.517 respectively. These utility allowances are effective for in-place families at recertification.

ECC/HANH may request a waiver from the PIH Field Office, however, in order to establish site-specific utility allowance schedules. MTW agencies would instead secure approval through their MTW Plan. To be approved, ECC/HANH must show good cause that the utility allowance schedule for their voucher program would either:

- Create an undue cost for families because the utility allowance provided under the voucher program is too low, or
- Discourage conservation and efficient use of HAP funds because the utility allowance provided under the voucher program would be excessive if applied to the Covered Project

ECC/HANH must submit an analysis of utility rates for the community and consumption data of project residents in comparison to community consumption rates; and a proposed alternative methodology for calculating utility allowances on an ongoing basis.

When, as a result of a RAD conversion, the project will experience an improvement in energy and water efficiencies, ECC/HANH can submit UA projections performed by a professional engineer, based on the project's plans and specifications that, at a minimum,

take into account specific factors including, but not limited to, unit size, building orientation, design and materials, mechanical systems, appliances, and characteristics of the building location. The projections must be submitted in the RAD UA Projections Template. If approved by HUD, these UAs will be used to modify the initial PBV contract rents (for new construction) or post-rehab rents (for rehab) on the HAP contract.

### **Air Conditioning**

No changes to this section.

### **Reasonable Accommodation**

No changes to this section.

### **Utility Allowance Revisions (State of Connecticut's LIHTC Compliance Manual)**

No change to section for the standard and RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual requires that blended LIHTC/PBV units use ECC/HANH's utility allowance for the HCV program. Utility allowances must be updated at least annually since they are included in the maximum allowable rent calculations. Copies of utility allowance documentation must be submitted with CHFA's required annual year-end reports. Any new allowance must be implemented within 90 days of the change.

## **PART III: INFORMAL REVIEWS AND HEARINGS**

This part does not apply to the LIHTC program.

### **16-III.A. OVERVIEW**

No changes to this section for the standard PBV program.

For the RAD PBV program:

Unlike in the standard PBV program, residents in converted projects have the right to request an informal hearing for issues that adversely affect the resident's rights, obligations, welfare, or status with both ECC/HANH and the project owner.

### **16-III.B. INFORMAL REVIEWS**

For the standard and RAD PBV programs, the paragraph is amended to read:

ECC/HANH must give an applicant the opportunity for an informal review of a decision denying assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following [24 CFR 982.552(a)(2)]:

- Denying listing on the ECC/HANH waiting list

#### ECC/HANH Policy

HANH will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes denying listing on the ECC/HANH waiting list.

#### **Notice to the Applicant [24 CFR 982.554(a)]**

No changes to this section.

#### **Scheduling an Informal Review**

No changes to this section.

#### **Informal Review Procedures [24 CFR 982.554(b)]**

No changes to this section.

#### **Informal Review Decision [24 CFR 982.554(b)]**

No changes to this section.

### **16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555]**

For the PBV program, the paragraph is amended to read:

ECC/HANH is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Terminating housing assistance payments under an outstanding HAP contract

#### **Decisions Subject to Informal Hearing**

For the standard PBV program, the paragraph is amended to read:

Circumstances for which ECC/HANH must give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the ECC/HANH utility allowance schedule
- A determination of the family unit size under ECC/HANH's subsidy standards
- An ECC/HANH determination to deny the family's request for exception from the standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act

- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under ECC/HANH policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

All of the above apply. For the RAD PBV program, add:

Under RAD, there are additional hearing requirements beyond what is required in standard PBV. The owner must also offer the family an opportunity for a hearing in certain circumstances. The owner is not required to offer an informal hearing for:

- Class grievances
- Disputes between residents not involving owner

The owner must give residents notice of their ability to request an informal hearing for any dispute that a resident may have with the owner's action in accordance with the individual's lease that adversely affects the resident's rights, obligations, welfare, or status. The owner must provide the family with an opportunity for an informal hearing before an eviction.

### **Informal Hearing Procedures**

#### ***Notice to the Family* [24 CFR 982.555(c)]**

For the standard and RAD PBV programs, the paragraph is amended to read:

For decisions related to the termination of the family's assistance, the notice must contain a brief statement of the reasons for the decision, a statement that if the family does not agree with the decision, the family may request an informal hearing on the decision, and a statement of the deadline for the family to request an informal hearing.

All of the above applies. For the RAD PBV program, add:

Residents must be provided with notice of the specific grounds of the Project Owner's proposed adverse action, as well as their right to an informal hearing with the Project Owner.

#### ***Scheduling an Informal Hearing* [24 CFR 982.555(d)]**

No changes to this section.

This section also applies to the owner in RAD PBV.

#### ***Pre-Hearing Right to Discovery* [24 CFR 982.555(e)]**

No changes to this section.

This section also applies to the owner in RAD PBV.

***Participant’s Right to Bring Counsel [24 CFR 982.555(e) (3)]***

No changes to this section.

This section also applies to the owner in RAD PBV.

***Informal Hearing Officer [24 CFR 982.555(e) (4)]***

No changes to this section.

This section also applies to the owner in RAD PBV.

***Attendance at the Informal Hearing***

No changes to this section.

This section also applies to the owner in RAD PBV.

***Conduct at Hearings***

No changes to this section.

This section also applies to the owner in RAD PBV.

***Evidence [24 CFR 982.555(e) (5)]***

No changes to this section.

This section also applies to the owner in RAD PBV.

***Hearing Officer’s Decision [24 CFR 982.555(e) (6)]***

No changes to this section.

This section also applies to the owner in RAD PBV.

***Procedures for Rehearing or Further Hearing***

No changes to this section.

This section also applies to the owner in RAD PBV.

***ECC/HANH Notice of Final Decision [24 CFR 982.555(f)]***

No changes to this section.

This section also applies to the owner in RAD PBV.

**16-III.D. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]**

No changes to this section.

**Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]**

No changes to this section.

**USCIS Appeal Process [24 CFR 5.514(e)]**

No changes to this section.

**Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]**

No changes to this section.

***Informal Hearing Officer***

No changes to this section.

