ADMISSION AND CONTINUED OCCUPANCY POLICIES

HOUSING AUTHORITY OF THE CITY

OF

BRADENTON, FLORIDA

Approved by Board Resolution No:

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ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the Housing Authority of the City of Bradenton’s policies for the operation of the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

1.0 FAIR HOUSING & GENERAL ADMINISTRATIVE ISSUES

It is the policy of the Housing Authority of the City of Bradenton to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. The Housing Authority of the City of Bradenton shall affirmatively further fair housing in the administration of its public housing program.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Housing Authority of the City of Bradenton’s programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority of the City of Bradenton will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Housing Authority of the City of Bradenton office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo. The Housing Authority of the City of Bradenton will assist any family that believes they have suffered illegal discrimination by providing the family with copies of the appropriate housing discrimination forms. The Housing Authority of the City of Bradenton will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

All request for copies of documentation from the participant file must be submitted in writing by the head or co-head of household. The HACB will require a copy of a valid photo identification of the head or co-head of household before it releases any documents for a participant file. All written request for copies of documents from the participant file will be processed within 24 hours of receipt.

The HACB will charge fifteen cents for a one-sided copy and thirty cents for one two-sided copy.

Payment for copies must be received prior to the release of requested documents.
2.0 REASONABLE ACCOMMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Housing Authority of the City of Bradenton housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Housing Authority of the City of Bradenton will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Housing Authority of the City of Bradenton will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

2.1 COMMUNICATION

Anyone requesting an application will also receive a Request for Reasonable Accommodation form. Notifications of reexamination, inspection, an appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting a reasonable accommodation. All decisions granting or denying requests for reasonable accommodations will be in writing.

2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

A. Is the requestor a person with disabilities? For this purpose the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. (The disability may not be apparent to others, i.e., a heart condition.)

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the Housing Authority of the City of Bradenton will obtain verification that the person requesting the accommodation is a person with a disability.

B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the
answer to this question is yes. If it is not apparent, the Housing Authority of the City of Bradenton will obtain documentation that the requested accommodation is needed due to the disability. The Housing Authority of the City of Bradenton will not inquire as to the nature of the disability.

C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The Housing Authority of the City of Bradenton's business is housing. If the request would alter the fundamental business that the Housing Authority of the City of Bradenton conducts, that would not be reasonable. For instance, the Housing Authority of the City of Bradenton would deny a request to have the Housing Authority of the City of Bradenton do grocery shopping for a person with disabilities.

2. Would the requested accommodation create an undue hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Housing Authority of the City of Bradenton may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally the individual knows best what it is he or she needs; however, the Housing Authority of the City of Bradenton retains the right to be shown how the requested accommodation enables the individual to access or use the Housing Authority of the City of Bradenton’s programs or services.

If more than one accommodation is equally effective in providing access to the Housing Authority of the City of Bradenton’s programs and services, the Housing Authority of the City of Bradenton retains the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the Housing Authority of the City of Bradenton if there is no one else willing to pay for the modifications. If another party pays for the modification, the Housing Authority of the City of Bradenton will seek to have the same entity pay for any restoration costs.

If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, the Housing Authority of the City of Bradenton will generally approve such request if it does not violate codes or affect the structural integrity of the unit. Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e., allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

2.3 LIVE-IN AIDE

Reasonable accommodation may be approved for a Live-In Aide. A live-in aide is a person who resides **permanently** with one or more elderly persons, near-elderly persons or
persons with disabilities and who is: (1) determined to be essential to and qualified to provide for the care and well-being of the persons; (2) not obligated for the support of the persons; and (3) would not be living in the unit except to provide the necessary supportive services. A live-in aide is not a member of the assisted family and is not entitled to the unit as the remaining member of the tenant family and is not entitled to have their own bedroom.

The Housing Authority must approve the person identified as the live-in aide. The Housing Authority may disapprove such a person if she/he (1) has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; (2) has committed drug-related criminal activity or violent criminal activity; (3) does not pass any other background screening criteria contained in the Housing Authority of the City of Bradenton’s ACOP; or (4) currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or Public Housing Assistance under the United States Housing Act of 1937.

The Housing Authority will not approve an unidentified live-in aide and will not approve a larger unit than the family qualifies for under the Housing Authority’s subsidy standards until the live-in aide has been identified by the family and approved by the Housing Authority.

Intermittent, multiple or rotating care givers do not meet the definition of a live-in aide since they do not permanently reside with the family and an additional bedroom will not be approved. A caregiver/caretaker is not automatically synonymous with live-in aide. A tenant or applicant requesting a live-in aide will be asked to show a bona-fide need and that care provided by the live-in aide is an “arms-length transaction.” The tenant or applicant will need to show that the live-in aide is qualified to provide the care, there is no other reason for the aide to reside in the unit, and the aide and participant will maintain separate finances.

3.0 SERVICES FOR LIMITED-ENGLISH PROFICIENCY APPLICANTS AND RESIDENTS

The Housing Authority of the City of Bradenton shall do its best, within reason, to assist people with Limited English Proficiency (LEP). This shall be accomplished by assessing the need of LEP persons using the four factors described in the January 22, 2007 Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons Notice published in the Federal Register. The Housing Authority of the City of Bradenton shall balance these factors in deciding what to do:

A. The number or proportion of LEP persons served or encountered in the eligible service area;
B. The Frequency with which LEP individuals come in contact with the program;

C. The nature and importance of the program, activity, or service provided by the program; and

D. The resources available to the Housing Authority and costs.

Depending upon what this analysis reveals, the Housing Authority of the City of Bradenton may or may not prepare a Language Access Plan (LAP). If a LAP is needed, the guidance outlined in the above reference Notice shall be utilized. In addition, the Housing Authority of the City of Bradenton will endeavor to have bilingual staff or access to people who speak languages other than English.

4.0 FAMILY OUTREACH

The Housing Authority of the City of Bradenton will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means. To reach people who cannot or do not read the newspapers; the Housing Authority of the City of Bradenton will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The Housing Authority of the City of Bradenton will also try to utilize public service announcements.

The Housing Authority of the City of Bradenton will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program. The objective of this effort is to develop a waiting list that is representative of our low-income community. A particular emphasis will be placed on attracting eligible individuals and families least likely to apply for public housing.

5.0 RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to annually sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement. Any request for applicant or tenant information will not be released unless there is a written release of information request from the applicant or tenant.

6.0 REQUIRED POSTINGS

In each of its offices, the Housing Authority of the City of Bradenton will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:
A. Statement of Policies and Procedures governing Admission and Continued Occupancy

B. Notice of the status of the waiting list (opened or closed)

C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours

D. Income Limits for Admission

E. Excess Utility Charges

F. Utility Allowance Schedule

G. Current Schedule of Routine Maintenance Charges

H. Dwelling Lease

I. Grievance Procedure

J. Fair Housing Poster

K. Equal Opportunity in Employment Poster

7.0 TAKING APPLICATIONS

Families wishing to apply for the Public Housing Program will be required to complete a pre-application for housing assistance. Pre-Applications will be accepted using various means but only during dates and times as posted on our website and advertised in an area newspaper of general circulation.

Assistance or exceptions to the taking application policy will be made for those claiming disabilities. Persons with disabilities who require a reasonable accommodation in completing a pre-application may call the Housing Authority of the City of Bradenton to make special arrangements. Applicants who are deaf, hard-of-hearing or speech impaired are encouraged to dial the national “711” Telecommunication Relay Service and be prepared to give the relay service the Housing Authority of the City of Bradenton’s number of (941) 748-5568.

Pre-applications are taken to compile a waiting list. Due to the demand for housing in the Housing Authority of the City of Bradenton jurisdiction, the Housing Authority of the City of
Bradenton may take pre-applications on an open enrollment basis, depending on the length of the waiting list. Completed pre-applications will be accepted from all applicants. Only one pre-application will be accepted per household. The Housing Authority of the City of Bradenton will verify the information. The completed pre-application will be dated and time stamped upon submission to the Housing Authority of the City of Bradenton.

The application process will involve two phases. The first phase is the initial pre-application for housing assistance. The pre-application requires the family to provide limited basic information (i.e. family composition, income, etc.).

Upon receipt of the family's pre-application, the Housing Authority of the City of Bradenton will make a preliminary determination of eligibility. This first phase results in an “apparently eligible” family's placement on the wait list. A family may check its status and position on the wait list by calling 941-748-5568.

The apparently eligible applicant placed on the wait list must report changes in writing regarding their applicant status, including changes in family composition, address, contact information and income. The HOUSING AUTHORITY OF THE CITY OF BRADENTON provides preferences for housing selection, so it is important to provide information that changes the applicant's preference status and position on the wait list. The HOUSING AUTHORITY OF THE CITY OF BRADENTON will annotate the applicant's file and will update the applicant's place on the wait list. No changes will be taken over the phone.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the wait list. The Housing Authority of the City of Bradenton will ensure that verification of all preferences, eligibility, suitability and selection factors are current (less than 90 calendar days old) in order to determine the family's final eligibility for admission into the Public Housing Program.