***Evidence***

No changes to this section.

***Representation and Interpretive Services***

No changes to this section.

***Recording of the Hearing***

No changes to this section.

**Informal Hearing Procedures for Residents [24 CFR 5.514(f)]**

No changes to this section.

**Retention of Documents [24 CFR 5.514(h)]**

No changes to this section.

**PART IV: OWNER OR FAMILY DEBTS TO ECC/HANH**

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program. The owner must comply with the state of Connecticut's landlord/tenant law when collecting debts owed by the family.

**16-IV.A. OVERVIEW**

No changes to this section.

**16-IV.B. REPAYMENT POLICY**

No changes to this section.

**Owner Debts to ECC/HANH**

No changes to this section.

**Family Debts to ECC/HANH**

No changes to this section.

**Repayment Agreement [24 CFR 792.103]**

No changes to this section.

**General Repayment Agreement Guidelines for Families**

***Down Payment Requirement***

No changes to this section.

***Payment Thresholds***

No changes to this section.

***Execution of the Agreement***

No changes to this section.

***Due Dates***

No changes to this section.

***Late or Missed Payments***

No changes to this section.

***No Offer of Repayment Agreement***

No changes to this section.

**Repayment Agreements Involving Improper Payments**

No changes to this section.

**PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)**

This part does not apply to the LIHTC program.

**16-V.A. OVERVIEW**

No changes to this section.



## **16-V.B. SEMAP CERTIFICATION [24 CFR 985.101]**

No changes to this section.

### **HUD Verification Method**

No changes to this section.

## **16-V.C. SEMAP INDICATORS [24 CFR 985.3 and form HUD-52648]**

This section applies to the standard and RAD PBV programs with the exception of Indicator 12: Annual HQS Inspections. PBV basic inspection requirements only call for a random sample of 20 percent of the units in each project to be inspected annually.

## **PART VI: RECORD KEEPING**

### **16-VI.A. OVERVIEW**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

### **16-VI.B. RECORD RETENTION [24 CFR 982.158]**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The owner/agent must retain the following records for the first year of the credit period for at least 6 years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period, meaning original files must be retained for 21 years:

- Tenant files
- Monthly unit data tracking
- Project files, including records regarding the use of facilities included in the project's eligible basis;
- Records for each qualified low-income resident by building and unit number;
- LIHTC Owner's Compliance Certification;
- LIHTC Status Report;
- Qualified Basis Tracking Sheet

All other records are required to be retained for at least 6 years after the due date (with extension) for filing the federal income tax return for that year.

## **16-VI.C. RECORDS MANAGEMENT**

No changes to this section.

### **Privacy Act Requirements [24 CFR 5.212 and Form-9886]**

No changes to this section.

### **Upfront Income Verification (UIV) Records**

No changes to this section.

### **Criminal Records**

No changes to this section.

### **Medical/Disability Records**

No changes to this section.

### **Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

No changes to this section. This section applies to both the PBV and LIHTC programs.

## **PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL**

While the Lead Hazard Reduction Act of 1992 and certain parts of 24 CFR Part 35 apply to the LIHTC program, requirements listed here for tenant-based assistance programs do not apply to the LIHTC program.

### **16-VII.A. OVERVIEW**

No changes to this section.

### **16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e)]**

No changes to this section.

### **16-VII.C. DATA COLLECTION AND RECORD KEEPING [24 CFR 35.1225(f)]**

No changes to this section.

**PART VIII: DETERMINATION OF INSUFFICIENT FUNDING**

**16-VIII.A. OVERVIEW**

This part does not apply to the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH’s Administrative Plan at **PART V; HOUSING ASSISTANCE PAYMENT CONTRACT (HAP)** for when a HAP contract may be terminated due to insufficient funding.

**PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY**

**16-IX.A. OVERVIEW**

No changes to this section.

**16-IX.B. DEFINITIONS [24 CFR 5.2003]**

No changes to this section.

**16-IX.C. NOTIFICATION [24 CFR 5.2005(a)]**

**Notification to Public**

No changes to this section.

**Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]**

No changes to this section.

**Notification to Owners and Managers [24 CFR 5.2005(a)(2)]**

No changes to this section.

**16-IX.D. DOCUMENTATION [24 CFR 5.2007]**

No changes to this section.

**Conflicting Documentation [24 CFR 5.2007(e)]**

No changes to this section.

**Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]**

No changes to this section.

**Failure to Provide Documentation [24 CFR 5.2007(c)]**

No changes to this section.

**16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]**

No changes to this section.

## Chapter 19

### SECTION XVII

#### PROJECT-BASED VOUCHERS

##### INTRODUCTION

Since this chapter applies to the standard PBV program, only differences in the RAD PBV program and the LIHTC program are noted.

For the RAD PBV program:

On the whole, regulations for both the standard and RAD PBV programs generally closely follow the regulations for the tenant-based HCV program. While PBV regulations generally follow the tenant-based HCV voucher regulations, they are not identical. Further, RAD PBV rules further deviate from and waive specific standard PBV regulations.

##### PART I: GENERAL REQUIREMENTS

For the RAD PBV program, the following is amended to read:

Units converted to PBV under RAD and their associated budget authority are exempt from the 20 percent budget authority cap.

HANH may attach funding to mixed-finance developments which include Project-Based Section 8 units (the “PBV units”). These PBV units may be owned and managed by entities other than HANH. HANH may delegate certain admissions and occupancy functions as discussed within the Administrative Plan to the owners and/or managers of those mixed-finance developments. Such admissions and occupancy functions must be performed in accordance with this Administrative Plan and applicable HUD and HANH requirements.

Mixed-finance developments may be subject to Low-Income Housing Tax Credit (LIHTC) and/or Affordable Housing Program (AHP) Requirements. For purposes of this Administrative Plan:

- Tax Credit Requirements shall mean any and all matters required by Section 42 of the Internal Revenue Code of 1986 and regulations there under (Section 42), the Connecticut Housing Finance Agency (CHFA) or any agreement with a condition of receipt of tax credits, whether or not such requirement is explicitly stated in Section 42, or CHFA requirements; and
- AHP Requirements shall mean any and all matters required by the Federal Housing Finance Board Affordable Housing Program regulations at 12 CFR 951.