8.0 ELIGIBILITY FOR ADMISSION

8.1 INTRODUCTION

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the Housing Authority of the City of Bradenton screening criteria in order to be admitted to public housing.

8.2 ELIGIBILITY CRITERIA
A. **Family Status** - All families must have a Head of Household. A family is defined as a person or group of persons, consistent with 24 CFR 5.403, that includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

1. **A family with or without children.**
   a. Children temporarily absent from the home due to placement in foster care are considered family members.
   b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

2. **An elderly family,** which is:
   a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
   b. Two or more persons who are at least 62 years of age living together; or
   c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. **A near-elderly family,** which is:
   a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
   b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
   c. One or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

4. **A disabled family,** which is:
   a. A family whose head, spouse, or sole member is a person with disabilities;
   b. Two or more persons with disabilities living together; or
   c. One or more persons with disabilities living with one or more live-in aides.
   d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
5. **A displaced family**, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

6. **A remaining member of a tenant family** is a family member of an assisted family who remains in the unit when other family members have left the unit.

7. **A single person** who may be an elderly, displaced person, a person with disabilities, near-elderly, remaining member of a tenant family, or any other single person.

B. **Income Eligibility**

1. To be eligible for admission to developments or scattered-site units, the family’s annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area. If the property has Low Income Housing Tax Credits on it, a lower income cap will apply.

2. Income limits apply only at admission and are not applicable for continued occupancy.

3. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the Housing Authority of the City of Bradenton.

4. If the Housing Authority of the City of Bradenton acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing residents.

5. Income limit restrictions do not apply to families transferring within our Public Housing Program.

6. The Housing Authority of the City of Bradenton may allow police officers who would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. Their rent shall at least equal the cost of operating the public housing unit.

7. If there are no eligible families on the waiting list and the Housing Authority of the City of Bradenton has published a 30-calendar day notice of available units in at least one newspaper of general circulation, families above the applicable income limit may be housed. They must vacate the unit if an eligible family applies.
C. **Citizenship/Eligibility Status**

1. To be eligible for public housing each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

2. Family eligibility for assistance.
   a. A family shall not be eligible for assistance unless at least one member of the family residing in the unit is determined to have eligible status, with the exception noted below.

   b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance (See Section 13.6 for calculating rents under the non-citizen rule).

   c. A family without any eligible members and receiving assistance on June 19, 1995, may be eligible for temporary deferral of termination of assistance.

D. **Social Security Number Documentation**

To be eligible, all family members must provide a Social Security number or certify that they do not have one. Adults must certify for minors.

E. **Signing Consent Forms**

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.

2. The consent form must contain, at a minimum, the following:
   a. A provision authorizing HUD or the Housing Authority of the City of Bradenton to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;

   b. A provision authorizing HUD or the Housing Authority of the City of Bradenton to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family’s eligibility or level of benefits;

d. A statement allowing the Housing Authority of the City of Bradenton permission to access the applicant’s criminal record with any and all police and/or law enforcement agencies, and

e. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

F. **Special College Student Eligibility Rules**

- In order to be eligible for public housing, college students living outside their parents or guardians homes must have established a separate household for at least one year prior to applying to the public housing program. This will be verified by presenting to the Housing Authority of the City of Bradenton evidence of the establishment of the separate household.

- The college student must not be claimed as a dependent by parents or guardians on their IRS returns. This will be verified by examining the student’s IRS return for the previous year. The Housing Authority of the City of Bradenton will examine the box that asks if someone else claimed them on their tax return.

- The college student must not be claimed as a dependent by parents or guardians on their IRS returns. This will be verified by examining the student’s IRS return for the previous year. The Housing Authority of the City of Bradenton will examine the box that asks if someone else claimed them on their tax return.

- If the student is receiving an athletic scholarship that includes over $5000 a year for housing costs, the student shall not be eligible for public housing.

### 8.3 SUITABILITY

A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in compliance with the public housing lease. The Housing Authority of the City of Bradenton will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family’s admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, Housing Authority of the City of Bradenton employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.
B. The Housing Authority of the City of Bradenton will consider objective and reasonable aspects of the family's background, including the following:

1. History of meeting financial obligations, especially rent and any utility payments;

2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;

3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;

4. History of disturbing neighbors or destruction of property;

5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and

6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

C. The Housing Authority of the City of Bradenton will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Housing Authority of the City of Bradenton will verify the information provided. Such verification may include but may not be limited to the following:

1. A credit check of the head, spouse, co-head, and any other adult family members;

2. A rental history check of all adult family members. If landlord references are not available due to applicant owning a home but losing it to foreclosure or applicant being a young adult who has only lived with parents, or a similar situation, a personal reference will be required.

3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the Housing Authority of the City of Bradenton may contact law enforcement agencies where the individual had lived or request a check through the FBI’s National Crime Information Center (NCIC). This criminal background check will proceed after each adult household member
has signed a consent form designed by the Housing Authority of the City of Bradenton. The information received as a result of the criminal background check shall be used solely for screening, lease enforcement and eviction purposes. The information derived from the criminal background check shall be shared only with employees of the Housing Authority of the City of Bradenton who have a job-related need to have access to the information. The information shall be maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose(s) for which it was requested has been accomplished and the period for filing a challenge to the Housing Authority of the City of Bradenton’s action has expired without a challenge or final disposition of any litigation has occurred;

4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and

5. A check of the State’s lifetime sex offender registration program for each adult household member, including live-in aides. No household with an individual registered under a State sex offender registration will be admitted to public housing. The Housing Authority of the City of Bradenton will check with our State registry and if the applicant has resided in another State(s), with that State(s)’s list.

**Waivers for families with verifiable “Homeless” preference:**

a. Leniency on past evictions (except previous housing agencies or subsidized housing)

b. Past drug charges waived with verifiable drug certification

c. Utility collections for electric and gas must be clear for HOH unless another eligible adult is in household

If an applicant is about to be denied housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the denial or eviction occurs.

**8.4 GROUNDS FOR DENIAL**

The Housing Authority of the City of Bradenton may, at its discretion, deny admission to its Public Housing Program for any of the following

A. HACB determines any household member is currently engaged in illegal use of a drug. For purposes of this section, a member is “currently engaged in” the criminal activity if the person has engaged in this behavior recently enough to justify a reasonable belief that the behavior is current.
B. HACB determines it has reasonable cause to believe a household member’s illegal drug use or pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

C. Any family member has ever been convicted of manufacturing or producing methamphetamine in a public housing development, in a Section 8 assisted property, or on the premises of other federally assisted housing. Denial is for Life.

D. Any family member has a lifetime registration under a State sex offender registration program. Denial is for Life.

E. HACB determines it has reasonable cause to believe a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

F. Household does not supply information or documentation required by the application process, such as executed consent forms, evidence of citizenship or eligible immigration status.

G. Any family member has been evicted from federally assisted housing for drug-related criminal activity within three years. However, HACB may admit the household if HACB determines:
   1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HACB; or
   2. Circumstances leading to the eviction no longer exist (for example, criminal household member has died or is imprisoned.)

In addition, the Housing Authority of the City of Bradenton will reject applicants by authority provided to the Housing Authority under CFR 24 §960.203 and §960.204 when applicant or any family member:

A. Does not meet any one or more of the eligibility criteria;

B. Has been evicted from federally assisted housing for drug-related criminal activity within three years. The three (3) year limit is based on the date of such eviction, not the date the crime was committed. However, HACB may admit the household if HACB determines:
   1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HACB; or
   2. Circumstances leading to the eviction no longer exist (for example, criminal household member has died or is imprisoned.)
C. Fails to respond to a written request for information or a request to declare their continued interest in the program or fail to complete any aspect of the application or lease-up process;

D. Has a history of not meeting financial obligations, especially rent and security deposits.

E. Does not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants or people residing in the immediate vicinity.

F. Has a history of criminal activity involving crimes of physical violence against persons or property and/or any other criminal activity including drug or alcohol related criminal activity that would adversely affect the health, safety or well-being of other tenants or staff or cause damage to the property even if he/she has not been arrested, convicted or prosecuted for said conduct. A household member having a history of criminal activity must meet the following criteria for their eligibility for assistance to be considered:
   1. A person who has engaged in or been arrested, convicted or prosecuted for violent criminal activity is not eligible for the Public Housing program until three (3) years from the date he/she has last participated in violent criminal activity or successfully completed his/her sentence and or probationary term. HACB will consider all relevant circumstances, such as seriousness of the case, extent of culpability, mitigating circumstances, and effect of denial on other family members when determining eligibility for admission to program.