In order to ensure compliance with LIHTC and/or AHP Requirements, ECC/HANH will not impose any policy within this Administrative Plan upon any mixed-finance development if such policies would create non-compliance with Tax Credit

Requirements and/or AHP Requirements.

ECC/HANH will not disapprove Owner policies required for compliance with LIHTC and AHP Requirements, unless mandated by PBV Requirements.

- Examples of policies that may differ than the Administrative Plan include the requirement for annual re-certifications (to the extent required by LIHTC Requirements) and different income tier requirements.

In the event of a conflict between any PBV contract requirements and this Administrative Plan, those deal-specific documents shall control as long as in compliance with PBV Requirements.

- “PBV Requirements” refers to 24 CFR HUD regulations, any HUD-approved waivers of regulatory requirements, and federal laws, notices and Executive Orders pertaining to Project-Based Section 8 Units, including future waivers or amendments.

### **17-I.B. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]**

For the RAD PBV program:

This section applies, however, for the RAD PBV program certain standard PBV rules are waived and different rules apply.

This section does not apply to LIHTC.

### **17-I.C. RELOCATION REQUIREMENTS [24 CFR 983.7]**

For the RAD PBV program:

In some developments, in-place residents may need to be relocated as a result of properties undergoing repairs, being demolished and rebuilt, or when assistance is transferred from one site to another. RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed.

Relocation assistance provided to residents will vary depending on the length of time relocation is required. Residents must be properly notified in advance of relocation requirements in accordance with RAD program rules and Uniform Relocation Act (URA) requirements. Sample informing notices are provided in Appendices 2-5 of PIH Notice 2014-17. While ECC/HANH is not required to have a written relocation plan, HUD strongly encourages ECC/HANH to prepare one. Appendix I of PIH Notice 2014-17 contains recommended contents for a relocation plan.

In addition, ECC/HANH must undertake a planning process that complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA), although not all relocations under RAD will trigger requirements under URA. URA statute and implementing regulations may be found at 49 CFR Part 24.

## **17-I.D. EQUAL OPPORTUNITY REQUIREMENTS [24 CFR 983.8]**

For the RAD PBV program:

ECC/HANH must comply with all applicable fair housing and civil rights laws, including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, when conducting relocation planning and providing relocation assistance. For example, persons with disabilities returning to the RAD project may not be turned away or placed on a waiting list due to a lack of accessible units. Their need for an accessible unit must be accommodated.

## **PART II: PBV OWNER PROPOSALS**

This part does not apply to LIHTC.

### **17-II.A. OVERVIEW**

This section does not apply to the RAD PBV program.

### **17-II.B. OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51(b)]**

This section does not apply to the RAD PBV program. HUD waives the owner proposal selection procedures at 24 CFR 983.51. HUD selects the RAD properties through a competitive selection process.

#### **Solicitation and Selection of PBV Proposals [24 CFR 983.51(c)]**

This section does not apply to the RAD PBV program.

#### **ECC/HANH-Owned Units [24 CFR 983.51(e) and 983.59]**

For the RAD PBV program, the following section is amended to read:

For units converting to RAD PBV, housing quality standards inspections must be conducted by an independent entity approved by HUD.

The independent entity that performs these program services may be the unit of general local government for the ECC/HANH jurisdiction (unless ECC/HANH is itself the unit of general local government or an agency of such government) or another HUD-approved public or private independent entity.

ECC/HANH may only compensate the independent entity from ECC/HANH ongoing administrative fee income (including amounts credited to the administrative fee reserve). ECC/HANH may not use other program receipts to compensate the independent entity for its services. ECC/HANH and independent entity may not charge the family any fee for the appraisal or the services provided by the independent entity.

## **Ownership and Control**

For public housing conversions to PBV under RAD, ownership must be either of the following:

- A public or nonprofit entity satisfies the requirement if it:
  - Holds a fee simple interest in the real property of the RAD project
  - Is the lessor under a ground lease with the Project Owner
  - Has direct or indirect legal authority to direct the financial and legal interest of the Project Owner with respect to the RAD units
  - Owns 51 percent or more of the general partner interest in a limited partnership or 51 percent or more of the managing member interest in a limited liability company with all the powers of a general partner or managing member, as applicable
  - Owns a lessor percentage of the general partner or managing member interest and holds certain controls as approved by HUD
  - Owns 51 percent or more of all ownership interest in a limited partnership or limited liability company and holds certain rights as approved by HUD; or
  - Other ownership and control arrangements approved by HUD.
- A private entity, if the property has low-income tax credits. ECC/HANH must maintain control via a ground lease.

### **ECC/HANH Notice of Owner Selection [24 CFR 983.51(d)]**

This section does not apply to the RAD PBV program.

### **17-II.C. HOUSING TYPE [24 CFR 983.52]**

This section does not apply to the RAD PBV program.

### **17-II.D. PROHIBITION OF ASSISTANCE FOR CERTAIN UNITS**

This section does not apply to the RAD PBV program.

### **17-II.E. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55, FR Notice 11/24/08, FR Notice 7/9/10, and FR Notice 6/25/14]**

For the RAD PBV program:

In the case that ECC/HANH is converting all of its ACC units, there is no restriction on the amount of public housing funds that may be contributed to the Covered Project(s) at Closing; ECC/HANH may convey all program funds to the Covered Project. HUD will recapture any public housing funds that ECC/HANH has not expended once it no longer has units under ACC. In the case where ECC/HANH will continue to maintain other units in its inventory under public housing ACC, a contribution of Operating Funds to the Covered Project that exceeds the average amount the project has held in Operating



Reserves over the past three years will trigger a subsidy layering review under 24 CFR § 4.13. Similarly, any contribution of Capital Funds, including RHF or DDTF, will trigger a subsidy layering review. Notwithstanding the subsidy layering review, ECC/HANH should be mindful of how the Capital Funds or Operating Reserves used in the financing of its RAD properties may impact the physical and financial health of properties that will remain in its public housing inventory.