   2. A person who has engaged in drug or alcohol related criminal activity that would adversely affect the health, safety or well-being of other tenants or staff or cause damage to the property is not eligible for the Public Housing program until three (3) years from the date that the person last participated in activity or successfully completed an approved and certified drug or alcohol rehabilitation program and/or has successfully completed any sentence or probationary period resulting from said drug or alcohol related criminal activity. HACB will consider all relevant circumstances, such as seriousness of the case, extent of culpability, mitigating circumstances, and effect of denial on other family members when determining eligibility for admission to program.

G. Has a history of criminal activity, including but not limited to, crimes such as arson, murder, attempted murder, homicide, criminally negligent homicide, kidnapping, manslaughter, rape, sexual assault, sexual abuse or felony crimes against children. Denial is for life.
H. Has engaged in drug-related criminal activity limited to illegal use or possession for personal use of a controlled substance within three (3) years prior to the date of application for the Public Housing program, even if he/she has not been arrested, convicted or prosecuted for said conduct. After three years, HACB will consider all relevant circumstances, such as seriousness of the case, extent of culpability, mitigating circumstances, and effect of denial on other family members when determining eligibility for admission to program.

I. Has engaged in one (1) misdemeanor charge(s) or conviction(s) that does not involve crimes of physical violence against persons or property or drug-related criminal activity may be considered for Public Housing assistance through the screening process on a case-by-case basis.

J. Has engaged in felonious (felony), non-violent criminal activity within the last five years. After three (3) years HACB will consider all relevant circumstances, such as seriousness of the case, extent of culpability, mitigating circumstances, and effect of denial on other family members when determining eligibility for admission to program.

K. Has a history of disturbing neighbors or destruction of property;

L. Currently owes rent or other amounts to any housing authority in connection with their Public Housing or Section 8 programs;

M. Has committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived from;

N. Has engaged in other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the HOUSING AUTHORITY OF THE CITY OF BRADENTON (including a HOUSING AUTHORITY OF THE CITY OF BRADENTON employee or a HOUSING AUTHORITY OF THE CITY OF BRADENTON contractor, subcontractor or agent).

O. Who is a fugitive felon, parole violator, and/or person 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;

P. Has violated any family obligations under previous participation in the program;
Q. Has a family member that the HOUSING AUTHORITY OF THE CITY OF BRADENTON ever terminated assistance for under the program;

R. Has engaged in or threatened abusive or violent behavior towards any HOUSING AUTHORITY OF THE CITY OF BRADENTON staff member or resident;

If the Housing Authority of the City of Bradenton denies admission to the Housing Authority of the City of Bradenton's public housing program on the basis of a criminal record, the Housing Authority of the City of Bradenton must notify the household of the proposed action and must provide the person with the criminal record (i.e., a child) and the applicant (head of household) with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record. The applicant will have 10 calendar days to dispute the accuracy and relevance of the record in writing. If the Housing Authority of the City of Bradenton does not receive the dispute within the allotted time, the applicant will be denied.

Being a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission. The Authority will require verification in all cases where an applicant claims protection against an action proposed to be taken by the Authority involving such individual. Types of acceptable verifications are outlined in the verification chapter of this policy, and must be submitted within ten (10) calendar days after receipt of the Housing Authority's written request for verification.

9.0 MANAGING THE WAITING LIST

9.1 OPENING AND CLOSING THE WAITING LIST

Opening of the waiting list will be announced with a public notice stating that applications for public housing will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Closing of the waiting list will also be announced with a public notice. The public notice will state the date the waiting list will be closed and for what bedroom sizes. The public notice will be published in a local newspaper of general circulation and also by any available minority media.
9.2 ORGANIZATION OF THE WAITING LIST

The waiting list will be maintained in accordance with the following guidelines:

A. The application will be maintained in the applicant’s file;

B. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and

C. Any significant contact between the Housing Authority of the City of Bradenton and the applicant will be documented in the applicant file.

D. All files (applicant or participant) shall be retained for three years from the date the file is closed, whether this is due to the surrender of housing or removal of an applicant from the waiting list, whichever is later.

9.3 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be nearing the top of the waiting list, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family’s eligibility will be verified. If the family no longer qualifies the Housing Authority of the City of Bradenton must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once the eligibility has been verified, the family will complete a full application, present Social Security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

9.4 PURGING THE WAITING LIST

The Housing Authority of the City of Bradenton will update and purge its waiting list at least once annually to ensure that the pool of applicants reasonably represents the interested families for whom the Housing Authority of the City of Bradenton has current information, i.e., applicant’s address, family composition, income category, and preferences.

The purge shall consist of the HOUSING AUTHORITY OF THE CITY OF BRADENTON mailing via first class mail a form to be completed by the person on the waiting list and returned to the housing authority within a specified number of calendar days. If the envelope is returned as undeliverable or if no response is received from the applicant within the specified time frame, the applicant shall be stricken from the waiting list. If the envelope is returned with a forwarding address on it, the housing authority shall mail the form to the new address, with a new deadline for response.

9.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Housing Authority of the City of Bradenton will not remove an applicant’s name from the waiting list unless:
A. The applicant requests in writing that the name be removed;

B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program;

C. The applicant does not meet either the eligibility or suitability criteria for the program;

D. The applicant has rejected two offers of an available public housing unit; or

E. The applicant is housed.

Applicants will be offered the right to an informal review before being removed from the waiting list. The reason for all removals from the waiting list shall be carefully documented in the applicant’s file and retained for three years from the date the file is closed.

9.6 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment with the Housing Authority of the City of Bradenton will be sent a notice of termination of the process for eligibility. The Housing Authority of the City of Bradenton will allow the family to reschedule once for good cause. Generally, no more than one opportunity will be given to reschedule with or without good cause. When good cause exists for missing an appointment, the Housing Authority of the City of Bradenton will work closely with the family to find a more suitable time.

9.7 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Housing Authority of the City of Bradenton, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request in writing an informal review.

The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The Housing Authority of the City of Bradenton system of removing applicant names from the waiting list will not violate the rights of persons with disabilities.

If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the Housing Authority of the City of Bradenton will verify that there is in fact a disability and the disability caused the failure to respond, and will provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.
10.0 TENANT SELECTION AND ASSIGNMENT PLAN

10.1 PREFERENCES

Consistent with the HOUSING AUTHORITY OF THE CITY OF BRADENTON Agency Plan and this ACOP, the HOUSING AUTHORITY OF THE CITY OF BRADENTON maintains applications on its waiting list in order of date and time of application. The HOUSING AUTHORITY OF THE CITY OF BRADENTON will select families from its waiting list according to the following preferences within each bedroom size based on local housing needs and priorities. They are consistent with the HOUSING AUTHORITY OF THE CITY OF BRADENTON’s Agency Plan and the Consolidated Plan that covers its jurisdiction.

The HACB will offer public notice when changing its preference system and the notice will be publicized using the same guidelines as those for opening and closing the waiting list.

Following are HABC local preferences:

1. Applicants whose head, spouse or sole member has verifiable homeless status as defined in the glossary of this policy

   Definition of “Homeless” for wait list preference purposes:

   HACB shall have two preference sets for homeless:

   a. Highest Preference – (1) chronic homeless/Vets 12 months + (with documentation i.e. proof of hotel/motel receipts/shelter or agency verification; (2) Is fleeing a domestic violence housing situation and no subsequent residence has been identified and lacks the resources and support networks needed to obtain housing; (3) Referral from agency (with documentation)

   b. Second Highest preference - general homelessness (i.e. living in a hotel/motel less than 12 months, released from short term incarceration or institution less than 90 days)

2. Applicants whose head, spouse or sole member has verifiable elderly, near elderly, disabled status as defined in the glossary of this policy

3. Applicants whose head, spouse or sole member has verifiable employment within the HACB’s jurisdiction consisting of full-time employment of 30 or more hours per week for a minimum of 2 years

4. Applicants whose head, spouse or sole member has a verifiable rent burden of paying 50% or more of income towards rent

5. All of the above by date and time of application
The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences.

Households in all preferences remain on the wait list until removed.

**10.1.1 PREFERENCE FOR ELDERLY AND DISABLED FAMILIES IN MIXED POPULATION DEVELOPMENTS**

**Buildings Designed for the Elderly and Disabled (Placeholder for future developments):** Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the list, preference will then be given to near-elderly families. If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using these priorities. All such families will be selected from the waiting list using the preferences as outlined above.

**Buildings Designated as Elderly Only Housing:** The (Placeholder for future development) has been approved by HUD as being designated for elderly only. In filling vacancies in this development, first priority will be given to elderly families. If there are no elderly families on the list, next priority will be given to the near-elderly. Using these priorities, families will be selected from the waiting list using the preferences as outlined above.