## **17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT**

### **25 Percent per Project Cap [24 CFR 983.56]**

For the RAD PBV program:

There is no cap on the number of PBV units in a Project that may be converted to RAD.

### **Exceptions to 25 Percent per Project Cap [24 CFR 983.56(b)]**

There is no cap on the number of PBV units in a Project that may be converted to RAD.

#### *Family Responsibility to Comply with Supportive Service Plans*

Families selected for occupancy and assistance in a PBV supportive housing unit will be required to enter into an individualized supportive service plan with the service provider. The supportive service plan is intended to help the family:

- Build family self-sufficiency;
- Maintain their housing; and
- To live independently and effectively in their community.

In PBV developments offering supportive services, at least one family member is to receive/participate in the available supportive services.

- At the time of initial lease execution between the family and the owner, the family must sign a statement which includes all family obligations, including the requirement to participate in a supportive service plan. <sup>(L)</sup><sub>(SEP)</sub>
- At the family's annual recertification, ECC/HANH requires written documentation from the service provider indicating the family's continued compliance with the terms of the supportive services plans.
- At ECC/HANH's sole discretion, ECC/HANH may request quarterly documentation of service plan compliance for new participants, or more frequent periodic documentation for families who have not fully complied with their supportive service plan.

The family is eligible to receive assistance while the family is compliant with its supportive services plan. In addition, a family who has occupied a PBV unit and has been compliant with its supportive housing plan, and has successfully completed the supportive housing plan, is eligible to continue to receive PBV assistance so long as the family resides in the unit.

Under RAD, the requirement that a family must actually receive services to reside in a unit where families receive supportive services differs. Families living in units that will convert under RAD must be given the option to receive supportive services. If such services are declined by the household, the unit shall remain under the HAP contract, the household shall not be terminated from the PBV program, and the decision to decline an offer to receive supportive services shall not represent a ground for lease termination. Once the initial household residing in the excepted unit under RAD vacates such unit, all PBV program requirements related to the required receipt of supportive services shall apply.

**Promoting Partially-Assisted Projects [24 CFR 983.56(c)]**

This section does not apply to the RAD PBV program.

**17-II.G. SITE SELECTION STANDARDS**

For the RAD PBV program:

Site selection requirements set forth in 24 CFR 983.57 apply to RAD PBV, with the exception of 983.57(b) (1) and (c) (2). HUD waives the provisions regarding deconcentration of poverty and expanding housing and economic opportunity, for existing housing sites. If units are transferred to a different housing site, then deconcentration rule applies.

HUD will conduct a front-end civil rights review of PBV RAD conversions that involve new construction that is located in an area of minority concentration (whether on the existing public housing site or on a new site) to determine whether it meets one of the conditions that would allow for new construction in an area of minority concentration.

ECC/HANH must ensure that its RAD PBV conversion, including any associated new construction, is consistent with its certification to affirmatively further fair housing and complies with civil rights laws.

**17-II.H. ENVIRONMENTAL REVIEW [24 CFR 983.58]**

For the RAD PBV program:

The financing plan includes a requirement for an environmental review. See Attachment 1A of PIH 2012-32, REV-2.

**PART III: DWELLING UNITS**

**17-III.A. OVERVIEW**

No changes to this section.

**17-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101]**

No changes to this section for the RAD PBV program.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

**Lead-based Paint [24 CFR 983.101(c)]**

No changes to this section for the RAD PBV program.

For the LIHTC program:

While the Lead Hazard Reduction Act of 1992 and certain parts of 24 CFR Part 35 apply to the LIHTC program, requirements listed here for tenant-based assistance programs do not apply to the LIHTC program.

**17-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES**

No changes to this section.

**17-III.D. INSPECTING UNITS**

**Pre-selection Inspection [24 CFR 983.103(a)]**

For the RAD PBV program:

ECC/HANH enters into the HAP contract when financing closes for the property. All units that are undergoing rehabilitation must meet HQS by dates set in the conversion commitment with HUD.

This section does not apply to the LIHTC program.

**Pre-HAP Contract Inspections [24 CFR 983.103(b)]**

For the RAD PBV program:

ECC/HANH enters into the HAP contract when financing closes for the property. All units that are undergoing rehabilitation must meet HQS by dates set in the conversion commitment with HUD.

This section does not apply to the LIHTC program.

**Turnover Inspections [24 CFR 983.103(c)]**

No changes to this section for the RAD PBV program.

This section does not apply to the LIHTC program.

**Annual/Biennial Inspections [24 CFR 983.103(d); FR Notice 6/25/14]**

No changes to this section for the RAD PBV program.

The owner/agent must certify annually that the buildings and units in an LIHTC project were suitable for occupancy.

### **Other Inspections [24 CFR 983.103(e)]**

No changes to this section for the RAD PBV program.

The state of Connecticut’s LIHTC compliance manual states that Spectrum will inspect 20% of the units and all common areas in all buildings by December 31<sup>st</sup> of the second year after the last building places in service. Spectrum will notify the owner/agent at least 30 days in advance of the site visit.

### **Inspecting ECC/HANH-Owned Units [24 CFR 983.103(f)]**

No changes to this section for the RAD PBV program.

This section does not apply to the LIHTC program.

## **PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS**

For the RAD PBV program:

This part does not apply to the RAD PBV program. The definitions for proposal selection date, new construction, rehabilitation, and existing housing are not applicable. For public housing conversions, an AHAP is not required. Instead, a RAD conversion commitment (RCC) between HUD and ECC/HANH governs the construction work. For requirements for RAD PBV conversions see Notice PIH 2012-32, REV-2.

This part does not apply to the LIHTC program.

## **PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)**

This part does not apply to the LIHTC program.

### **17-V.A. OVERVIEW**

No changes to this section.

### **17-V.B. HAP CONTRACT REQUIREMENTS**

#### **Contract Information [24 CFR 983.203]**

For the RAD PBV program:

The PBV RAD program uses the HAP contract for new construction or rehabilitated housing (HUD Form 52530A), as modified by the RAD rider (HUD Form 52621). The distinction between “existing housing” and “rehabilitated and newly constructed housing” is overridden by RAD requirements. The RAD rider must be attached to the PBV HAP Contract and effectuates the conversion of public housing to PBV under RAD

PBV. The project must also have an initial RAD Use Agreement. All public housing RAD conversion properties financed with LIHTC are required to include an LIHTC rider.

**Execution of the HAP Contract [24 CFR 983.204]**

For the RAD PBV program:

When the conditions of the CHAP and the RCC are met and the conversion has closed, ECC/HANH executes the HAP contract. The HAP contract effective date is the date of the financial closing for the property, whether or not all units meet HQS.

**Term of HAP Contract [24 CFR 983.205]**

For the RAD PBV program:

The initial term of the HAP Contract may not be for less than 15 years, and may be for a term of up to 20 years upon request of the owner and with approval of the administering voucher agency. Upon expiration of the initial term of the contract, and upon each renewal term of the contract, the owner must accept each offer to renew the contract, subject to the terms and conditions applicable at the time of each offer, and further subject to the availability of appropriations for each year of each such renewal.

***Termination by ECC/HANH [24 CFR 983.205(c)]***

No changes to this section.

***Termination by Owner [24 CFR 983.205(d)]***

This section does not apply to the RAD PBV program.

**Statutory Notice Requirements: Contract Termination or Expiration [24 CFR 983.206]**

This section does not apply to the RAD PBV program.

**Remedies for HQS Violations [24 CFR 983.208(b)]**

No changes to this section.

**17-V.C. AMENDMENTS TO THE HAP CONTRACT**

**Substitution of Contract Units [24 CFR 983.207(a)]**

For the RAD PBV program:

In certain mixed finance projects, ECC/HANH may ask HUD permission to have assistance float among unoccupied units within the project that are the same bedroom size. The unit to which assistance is floated must be comparable to the unit being replaced in quality and amenities. For 504 accessible units, assistance may only float to another 504 accessible unit with the same bedroom size and features.

If ECC/HANH chooses to float units, units are not specifically identified on the HAP contract, rather the HAP contract must specify the number and type of units in the property that are RAD PBV units, including any excepted units. The property must

maintain the same number and type of RAD units from the time of the initial HAP contract execution forward.

ECC/HANH may not reduce the number of assisted units without HUD approval. Any HUD approval of ECC/HANH's request to reduce the number of assisted units under is subject to conditions that HUD may impose. MTW agencies may not alter this requirement.

**Addition of Contract Units [24 CFR 983.207(b)]**

For the RAD PBV program:

Project owners are required to make available for occupancy by eligible tenants the number of assisted units under the terms of the HAP contract.

**17-V.D. HAP CONTRACT YEAR, ANNIVERSARY AND EXPIRATION DATES [24 CFR 983.207(b) and 983.302(e)]**

For the RAD PBV program, the following is amended to read:

The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

There is a single annual anniversary and expiration date for all units under a particular HAP contract. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under contract.

**17-V.E. OWNER RESPONSIBILITIES UNDER THE HAP [24 CFR 983.210]**

No changes to this section.

**17-V.F. ADDITIONAL HAP REQUIREMENTS**

**Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.208(a)]**

This section does not apply to the RAD PBV program.

**Vacancy Payments [24 CFR 983.352(b)]**

No changes to this section.

**Riders and Amendments**

Various riders amend the PBV HAP contract for RAD conversions. The riders are important component of the RAD HAP contracts, and just like exhibits, must be attached to the contract.

## **PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS**

### **17-VI.A. OVERVIEW**

No changes to this section.

### **17-VI.B. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]**

No changes to this section.

#### **In-Place Families [24 CFR 983.251(b)]**

For the RAD PBV program:

For the RAD PBV program, in-place families means a family who lived in a pre-conversion property at the time assistance was converted from public housing to PBV under RAD.

For the LIHTC program:

The LIHTC program does not recognize protections for existing residents. In order for a unit to qualify as an LIHTC unit, the family must be under the applicable MTSP income limit.

### **17-VI.C. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]**

For the RAD PBV program:

ECC/HANH must offer families on a public housing site-based waiting list, priority for occupancy at the converted site.

ECC/HANH must maintain the site-based waiting list in accordance with all applicable civil rights and fair housing regulations found at 24 CFR 903.7(b)(2)(ii)-(iv). ECC/HANH must provide applicants full information about each development including an estimate of the wait time, location, occupancy, number and size of accessible units, amenities like day care, security, transportation and training programs at each development with a site-based waiting list.

The system for selection from site-based waiting lists must be consistent with all applicable civil rights and fair housing laws and regulations and may not be in conflict with any imposed or pending court order, settlement agreement or complaint brought by HUD.

ECC/HANH must assess any changes in racial, ethnic or disability-related tenant composition at each ECC/HANH site that may have occurred during the implementation of the site-based waiting list, based on confirmed and accurate PIC occupancy data. At least every three years, ECC/HANH must use independent testers to assure that the site-based system is not being implemented in a discriminatory manner.

Since HANH currently maintains a project-specific waiting list for public housing, a project-specific waiting list will be used after conversion for RAD PBV units. Applicants on the original site-based public housing waiting list will maintain their date and time of

application upon conversion. Applicants will be transferred to the project specific PBV waiting list.

**17-VLD. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]**

**Admission Preferences for RAD Project Based Voucher Units**

Only elderly families may be admitted to units or buildings covered by a HUD approved Elderly Housing Designation Plan prior to date of conversion to project based rental assistance. The buildings and units covered by a HUD-approved elderly housing designation plan are set forth below.

When there are insufficient Elderly families on the waiting list, Near Elderly families (head or household or spouse ages 50 to 61) may receive a priority for this type of unit if the approved Plan for designation so specified.

The Owner must give preference to Elderly families and Disabled families equally in determining priority for admission to following development that were classified as Mixed Population developments prior to conversion: Charles McQueeney, Fairmont Heights, Ruoppolo Manor, Robert T. Wolfe, and Winslow Celentano. The owner must provide preference for the Elderly for the following units and unit mix at Elderly Designated developments.