**Accessible Units:** Accessible units will be first offered to families who may benefit from the accessible features who reside in the development that has the vacancy. If there are no families residing in that development needing the accessible unit, it shall then be offered to families residing in other developments who may benefit from the accessible unit. If there are no families residing in the other developments needing the accessible unit, it shall then be offered to applicants on the waiting list who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above.

If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, will be requested to sign a lease rider stating they will accept a transfer (at the Housing Authority's expense) if, at a future time, a family requiring an accessible feature applies or a family requires a transfer from a non-accessible unit. Any family required to transfer will be given a 30-day notice.

**10.2.1 HOUSING FOR FEDERALLY DECLARED DISASTER VICTIMS**

In the case of a federally declared disaster, the Housing Authority of the City of Bradenton reserves the right for its Executive Director to suspend its preference system for whatever duration the Executive Director feels is appropriate and to admit victims of the disaster to the program instead of those who would be normally admitted. Any other provisions of this policy can also be suspended during the emergency at the discretion of the Executive Director so long as the provision suspended does not violate a law. If regulatory waivers
are necessary, they shall be promptly requested of the HUD Assistant Secretary for Public and Indian Housing.

**10.2 ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARD)**

The HOUSING AUTHORITY OF THE CITY OF BRADENTON determines the appropriate number of bedrooms under its subsidy standards for families of different sizes and compositions and places the household on the appropriate bedroom size wait list. **IF THE FAMILY SIZE HAS CHANGED BETWEEN THE TIME OF INITIAL APPLICATION AND TIME OF SELECTION THE APPLICANT MAY NO LONGER BE QUALIFIED FOR THE BEDROOM SIZE INITIALLY QUALIFIED FOR AND AS SUCH HACB WILL PLACE THE FAMILY ON THE APPROPRIATELY SIZED WAIT LIST BASED ON CURRENT HOUSEHOLD COMPOSITION BASED ON THE DATE THAT HACB WAS NOTIFIED OF THE HOUSEHOLD COMPOSITION CHANGE.** The subsidy standard must comply with housing quality standards (HQS) space requirements, provide for the smallest number of bedrooms needed to house the family without overcrowding and must be applied consistently for all families of like size and composition.

These subsidy standards are based on HQS standards that allow two persons per bedroom or living/sleeping room.

The family bedroom unit size determined by the HOUSING AUTHORITY OF THE CITY OF BRADENTON in accordance with these guidelines does not determine who within the household will share a bedroom/sleeping room.

The following guidelines will determine each family's unit size without overcrowding or over-housing:

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Number of Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Min 1, Max 1</td>
</tr>
<tr>
<td>1</td>
<td>Min 1, Max 3</td>
</tr>
<tr>
<td>2</td>
<td>Min 2, Max 4</td>
</tr>
<tr>
<td>3</td>
<td>Min 3, Max 6</td>
</tr>
<tr>
<td>4</td>
<td>Min 4, Max 8</td>
</tr>
<tr>
<td>5</td>
<td>Min 5, Max 10</td>
</tr>
</tbody>
</table>

In addition, the following considerations may be taken in determining bedroom size:

A. Two adults of the same sex will share a bedroom. A minor child who will turn 18 during the lease term will be considered an adult when determining bedroom size.

B. Children of the same sex will share a bedroom.
C. Children of the opposite sex will share a bedroom until one child reaches the age of five.

D. Foster adults and/or foster children will be included in determining bedroom size only if they will be in the unit for more than 12 months as confirmed by the placing agency or court.

E. Adults and children over the age of two (2) will not be required to share a bedroom.

F. A family consisting of a pregnant woman, with no other persons, must be treated as a two-person family and will receive a one-bedroom unit.

G. Single person families will receive a one (1) bedroom.

H. Adults of the opposite sex, except spousal/partner relationships, will receive separate bedrooms.

Exceptions to normal bedroom size standards include the following:

A. On a case by case basis, when a housing unit with very small or very large bedrooms, or other specific situation, such as a den or study, encourage or inhibit a higher or lower level of occupancy, so long as desired occupancy does not violate local occupancy code.

B. A family may request a smaller unit size than the guidelines allow. The Housing Authority of the City of Bradenton will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned or a case by case exception is permitted as in A above. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit until the family size changes and under no circumstances sooner than one year.

C. A family may request a larger unit size than the guidelines allow when an additional bedroom is needed for medical equipment or medical need, if the need is documented by a health care provider. The actual equipment in the extra bedroom or use of the extra bedroom for medical need will be verified by the Housing Authority at admission and at each annual recertification.

D. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family’s own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-calendar day notice before being required to move.
E. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

F. For an approved Live-in aide who lives in the unit permanently. The Live-in Aide will receive a separate bedroom. No additional bedrooms will be allocated for the Live-In Aide’s family.

If the extra bedroom approved for use of medical equipment /medical need or a Live-In Aide is not being used for the intended purpose, the Housing Authority will reduce the subsidy standard at the family’s next annual recertification according to HUD 24 CFR Section 966.4. If the Housing Authority believes any family obligations under 24 CFR Section 966.4 were violated, the Housing Authority will take further actions in accordance with the Housing Authority of the City of Bradenton Admissions and Continued Occupancy Plan. For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one-bedroom unit. (24 CFR960.206 (d))

10.3 SELECTION FROM THE WAITING LIST

The Housing Authority of the City of Bradenton shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To ensure this requirement is met we shall quarterly monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families.

If admissions of extremely low-income families to the Housing Authority of the City of Bradenton’s voucher program during a fiscal year exceed the 75% minimum targeting requirement for the Housing Authority of the City of Bradenton’s voucher program, such excess shall be credited (subject to the limitations in this paragraph) against the Housing Authority of the City of Bradenton’s basic targeting requirement for the same fiscal year.

The fiscal year credit for voucher program admissions that exceeds the minimum voucher program targeting requirement shall not exceed the lower of:

A. Ten percent of public housing waiting list admissions during the Housing Authority of the City of Bradenton fiscal year;

B. Ten percent of waiting list admissions to the Housing Authority of the City of Bradenton’s Section 8 tenant-based assistance program during the PHA fiscal year; or

C. The number of qualifying low-income families who commence occupancy during the fiscal year of Housing Authority of the City of Bradenton public
housing units located in census tracts with a poverty rate of 30% or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

If there are not enough extremely low-income families on the waiting list HACB will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

10.4 DECONCENTRATION POLICY

It is the Housing Authority of the City of Bradenton’s policy to provide for de-concentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, we will skip families on the waiting list to reach other families with a lower or higher income. We will accomplish this in a uniform and non-discriminating manner.

The Housing Authority of the City of Bradenton will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

The Housing Authority of the City of Bradenton is not subject to the de-concentration requirements according to 24 CFR 903. Nevertheless, the Housing Authority of the City of Bradenton will affirmatively market its housing to all eligible income groups.

10.5 DECONCENTRATION INCENTIVES

The Housing Authority of the City of Bradenton may offer one or more incentives to encourage applicant families whose income classification would help to meet the de-concentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

10.6 OFFER OF A UNIT

When the Housing Authority of the City of Bradenton discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development and whose income category would help to meet the de-concentration goal and/or the income targeting goal.

The Housing Authority of the City of Bradenton will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given three (3) calendar days from the date the family was contacted by telephone or from the date the letter was mailed to contact the Housing Authority of the City of Bradenton regarding the offer. The family may
be offered the opportunity to view the unit. The family will have one (1) calendar days to view and accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the Housing Authority of the City of Bradenton will send the family a letter documenting the offer and the rejection.

10.7 REJECTION OF UNIT

If in making the offer to the family the Housing Authority of the City of Bradenton skipped over other families on the waiting list in order to meet their de-concentration goal or offered the family any other de-concentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

If the Housing Authority of the City of Bradenton did not skip over other families on the waiting list to reach this family, did not offer any other de-concentration incentive, and the family rejects the unit without good cause, the family will forfeit their application’s date and time; the date and time of application will be changed to the date and time the unit was rejected.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes, among other things, reasons related to health, proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

If the family rejects a second unit offer, regardless of reason, they will be removed from the wait list. The Housing Authority of the City of Bradenton will send the family a letter documenting the offer and rejection that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request in writing an informal review.

10.8 ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than one (1) calendar days after the date of acceptance or the calendar day after the day the unit becomes available, whichever is later.

Prior to signing the lease, all families (head of household) and other adult family members will be required to attend the Lease signing appointment when they are initially accepted for occupancy. The family will not be housed if they have not the lease signing appointment. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the lease signing, without good cause, may result in the cancellation of the occupancy process. The appointment shall include the resident’s rights and responsibilities under the Violence Against Women Act. The applicant will be provided a copy of the lease, the lease addendum and the HACB current policies relating to occupancy. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them.
with Housing Authority personnel. The certification will be filed in the tenant’s file. The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and the Housing Authority of the City of Bradenton will retain the original executed lease in the tenant’s file. A copy of the grievance procedure will be attached to the resident’s copy of the lease.