**Elderly Designated Unit Mix Prior to Conversion to Project-based Rental Assistance**

<b>NUMBER OF BEDROOMS</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>TOTAL</b>
Prescott Bush	20	25	5	0	0	0	0	50
Katherine Harvey Terrace	0	12	0	0	0	0	0	12
Newhall Gardens	0	23	0	0	0	0	0	23
C.B. Motley	8	34	0	0	0	0	0	42
122 Wilmot		25	1					26
<b>TOTAL</b>	28	119	6	0	0	0	0	153

The Owner may not establish a limit on the number of Elderly families or Disabled families who may be accepted for occupancy in a development that was Mixed Population development prior to conversion. In selecting Elderly families and Disabled families to occupy units in mixed population developments, the owner must first offer units that have special accessibility features for persons with disabilities to families who include persons



with disabilities who require the accessibility features of such units (see §§ 8.27 and 100.202 of this Part 24 CFR title).”

### **Waiting Lists for Converted Units**

The Owner shall use the ECC/HANH site based waiting for each developments list used by it prior to conversion for the selection of occupants post-conversion, except for units that have special accessibility features for persons with disabilities who require the accessibility features of such units (see §§ 8.27 and 100.202 of Part 24 CFR).”

Occupants of units with accessibility features shall be selected from

- (1) a current occupant of another unit of the same project, or comparable projects under common control, having disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features, or, if no such occupant exists, then
  - (2) a current occupant of a LIPH, PBV or RAD/PBV unit from the Reasonable Accommodation Transfer List
- (2) to an eligible qualified applicant on the Agency wide Accessible Waiting List having a disability requiring the accessibility features of the vacant unit.

With respect to units where preference for occupancy shall be to the elderly or to the elderly and disabled on an equal basis, the Authority shall transfer each site based waiting list to the owner and the Owner shall manage each list in accordance with the Authority-approved resident selection plan. The Owner shall select occupants from these lists until all applicants on these lists shall have been either offered a unit, withdrawn or removed, or rejected for admission. The Owner shall maintain its site based waiting list once these requirements have been met.

### **Income Targeting [24 CFR 983.251(c) (6)]**

For the RAD PBV program:

Families in place at the time of the conversion are exempt from income targeting requirements. New admissions follow standard PBV requirements.

This section does not apply to the LIHTC program.

### **Units with Accessibility Features [24 CFR 983.251(c) (7)]**

No changes to this section.

### **Preferences [24 CFR 983.251(d), FR Notice 11/24/08]**

No changes to this section.

For the RAD PBV program:

If the converted project will serve a different population than the one served by the original project, ECC/HANH must obtain written HUD approval.

## **17-VI.E. OFFER OF PBV ASSISTANCE**

### **Refusal of Offer [24 CFR 983.251(e) (3)]**

No changes to this section.

### **Disapproval by Landlord [24 CFR 983.251(e) (2)]**

No changes to this section.

### **Acceptance of Offer [24 CFR 983.252]**

#### **TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL**

##### **ECC/HANH Policy**

The unit offer letter will inform the applicant of the unit being offered. The unit offer letter will include an appointment date and time, to meet with the Property Manager to view the unit. The letter will state that the applicant must accept or reject the unit offer within 3 business days after viewing the unit.

If the applicant does not accept the unit offer within the 3 business day time limit, the Owner will consider the offer rejected.

Lease-up effective date will be within two weeks of unit acceptance. Extension of the move in date is subject to approval by the Owner. A maximum of a one-week extension will be granted, ensuring that lease-up will take place no more than three weeks after unit acceptance, provided that unit is ready.

## **17-VI.F. OWNER SELECTION OF TENANTS**

No changes to this section.

### **Leasing [24 CFR 983.253(a)]**

No changes to this section.

### **Filling Vacancies [24 CFR 983.254(a)]**

No changes to this section.

### **Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)]**

For RAD PBV:

ECC/HANH may not reduce the number of assisted units without HUD approval. Any HUD approval of an ECC/HANH's request to reduce the number of assisted units under is subject to conditions that HUD may impose. MTW agencies may not alter this requirement.

This section does not apply to the LIHTC program.

## **17-VI.G. TENANT SCREENING [24 CFR 983.255]**

No changes to this section.

### **Owner Responsibility**

No changes to this section.

## **PART VII: OCCUPANCY**

### **17-VII.A. OVERVIEW**

No changes to this section.

### **17-VII.B. LEASE [24 CFR 983.256]**

No changes to this section.

#### **Form of Lease [24 CFR 983.256(b)]**

No changes to this section.

#### **Lease Requirements [24 CFR 983.256(c)]**

No changes to this section.

For the RAD PBV program:

ECC/HANH must include resident procedural rights for termination notification and grievance procedures in the owner's lease. These requirements are not part of the regular PBV program but are required under RAD. An example of language that may be included can be found in Attachment-1E of PIH 2012-32, REV-2.

#### **Tenancy Addendum [24 CFR 983.256(d)]**

No changes to this section for the RAD PBV program.

This section does not apply to the LIHTC program.

#### **Initial Term and Lease Renewal [24 CFR 983.256(f)]**

No changes to this section.

For the RAD PBV program:

Leases for residents who will remain in place (i.e., who will not be relocated solely as a result of conversion) must have an effective date that coincides with — and must be signed on or before — the effective date of the RAD PBV HAP contract.

#### **Changes in the Lease [24 CFR 983.256(e)]**

No changes to this section.

#### **Owner Termination of Tenancy [24 CFR 983.257]**

No changes to this section.

For the RAD PBV program:

Projects converting from public housing to PBV under RAD have additional procedural rights that do not apply to the standard PBV program. These procedural rights must be included in the owner's lease as well as ECC/HANH's administrative plan. In addition to the regulations at 24CFR 983.257 related to project owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD

conversions to PBV will require that ECC/HANH provide adequate written notice of termination of the lease which shall not be less than:

A reasonable period of time, but not to exceed 30 days:

- If the health or safety of other tenants, ECC/HANH employees, or persons residing in the immediate vicinity of the premises is threatened; or
- In the event of any drug-related or violent criminal activity or any felony conviction;
- 14 days in the case of nonpayment of rent; and
- 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

Unlike in the standard PBV program, residents in converted projects have the right to request an informal hearing for issues that adversely affect the resident's rights, obligations, welfare, or status with both the ECC/HANH and the project owner. See Chapter 16

## **PART VIII: TERMINATION OF TENANCY**

This section does not apply to the LIHTC program. Neither the state of Connecticut's LIHTC compliance manual nor the IRS Code discusses termination of tenancy. Termination of tenancy in the LIHTC program must comply with the state of Connecticut's landlord/tenant law. In addition, federal VAWA requirements apply to the LIHTC program.

### ***Non-Compliance with Supportive Services Requirement [24 CFR 983.257(c), FR Notice 11/24/08]***

For the RAD PBV program:

Under RAD, the requirement that a family must actually receive services to reside in a unit where families receive supportive services differs. Families living in units that will convert under RAD must be given the option to receive supportive services. If such services are declined by the household, the unit shall remain under the HAP contract, the household shall not be terminated from the PBV program, and the decision to decline an offer to receive supportive services shall not represent a ground for lease termination. Once the initial household residing in the excepted unit under RAD vacates such unit, all PBV program requirements related to the required receipt of supportive services shall apply.

This section does not apply to the LIHTC program.

### ***Tenant Absence from the Unit [24 CFR 983.256(g) and 982.312(a)]***

No changes to this section for the RAD PBV program.

This section does not apply to the LIHTC program.

### **Continuation of Housing Assistance Payments [24 CFR 982.258]**

For the RAD PBV program:

Current residents living in the property prior to conversion are placed on and remain under the HAP contract when TTP equals or exceeds gross rent. In this case, the family will pay with owner an amount equal to their TTP. The family will continue to pay this amount until/if circumstances change and HAP is paid on their behalf. In other words, assistance may subsequently be reinstated if the tenant becomes eligible for assistance. In such cases, the resident is still considered a program participant. All of the family obligations and protections under RAD and standard PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract.

Following conversion, the standard PBV regulations apply to any new families follow this section as written.

This section does not apply to the LIHTC program.

### **Security Deposits [24 CFR 983.259]**

For the RAD PBV program:

Owners are permitted to recognize security deposit amounts that have been previously provided by tenants who are in-place at the time of the RAD conversion. Otherwise the security deposit requirements for standard PBV apply.

This section does not apply to the LIHTC program.

### **FSS and ROSS Programs**

Public housing residents that are current FSS participants continue to be eligible for FSS once after conversion. ECC/HANH is allowed to use any remaining PH FSS funds to serve participants living in converted units.

Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the FY15 Appropriations Act), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD. However, ECC/HANH should note that there are certain FSS requirements (e.g. escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV program or a public housing resident, and ECC/HANH must follow such requirements accordingly.

ECC/HANH will be required to administer the FSS program in accordance with FSS regulations at 24 CFR Part 984, the participants' contracts of participation, and the alternative requirements established in the "Waivers and Alternative Requirements for the FSS Program" Federal Register notice, published on December 29, 2014, at 79 FR 78100. Further, upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents.

This section does not apply to the LIHTC program.

### **Resident Participation & Funding**

Covered Projects with converted PBV assistance have the right to establish and operate a resident organization to address issues related to their living environment and are eligible for resident participation funding. The public housing rules governing resident organizations at 24 CFR 964 do not apply. Funding for resident organizations is \$25 per occupied unit per year for resident participation. These funds come from the property's operating budget, and \$15 of these funds must be provided to legitimate resident organizations. These are defined as organizations that:

- Have been established by the residents of a Covered Project;
- Meets regularly;
- Operates democratically
- Is representative of all residents in the project;
- Is completely independent of the Project Owner, management, and their representatives.

If a legitimate resident organization does not exist, the owner and residents should work together should work together and may form a new resident organization.

This section does not apply to the LIHTC program.

## **17-VIII.A. MOVES**

For the RAD PBV program:

All in-place tenants at the time of conversion are eligible to remain in the project. Over-housed families should be moved into appropriately sized units if such units are available in the new or rehabbed project. If appropriately sized units are not available, the existing tenants may continue to be over-housed until an appropriately sized unit becomes available or until the tenant leaves the project. Once the unit turns over, it must be leased to an appropriately sized family.

Following conversion, the standard PBV regulations apply to any new families follow this section as written.

For the LIHTC program:

See Chapter 10 **MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY.**

### **Family Right to Move [24 CFR 983.261]**

No changes to this section.

For the RAD PBV program:

Under RAD, ECC/HANH has the option to establish a turnover cap for choice mobility. ECC/HANH must include this policy in the administrative plan if it chooses to adopt a turnover cap. If, as a result of RAD, the total number of PBV units (including RAD PBV units) administered by ECC/HANH exceeds 20 percent of ECC/HANH's authorized units under its HCV ACC with HUD, ECC/HANH may establish a turnover cap. ECC/HANH is not required to provide more than three-quarters of its turnover vouchers in any single year to the residents of covered projects. If ECC/HANH chooses to establish a turnover cap and the cap is implemented, ECC/HANH must create and maintain a waiting list in the order requests from eligible households were received.

#### **17-VIII.B. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.262]**

No changes to this section.

This section does not apply to the LIHTC program.

#### **PART IX: DETERMINING RENT TO OWNER**

For the RAD PBV program:

RAD conversions are intended to be cost neutral, and therefore, should not exceed current public housing funding as adjusted for unit size. Since public housing units do not currently have contract rents, HUD provides an estimate of current contract rents for each of ECC/HANH's public housing units based on current funding as adjusted by bedroom size. Current funding includes operating subsidy, tenant rents, capital funds, and replacement housing factor funds. The funding may limit the amount of initial rent for a property. Additionally, agencies may bundle rents and MTW agencies have additional flexibilities when setting rents. Notwithstanding HUD's calculation or any flexibility allowed to ECC/HANH in setting rents, contract rents are subject to the statutory and regulatory standard PBV requirements governing contract rents. A detailed explanation of the determination of current funding may be found in Attachment 1C of PIH 2012-32, Rev-2.