A security deposit is required at the time of lease signing.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

10.9 OCCUPANCY BY OVER-INCOME FAMILIES

OCCUPANCY BY OVER INCOME FAMILIES IN CERTAIN PUBLIC HOUSING
(Only Applies to HA’s with less than 250 Units)

A PHA that owns or operates fewer than 250 units, may rent a unit in a public housing development to an over income family, in accordance with its PHA annual plan under the following circumstances:

▪ There are no eligible families on the waiting list; or

▪ There are no eligible families applying for assistance in that month.

▪ Before offering the unit to an over income family, the PHA publicizes the availability of the unit for eligible families, including publishing a 30-day notice in one (1) newspaper of general circulation.

▪ The over income family rents the unit on a month-to-month basis for a rent charge that is not less than the cost to operate the unit.

▪ The over income family signs an agreement to vacate the unit when needed by an eligible family; and

▪ The PHA gives the over income family notice to vacate the unit when the unit is needed for an eligible family, and this notice is given at least 30 days before the over income family is to vacate.
10.10 RESTRICTION ON EVICTION OF OVER-INCOME FAMILIES

HACB may evict or terminate the tenancies of families who are over income, subject to paragraph unless it is required to do so by local law, HACB may not evict or terminate the tenancy of a family solely because the family is over the income limit for public housing, if the family has a valid contract for participation in an FSS program under 24 part 984. HACB may not evict a family for being over the income limit for public housing if the family currently receives the earned income disallowance provided by 42 U.S.C. 1437a(d) and 24 CFR 960.255.

10.11 OCCUPANCY BY POLICE OFFICERS

The HACB has elected to lease units to police officers in any development in which HACB management has determined that such occupancy will enhance security of said development and the residents that reside therein. Under the above circumstances the police officer would receive a local preference and a rent calculation for utilities only. This information is included in the HACB’s annual plan.

Police Officer means a person employed on a full-time basis as a duly licensed professional police officer by a Federal, State or Local government or by an agency of these governments.

11.0 INCOME, EXCLUSIONS, AND DEDUCTIONS FROM INCOME

To determine annual income, the Housing Authority of the City of Bradenton adds the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the Housing Authority of the City of Bradenton subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

11.1 INCOME

A. Annual income means all amounts, monetary or not, that:
   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. Are not specifically excluded from annual income.

If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), or the Housing Authority of the City of Bradenton believes that past income is the best available indicator of expected future income, the Housing Authority of the City of Bradenton may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.
B. Annual income includes, but is not limited to, the amounts specified in the federal regulations currently found in 24 CFR 5.609:

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 are not 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 is included in income, except to the extent the withdrawal is a 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 are not 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 an investment is 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 includes 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. Income that could have been derived from assets worth more than $1000 that were disposed of for less than fair market value within the past two years will be counted as income.

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. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)

6. Welfare assistance
   a. Welfare assistance payments
1. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
   i. Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
   ii. Are not otherwise excluded under paragraph Section 11.2 of this Policy.

2. 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 consists of:
   i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
   ii. 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 requirement is the amount resulting from one application of the percentage.

b. Imputed welfare income

1. A family's annual income includes the amount of imputed welfare income (because of specified welfare benefits reductions resulting from either welfare fraud or the failure to comply with economic self-sufficiency requirements, as specified in notice to the Housing Authority of the City of Bradenton by the welfare agency) plus the total amount of other annual income.

2. At the request of the Housing Authority of the City of Bradenton, the welfare agency will inform the Housing Authority of the City of Bradenton 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 Housing Authority of the City of Bradenton of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Housing Authority of the City of Bradenton 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 an interim or regular reexamination of family income and composition during the term of the welfare benefits reduction (as specified in information provided to the Housing Authority of the City of Bradenton 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 welfare income, the imputed welfare income is reduced to zero.

5. The Housing Authority of the City of Bradenton will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.

6. If a resident is not satisfied that the Housing Authority of the City of Bradenton has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Housing Authority of the City of Bradenton denies the family's request to modify such amount, then the Housing Authority of the City of Bradenton shall give the resident written notice of such denial, with a brief explanation of the basis for the Housing Authority of the City of Bradenton's determination of the amount of imputed welfare income. The Housing Authority of the City of Bradenton's notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed welfare income in order to obtain a grievance hearing.

c. Relations with welfare agencies

1. The Housing Authority of the City of Bradenton will ask welfare agencies to inform it 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 Housing Authority of the City of Bradenton 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 Housing Authority of the City of Bradenton 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 housing authority. However, the Housing Authority of the City of Bradenton 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 Housing Authority of the City of Bradenton shall rely on the welfare agency notice to the Housing Authority of the City of Bradenton of the welfare agency's determination of a specified welfare benefits reduction.

4. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.

5. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

**11.2 EXCLUSIONS FROM INCOME**

A. Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR 5.609:

B. Income from employment of children (including foster children) under the age of 18 years;

C. 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);

D. 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;

E. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

F. Income of a live-in aide;

G. The full amount of student financial assistance paid directly to the student or to the educational institution unless it is an athletic scholarship that includes assistance available for housing costs and that portion is included in income;

H. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
I. The amounts received from the following programs:
   1. Amounts received under training programs funded by HUD;
   2. 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);
   3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and that are made solely to allow participation in a specific program;
   4. 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 Housing Authority 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 Housing Authority of the City of Bradenton governing board. No resident may receive more than one such stipend during the same period of time;
   5. 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;
   6. Temporary, nonrecurring or sporadic income (including gifts);
   7. 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;
   8. Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);
   9. Adoption assistance payments in excess of $480 per adopted child;
10. The incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
   a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
   b. Families whose income increases during the participation of a family member in any economic self-sufficiency or other job training program.
   c. Families who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program.

11. During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

12. The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion. (While HUD regulations allow for the housing authority to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing authority to provide the exclusion in all cases.)

13. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;

14. 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;

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; or

16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
   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. Payments to Volunteers under the domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));

d. Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);

e. Payments or allowances made under the Department of Health and Human Services’ Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);

g. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94–540, 90 Stat. 2503–04);

h. The first $2000 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 $2000 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);

i. Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);

j. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));

k. 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-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

l. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
m. 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);

n. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));

o. 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);

p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d)); q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);

q. 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); and

r. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

s. Any low-income subsidy received to assist low-income persons in paying for their Medicare prescription drug Program.

The Housing Authority of the City of Bradenton will not provide exclusions from income in addition to those already provided for by HUD.

11.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:
A. $480 for each dependent;

B. $400 for any elderly family or disabled family;

C. The sum of the following, to the extent the sum exceeds three percent of annual income:
1. Unreimbursed medical expenses of any elderly family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program; and

2. Unreimbursed reasonable attendant care and a 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, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.

D. Reasonable childcare expenses for children 12 and younger necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income.

11.4 RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME

A. If a public housing resident receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to the person responsible for income verification within thirty (30) calendar days of receipt by the resident.

B. The Housing Specialist shall reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.

C. After the reconciliation is complete, the Housing Authority of the City of Bradenton shall, if appropriate, adjust the resident's rent beginning at the start of the next month. If the reconciliation is completed during the final five (5) calendar days of the month, the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, the Housing Authority of the City of Bradenton shall do one of the following:

1. Immediately collect the back rent due to the agency;

2. Establish a repayment plan for the resident to pay the sum due to the agency;

3. Terminate the lease and evict for failure to report income; or

4. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.
11.5 COOPERATING WITH WELFARE AGENCIES

The Housing Authority of the City of Bradenton will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

To target assistance, benefits and services to families receiving assistance in the public housing and Section 8 tenant-based assistance program to achieve self-sufficiency; and

To provide written verification to the Housing Authority of the City of Bradenton concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

11.6 COOPERATING WITH LAW ENFORCEMENT AGENCIES

The Housing Authority of the City of Bradenton will comply, on a case-by-case basis, with information requests from Federal, State or local law enforcement officers regarding possible fugitive felons and/or a parole or probation violators. The Housing Authority of the City of Bradenton will supply upon legitimate request (1) the current address, (2) Social Security number and (3) photograph (if available) of any recipient of assistance.

The Federal, State or local enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification.

The request should also comply with the following requirements:

A. The law enforcement agency shall notify Housing Authority of the City of Bradenton that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;

B. The location or apprehension of the recipient is within the Housing Authority of the City of Bradenton’s official duties; and,

C. The request is made in the proper exercise of the law enforcement agency’s official duties.

12.0 VERIFICATION
The Housing Authority of the City of Bradenton will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full-time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible non-citizen status. Age and relationship will only be verified in those instances where needed to make a determination of the level of assistance.

12.1 ACCEPTABLE METHODS OF VERIFICATION

Applicants and program participants must provide true and complete information to the HACB whenever information is requested. The HACB’s verification requirements are designed to maintain program integrity. This chapter explains the HACB’s procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The HACB will obtain proper authorization from the family before requesting information from independent sources.

1. Up-front Income Verifications (UIV)

UIV/EIV is used to verify information directly with the source using a web-based, real-time database. HACB staff will have immediate access to certain records that may be obtained before or at the annual recertification. The family will be required to sign an authorization for the information source to release the specified information.

Up front income verification (UIV)/ Enterprise Income Verification (EIV) should be used in lieu of Third-Party Written verification when accessible. In the event that UIV/EIV returns no income or if income returned differs substantially from the income reported by the family, third part-written must be obtained to verify the accuracy of the UIV/EIV.

The Housing Authority of the City of Bradenton will use additional UIV resources as they become available. This will be done before, during and/or after examinations and/or re-examinations of household income as appropriate.

It is important to note that UIV data will only be used to verify an participant’s eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters UIV Security System Administrator, is specifically prohibited and will not occur.
No adverse action can be taken against a participant until the Housing Authority of the City of Bradenton has independently verified the UIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include the Housing Authority of the City of Bradenton requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Furthermore, the information the Housing Authority of the City of Bradenton derives from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

2. **Third-Party Written Verifications**

Third-party written verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first-class mail. The family will be required to sign an authorization for the information source to release the specified information. Verifications received electronically and by fax directly from the source are considered third-party written verifications. If verification is received by fax, the letterhead of the third-party source must be included in the fax.

The HACB will accept verifications in the form of computerized printouts delivered by the family from the following agencies:

- Veterans Administration
- Social Security Administration
- Department of Social Services (TANF)
- Manatee County Child Support Enforcement
- Unemployment Compensation Board
- City or County Courts

3. **Third-Party Oral Verifications**

Oral third-party verification will be used when written third-party verification is delayed or not possible, and when HACB has reason to question the veracity of information provided. The HACB will make two (2) attempts to obtain third party oral verification. When third-party oral verification is used, HACB staff will be
required to complete and sign the third-party form, noting with whom they spoke, the date of the conversation, and the facts provided.

- When Third-Party Verification Can Not Be Obtained:

  In the event that third-party written or oral verification is not obtained after four (4) attempts by the HACB to contact the third-party source, third-party verification will be declared unattainable. Once declared unattainable, the HACB will note the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. The staff viewing the document will note the date the original was copied and initial the copy. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a form describing the document viewed and will sign and date the form.

The HACB will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs covering the most recent consecutive four - six weeks;
- Computer print-outs from the employer;
- Signed letters provided that the information is confirmed by phone; and
- Other documents noted in this chapter as acceptable verification.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the HACB will utilize the third-party verification.

4. **Review of Documents**

When either UIV/EIV, third party written, or oral verification is possible, staff will request the applicant/participant to bring in actual documents at the time of application or annual recertification interview.

All documents, excluding government checks, will be photocopied and placed in the applicant/family file.

Where review of documents occurs and forms cannot be photocopied, staff viewing document(s) will be required to complete a Document Viewed form.

5. **Self-Certification and Self-Declaration**
When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a statement or affidavit signed and notarized under penalty of perjury in the presence of a witness or approved HACB staff person.

For applicants, verification may not be more than 90 calendar days old at the time of the offer of assistance.

For participants, verifications are valid for a period of 90 calendar days from the date of receipt by the HACB.

The HACB will have a staff on site that may notarize documents on behalf of the family at a cost to the family.

The HACB will document the file as to why third party written verification was not used.

For applicants, verification may not be more than 90 calendar days old at the time of the offer of assistance. For participants, verifications are valid for a period of 90 calendar days from the date of receipt by the HACB.

12.2 RELEASE OF INFORMATION

Adult family members will be required to sign a HACB approved release of information form.

In addition, all adult family members will be required to sign specific HACB approved release of information forms for release of information/privacy act notice. Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the HACB or HUD.

12.3 ITEMS TO BE VERIFIED

All income not specifically excluded by the regulations:

1. Full-time student status including High School students who are eighteen (18) or over.
2. Current assets including assets disposed of for less than fair market value in preceding two (2) years.
3. Child care expense where it allows an adult family member to be employed or to further his/her education.

4. Total medical expenses of all family members in households whose head or spouse is elderly or disabled.

5. Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed.

6. Disability for determination of preferences, allowances or deductions.

7. U.S. citizenship/eligible immigrant status

8. Social security numbers for all family members over six (6) years of age or older who have been issued a social security number.

9. "Preference" status

10. Familial/Marital status when needed for head or spouse definition.

Verification of Reduction in Benefits for Noncompliance:

- The HACB will obtain written verification from the welfare agency stating that the family’s benefits have been reduced for fraud or noncompliance before denying the family’s request for rent reduction.

12.4 **INCOME VERIFICATIONS**

Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next twelve (12) months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during next twelve (12) months

Acceptable methods of verification include, in this order:

1. Employment verification form completed by the employer.
2. Check stubs or earning statements, which indicate the employee’s gross pay, frequency of pay or year to date earnings.

3. W-2 forms plus income tax return forms.

4. Self-certifications or income tax returns signed by the family may be used.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income. In cases where there are questions about the validity of information provided by the family, the HACB will require the most recent federal income tax statements, or check stubs in conjunction with employment verifications. Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

**Social Security, Pensions, Supplementary Security Income (SSI), Disability Income**
Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits.

2. Award or benefit notification letters prepared and signed by the providing agency.

3. Computer report electronically obtained or in hard copy.

**Unemployment Compensation**
Acceptable methods of verification include, in this order:

1. Verification form completed by the unemployment compensation agency.

2. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.

3. Payment stubs.

**Welfare Payments or General Assistance**
Acceptable methods of verification include, in this order:

1. HACB verification form completed by payment provider.

2. Computer-generated benefit verification report.

**Alimony or Child Support Payments**
Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

2. A notarized letter from the person paying the support.
3. Copy of last three (3) checks and/or payment stubs from Court Trustee. HACB must record the date, amount, and number of the check.

4. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If payments are irregular, the family must provide:
- A copy of the separation/settlement agreement or a divorce decree stating the amount and type of support and payment schedules.
- A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.
- A notarized affidavit from the family indicating the amount(s) received.
- A welfare notice of action showing amounts received by the welfare agency for child support.

**Net Income from a Business**
In order to verify the net income from a business, the HACB will view IRS and financial documents from prior years and use this information to anticipate the income for the next twelve (12) months.

Acceptable methods of verification include:

1. IRS Form 1040, including:
   - Schedule C (Small Business)
   - Schedule E (Rental Property Income)
   - Schedule F (Farm Income)

2. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

3. Audited or un-audited financial statement(s) of the business.

4. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six [6] months) to project income for the next twelve (12) months. The family will be advised to maintain these documents in the future if they are not available.
5. Family's self-certification as to net income realized from the business during previous years.

**Child Care Business**
If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the HACB will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

**Recurring Gifts**
The family must furnish a self-certification which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

**Zero Income Status**
Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

The HACB will run a credit report if information is received that indicates the family has an unreported income source.

**Full-time Student Status**
Only the first $480 of the earned income of full-time students, other than head, co-head, or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students is not counted towards family income.

Verification of full-time student status includes:

- Written verification from the registrar's office or other school official.
- School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.
12.5 INCOME FROM ASSETS

Savings Account Interest Income and Dividends

Acceptable methods of verification include, in this order:

1. Account statements, passbooks, certificates of deposit, or HACB verification forms completed by the financial institution.

2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.

3. IRS Form 1099 from the financial institution, provided that the HACB must adjust the information to project earnings expected for the next twelve (12) months.

Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include, in this order:

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next twelve (12) months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)

2. Amortization schedule showing interest for the twelve (12) months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income).

2. Copies of latest rent receipts, leases, or other documentation of rent amounts.

3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

4. Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.
12.6 VERIFICATION OF ASSETS

Family Assets

The HACB will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash).

Acceptable verification may include any of the following:

a. Verification forms, letters, or documents from a financial institution or broker.

b. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

c. Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.

d. Real estate tax statements if the approximate current market value can be deduced from assessment.

e. Financial statements for business assets.

f. Copies of closing documents showing the selling price and the distribution of the sales proceeds.

g. Appraisals of personal property held as an investment.

h. Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

For all Certifications and Recertifications, the HACB will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV; (b) the date
they were disposed of; (c) the amount the family received; and (d) the market value of the assets at the time of disposition. A statement regarding circumstances of disposal of may be required. Third party verification will be obtained wherever possible. [CFR 982.516]

**Child Care Expenses**

Written verification from the person who receives the payments is required. The HACB only accepts child care verifications from a licensed child care facility.