This part does not apply to the LIHTC program. In the LIHTC program:

Rents are not income-based. Units qualifying for LIHTC are subject to rent restrictions that set a maximum gross rent that may be charged. The maximum gross rent equals the tenant portion of rent plus the cost of tenant-paid utilities (the utility allowance) and any other non-optional charges. If tenants are overcharged, the unit is in noncompliance and recapture of credits may occur. In units that receive Section 8 (i.e. PBV and HCV) if the

tenant portion of rent increases above the LIHTC maximum gross rent, thereby reducing the Section 8 subsidy, the higher rent may be charged.

#### **17-IX.A. RENT LIMITS [24 CFR 983.301]**

For the RAD PBV program:

Notwithstanding the current funding level, the initial rents are set at the lower of:

- 110% of the fair market rent (FMR) or ECC/HANH's exception payment standard approved by HUD, or the alternate rent cap in an ECC/HANH's MTW agreement
- Reasonable rent in comparison to the unassisted housing market
- An amount determined by current funding
- Adjusted through rent bundling or reconfiguration of units

#### **Certain Tax Credit Units [24 CFR 983.301(c)]**

No changes to this section.

#### **Reasonable Rent [24 CFR 983.301(e) and 983.302(c) (2)]**

No changes to this section.

#### **Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)]**

For the RAD PBV program:

This section does not apply to the RAD PBV program. For detailed information on setting initial contract rents, see Attachment 1C of Notice PIH 2012-32, REV-2.

#### **Redetermination of Rent [24 CFR 983.302]**

This section does not apply to the RAD PBV program.

#### ***Rent Increase***

For the RAD PBV program:

Unlike in the standard PBV program, in the RAD PBV program, contract rents are adjusted by HUD's operating cost adjustment factor (OCAF) at the anniversary date of the HAP contract (subject to the availability of appropriations for that year). However, contract rents may not exceed the reasonable rent, with the exception that the contract rent for each unit may not be reduced below the initial contract rent under the initial HAP contract.



However, the rent to owner may fall below the initial contract rent in the following situations:

- To correct errors in calculations in accordance with HUD requirements;
- If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to § 983.55 (Prohibition of excess public assistance); or
- If a decrease in rent to owner is required based on changes in the allocation of responsibility for utilities between the owner and the tenant.

The contract rent adjustment will be the lesser of:

- The current contract rent increased by the operating cost adjustment factor (OCAF), which is published annually in the Federal Register
- The reasonable rent

Year 1: Any recertification (interim or annual) performed prior to the second - annual recertification after conversion – 20 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 2: Year 2 annual recertification and any interim recertification prior to year 3 annual recertification – 25 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 3: Year 3 annual recertification and any interim recertification prior to year 4 annual recertification – 33 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 4: Year 4 annual recertification and any interim recertification prior to year 5 annual recertification – 50percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 5: Year 5 annual recertification and all subsequent recertifications – Full Calculated PBV TTP.

### ***Rent Decrease***

For the RAD PBV program:

Rents must not be reduced below the initial rent except to correct errors, for additional subsidy to the property, or to realign utility responsibilities.

### ***Notice of Rent Change***

For the RAD PBV program:

Rent adjustments are made on the contract anniversary date for all PBV units. Adjusted rents may not exceed the lower of the reasonable rent, or the contract rent increased by the operating cost adjustment factor (OCAF), except if the rent increase would result in a rent below the initial rent. Rents must not fall below the initial contract rent.

### **ECC/HANH Owned Units [24 CFR 983.301(g)]**

For the RAD PBV program, the following is amended to read:

For ECC/HANH-owned PBV units, the initial rent to owner and the annual redetermination of rent at the anniversary of the HAP contract are determined by the independent entity approved by HUD.

## **PART X: PAYMENTS TO OWNER**

This part does not apply to the LIHTC program.

### **17-X.A. HOUSING ASSISTANCE PAYMENTS [24 CFR 983.351]**

No changes to this section.

For a discussion of funding during the first year after the conversion for units converting to PBV under RAD, see Notice PIH 2012-32, REV-2.

### **17-X.B. VACANCY PAYMENTS [24 CFR 983.352]**

No changes to this section.

### **17-X.C. TENANT RENT TO OWNER [24 CFR 983.353]**

No changes to this section.

For the RAD PBV program, add:

Once the contract rent is established, the standard PBV rent determination rules apply when calculating the family's share of the rent with one exception.

If an existing tenant's rent increases as a result of a RAD conversion by more than the greater of 10 percent or \$25, the rent increase must be phased in over 3 or 5 years or a combination depending on circumstances. ECC/HANH must establish the length of the phase in period in their administrative plan and must be in place at the time of conversion and may not be modified after the conversion date. Once the tenant's TTP is calculated as equal to or less than the previous TTP (or flat rent, if in Year 1 of the phase-in), the phase-in ends and tenants will pay full TTP from that point forward. For example, if a tenant's previous TTP was \$300 and their new (standard) TTP is reduced to \$200 because of loss of income, the tenant's rent will no longer be phased in.

#### ECC/HANH Policy

##### Option 1

##### **Three-Year Phase-in:**

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the standard TTP.
- Year 2: Annual recertification and any interim recertification prior to Year 3 annual recertification – 66% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 annual recertification and all subsequent recertifications – Full standard TTP.

## Option 2

### **Five-Year Phase-in:**

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the standard TTP.
- Year 2: Annual recertification and any interim recertification prior to Year 3 annual recertification – 40% of difference between most recently paid TTP and the standard TTP.
- Year 3: Annual recertification and any interim recertification prior to Year 4 AR – 60% of difference between most recently paid TTP and the standard TTP.
- Year 4: Annual recertification and any interim recertification prior to Year 5 annual recertification – 80% of difference between most recently paid TTP and the standard TTP.
- Year 5 annual recertification- Full standard TTP

### **Tenant and ECC/HANH Responsibilities**

No changes to this section.

### **Utility Reimbursements**

No changes to this section.

## **17-X.D. OTHER FEES AND CHARGES [24 CFR 983.354]**

No changes to this section.

### **Other Charges by Owner**

No changes to this section.