Verifications must specify the child care provider’s name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family’s certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

**Medical Expenses**

Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one (1) or more of the methods listed below:

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next twelve (12) months. A computer printout will be accepted.

**For Attendant Care:**

- A reliable, knowledgeable professional’s certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
- Attendant’s written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next twelve (12) months.
▪ Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next twelve (12) months.

▪ Receipts or other record of medical expenses incurred during the past twelve (12) months that can be used to anticipate future medical expenses. HACB may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

▪ The HACB will use mileage at the rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

12.7 VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the HACB will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

a. Certificate of Birth, naturalization papers
b. Church issued baptismal certificate
c. Current, valid Driver's license
d. U.S. military discharge (DD 214)
e. U.S. passport
f. Voter's registration
g. Company/agency Identification Card
h. Department of Motor Vehicles Identification Card
i. Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

▪ Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID

**Verification of Marital Status**

- Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.
- Verification of a separation may be a copy of court-ordered maintenance or other records.
- Verification of marriage status is a marriage certificate.

**Family Relationships**

The following verifications will always be required if applicable:

- Verification of relationship
- Official identification showing names
- Birth Certificates
- Baptismal certificates
- Verification of guardianship is:
  - Court-ordered assignment
  - Verification from social services agency
  - School records

**Verification of Permanent Absence of Family Member**

If an adult member who was formerly a member of the household is reported permanently absent by the family, the PHA will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, driver’s license, or lease or rental agreement, if available.
- Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
▪ If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.

▪ If no other proof can be provided, the HACB will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

**Verification of change in Family Composition**

The HACB may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

**Verification of Disability**

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

**12.8 VERIFICATION OF CITIZENSHIP/ELIGIBLE IMMIGRANT STATUS**

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the PHA hearing is pending.

*Citizens or Nationals of the United States* are required to sign a declaration under penalty of perjury. The HACB will require citizens to provide documentation of citizenship. Acceptable documentation will include at least one of the following original documents:

- United States birth certificate
- United States passport
- Participant alien/registration card
- Social security card
Eligible Immigrants who were Participants and Sixty-two (62) or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The HACB verifies the status through the INS SAVE system. If this primary verification fails to verify status, the HACB must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide: If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. The HACB will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the family.

Extensions of Time to Provide Documents

The HACB will grant an extension of thirty (30) days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Participant Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
▪ Arrival-Departure Record (I-94)
▪ Temporary Participant Card (I-688)
▪ Employment Authorization Card (I-688B)
▪ Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual’s entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

The HACB will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

If the HACB determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family’s unit, the family’s assistance will be terminated, unless the ineligible individual has already been considered in prorating the family’s assistance.

12.9 VERIFICATION OF SOCIAL SECURITY NUMBERS

Social security numbers must be provided as a condition of eligibility for all family members age six and over. Verification of social security numbers will be done through a social security card issued by the Social Security Administration. If a family member cannot produce a social security card, only the documents listed below showing his or her social security number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the social security card information provided is/are complete and accurate:

▪ A driver’s license
▪ Identification card issued by a Federal, State or Local agency
▪ Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
▪ An identification card issued by an employer or trade union
▪ An identification card issued by a medical insurance company
▪ Earnings statements or payroll stubs
▪ Bank Statements
▪ IRS Form 1099
▪ Benefit award letters from government agencies
▪ Retirement benefit letter
- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of benefits or social security number from Social Security Administration

New family members ages six and older will be required to produce their social security card. This information is to be provided at the time the change in family composition is reported to the HACB.

If an applicant or participant is able to disclose the social security number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the HACB. The applicant/participant or family member will have an additional thirty (30) days to provide proof of the social security number. If they fail to provide this documentation, the family’s assistance will be terminated.

In the case of an individual at least sixty-two (62) years of age, the HACB may grant an extension for an additional sixty (60) days to a total of one hundred twenty (120) days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

### 13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

#### 13.1 FAMILY CHOICE

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the income method or having their rent set at the flat rent amount.

A. Families who opt for the flat rent will be required to go through the income re-examination process every three years, rather than the annual review they would otherwise undergo. Their family composition must still be reviewed annually.

B. Families who opt for the flat rent may request to have a reexamination and return to the income-based method at any time for any of the following reasons:
   1. The family’s income has decreased.
   2. The family’s circumstances have changed increasing their expenses for childcare, medical care, etc.
3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

C. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, the Housing Authority of the City of Bradenton will provide them with the following information whenever they have to make rent decisions:
1. The Housing Authority of the City of Bradenton’s policies on switching types of rent in case of a financial hardship; and
2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the Housing Authority of the City of Bradenton will provide the amount of income-based rent for the subsequent year only the year the Housing Authority of the City of Bradenton conducts an income reexamination or if the family specifically requests it and submits updated income information.

13.2 THE INCOME METHOD

The total tenant payment is equal to the highest of:

A. 10% of the family’s monthly income;

B. 30% of the family’s adjusted monthly income; or

C. 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. If the family’s welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage; or

D. The minimum rent of $100.00.

13.3 MINIMUM RENT

The Housing Authority of the City of Bradenton has set the minimum rent at $100.00. If the family requests a hardship exemption, however, the Housing Authority of the City of Bradenton will suspend the minimum rent beginning the month following the family’s request until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

A. A hardship exists in the following circumstances:
1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a non-citizen 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;

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; and

4. When a death has occurred in the family.

B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 calendar days from the beginning of the suspension of the minimum rent. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

13.4 THE FLAT RENT

The Housing Authority of the City of Bradenton sets a flat rent for each public housing unit. At admission, a family may choose between the flat rent amount and the income-based rent. Pursuant to HUD requirements, flat rent must be at least 80% of local Fair Market Rents (FMR), subject to an appropriate utility adjustment. The Housing Authority of the City of Bradenton will reevaluate annually and make adjustments in accordance with annual FMR releases. If the FMR falls from the previous year, the housing authority may, but is not required to, lower the flat rent amount to 80% of FMR. Affected families will be given a 30-day notice of any rent change. Adjustments are applied at the family's next annual recertification.
Public Housing units within a mixed finance tax credit property are not subject to this HUD requirement. Flat rents in a mixed-finance property assisted pursuant to the Low-Income Tax Credit program under Section 42 of the Internal Revenue Code of 1986 must continue to comply with the requirements set forth in Section 42 and may not exceed the amounts allowable under that section. Flat rents are incorporated in this policy upon approval by the Board of Commissioners.

13.5 EARNED INCOME DISALLOWANCE

The Earned Income Disallowance (EID) is the exclusion from the calculation of the family’s income, the income increase attributable to new employment or increased earnings, over the income received prior to qualifying for the disallowance. The EID is not applicable to residents of Section 8 New Construction developments.

1. The EID applies to any Public Housing resident whose:
   a. annual income increases due to employment of a family member who was unemployed for one (1) or more year previous to employment; or
   b. annual income increases as the result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
   c. annual income increases due to new employment or increased earnings of a family member during or within six (6) months of receiving state funded assistance, benefits or services.

2. For purposes of the EID, the following definitions apply:
   State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by HACB in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work 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.
   a. During the 12-month period beginning when the member first qualifies for a disallowance, HACB must exclude from annual income any increase in income as a result of employment. For the twelve (12) cumulative months following the first exclusion period, 50% of the income increase shall be excluded.
   b. Regardless of how long it takes a resident to work for twelve (12) cumulative months (to qualify for the first exclusion) or the second twelve (12) cumulative months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is forty-eight (48) months.
c. The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission, unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed.

d. The definition of previously unemployed also includes a person who has earned not more than could be earned working ten (10) hours per week for fifty (50) weeks at the established minimum wage.

The periods of income disallowance are as follows:

a. 100% disallowance of increased earnings: The initial 12-month cumulative full exclusion period begins on the date the qualifying family member experiences an increase in income attributable to employment or increased earnings. For tracking and administrative purposes, PHCD can begin the EID on the first day of the month following the effective date of employment.

b. 50% disallowance of increased earnings: The second 12-month cumulative exclusion period begins after the initial period ends.

c. 48-month lifetime limitation: The EID concludes at the end of the second 12-month cumulative period or after 48 months of the initial 12-month cumulative period, whichever comes first.

d. After the EID periods end, the full income is included.

13.6 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

A mixed family will receive full continuation of assistance if all of the following conditions are met:

A. The family was receiving assistance on June 19, 1995;

B. The family was granted continuation of assistance before November 29, 1996;

C. The family's head or spouse has eligible immigration status; and

D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

The family's assistance is prorated in the following manner:

A. Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for the Housing Authority of the City of Bradenton. The 95th percentile is called the maximum rent.
B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.

C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.

D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

13.7 TEMPORARY RENT

If, at the time of admission or re-examination, the HACB can satisfy itself that a family is of low income and within the approved income limits, but cannot make a determination of income for purposes of determining rent with a necessary degree of accuracy because of the inability to secure adequate verification or instability of income, a temporary rent may be established based on the data supplied by the applicant in the application. If a temporary rent is established, the resident will be notified of this action by a temporary rent notice or such other method determined to be legally and administratively sufficient and that his appropriate rent, when determined, will be effective retroactively to the date of re-examination. The resident will be required to pay any balance due or the HACB will credit his account with any overpayment which results from a temporary rent. The HACB will schedule special re-examination (see D2.2) of all factors relating to both rent and eligibility of each resident established on a temporary rent at intervals established by the HACB until a permanent determination can be made as to rent and eligibility status of the family.

13.8 PAYING RENT

Rent is due on or before the first (1st) day of each month and is delinquent after the fifth (5th) working day of the month.

Excess utilities are due the fifteenth (15th) day after the notice of the charge.

Maintenance charges and all other charges are due the fifteenth (15th) day after notification of the charge (i.e. Work Order copy, letter, etc.). Maintenance charges and other charges, not otherwise mentioned in this policy, appearing on rental accounts are due the fifteenth (15th) day following written notification of the charge.

All payments received shall be applied to the oldest debt first, unless some charges are currently contested under a written grievance.

No amount shall be considered too small to issue an eviction warrant.
Management reserves the right to waive late charges or to accept payments after the delinquency date as determined on a case by case basis.

13.9 RENTAL PAYMENTS AFTER THE DELINQUENCY DATE

A. The HACB may assess a late charge to all residents, except those residents who have received a waiver, on the delinquency date.

B. Payments tendered by residents after the delinquency date and prior to a demand notice will be accepted by management provided all rent and other charges then due are paid in full. No partial payments will be accepted after the delinquency date.

C. No payments will be accepted after the expiration of the eviction notice unless the resident has made a written request for late payment and delay of court action such request has been determined and approved for only those reasons which are genuine emergencies as determined by the HACB management.

D. A resident will be allowed to tender rent and other charges due after termination of the dwelling lease.

E. Failure to make payments when due and before expiration of the dwelling lease termination, shall result in eviction proceedings.

13.10 RETROACTIVE RENT CHARGES

Retroactive Rent Charges will be due and payable within seven (7) days of written notice unless arrangements are made prior to this day to make installment payments. Normally retroactive rent installment payments must be computed not to exceed a three (3) month pay off. If the amounts are large and the resident will not be able to pay off the retro rent charge within three (3) months a repayment schedule may be established allowing a longer period, based on time of tenancy.

13.11 VACATED RESIDENTS WITH BALANCES

Vacated residents will have seven (7) days from the date of the statement of Refund of Security Deposit and Unearned Rent to pay the account or make arrangement for payment. Accounts will be reported to the Credit Bureau and collection action will be taken after the expiration of this time period.
14.0 COMMUNITY SERVICE

14.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities), or (2) participate in an economic self-sufficiency program, or (3) perform eight hours per month of combined activities as previously described unless they are exempt from this requirement.

14.2 EXEMPTIONS

The following adult family members of tenant families are exempt from this requirement:

A. Family members who are 62 or older.

B. Family members who are blind or disabled as defined under 216(I)(1) or 1614 of the Social Security Act (42 U.S.C. 416(I)(1) and who certifies that because of this disability she or he is unable to comply with the community service requirements.

C. Family members who are the primary care giver for someone who is blind or disabled as set forth in Paragraph B above.

D. Family members engaged in work activity as defined in section 407(d) of the Social Security Act, specified below. Family members must be working at least 20 hours per week.
   1. Unsubsidized employment;
   2. Subsidized private-sector employment;
   3. Subsidized public-sector employment;
   4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
   5. On-the-job-training;
   6. Job-search and job-readiness assistance;
   7. Community service programs;
   8. Vocational educational training (not to exceed 12 months with respect to any individual);
   9. Job-skills training directly related to employment;
10. 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;

11. 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; and

12. The provision of childcare services to an individual who is participating in a community service program.

E. Family members who are or would be exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program.

F. Family members receiving assistance, benefits or services under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program.

14.3 NOTIFICATION OF THE REQUIREMENT

The Housing Authority of the City of Bradenton shall identify all adult family members who are apparently not exempt from the community service requirement.

The Housing Authority of the City of Bradenton shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status.

The Housing Authority of the City of Bradenton shall verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after April 1, 2001. For families paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

14.4 VOLUNTEER OPPORTUNITIES

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement,
basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

The Housing Authority of the City of Bradenton will coordinate with social service agencies, local schools, and the Human Resources Office in identifying a list of volunteer community service positions. Together with the resident advisory councils, the Housing Authority of the City of Bradenton may create volunteer positions such as hall monitoring, litter patrols, and supervising and record keeping for volunteers.

**14.5 THE PROCESS**

Upon admission or at the first annual reexamination on or after April 1, 2001, and each annual reexamination thereafter, the Housing Authority of the City of Bradenton will do the following:

A. Provide a list of volunteer opportunities to the family members.

B. Provide information about obtaining suitable volunteer positions.

C. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.

D. Assign family members to a volunteer coordinator who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator will track the family member’s progress monthly and will meet with the family member as needed to best encourage compliance.

E. At least thirty (30) calendar days before the family’s next lease anniversary date, the volunteer coordinator will advise the Housing Authority of the City of Bradenton whether each applicable adult family member is in compliance with the community service requirement.

**14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT**

The Housing Authority of the City of Bradenton will notify any family found to be in noncompliance of the following:

A. The family member(s) has been determined to be in noncompliance;

B. That the determination is subject to the grievance procedure; and

C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated.
14.7 OPPORTUNITY FOR CURE

The Housing Authority of the City of Bradenton will offer the family member(s) the opportunity to enter into an agreement at the first anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program (if available) or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. It will state the number of hours that the family member is deficient. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year’s community service requirement. The first hours a resident earns go toward the current commitment until the current year’s commitment is made.

The volunteer coordinator will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis. If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service, the Housing Authority of the City of Bradenton shall take action to terminate the lease unless the noncompliant family member no longer lives in the unit.

14.8 PROHIBITION AGAINST REPLACEMENT OF AGENCY EMPLOYEES

In implementing the service requirement, the Housing Authority of the City of Bradenton may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its employees or replace a job at any location where residents perform activities to satisfy the service requirement.

15.0 RECERTIFICATIONS

At least annually, the Housing Authority of the City of Bradenton will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

15.1 GENERAL

The Housing Authority of the City of Bradenton will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or income method, and scheduling an appointment if they are currently paying an income rent. If the family thinks they may want to switch from a flat rent to an income rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the income method, forms for the family to complete in
preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

The Housing Authority of the City of Bradenton schedules and conducts annual recertification no earlier than 120 days prior to the household’s recertification month. For households receiving cost of living adjustments (COLA) through the United States Social Security Department, the COLA standard effective on the date of their annual recertification exam meeting will be used to calculate income. During the appointment, the Housing Authority of the City of Bradenton will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family’s name will be placed on the transfer list.

15.2 MISSED APPOINTMENTS

If the family fails to respond to the letter and fails to attend the interview, a second letter will be delivered. The second letter will advise of a new time and date for the interview. The letter will also advise that failure by the family to attend the second scheduled interview will result in the Housing Authority of the City of Bradenton taking eviction actions against the family. Failure to complete the annual recertification process, including failure to provide requested documents, failure to sign required documents, failure of all family members to attend required appointments and failure to complete the recertification process within the timeframe allowed by the HACB will be considered a lease violation and grounds for eviction. The HACB, at its sole discretion, may consider allowing for a third appointment for medical reasons or as a reasonable accommodation to a person with a documented disability. If allowed, a third appointment will be the final appointment regardless of reason for missing this appointment.

15.3 FLAT RENTS

The annual letter to flat rent payers regarding the reexamination process will state the following:

Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the income amount.

The amount of the flat rent.

A. A fact sheet about income rents that explains the types of income counted, the most common types of income excluded, and the categories of allowances that can be deducted from income.
B. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.

C. Families who opt for the flat rent may request to have a reexamination and return to the income based method at any time for any of the following reasons:
   1. The family's income has decreased.
   2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
   3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.
      Once a family returns to the income-based method during their “lease year” they cannot go back to a flat rent until their next regular annual reexamination.

D. The dates upon which the Housing Authority of the City of Bradenton expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.

E. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.

F. A certification for the family to sign accepting or declining the flat rent.

G. Each year prior to their anniversary date, Housing Authority of the City of Bradenton will send a reexamination letter to the family offering the choice between a flat rent or an income-based rent. The opportunity to select the flat rent is available only at this time. At the appointment, the Housing Authority of the City of Bradenton may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the Housing Authority of the City of Bradenton representative, they may make the selection on the form and return the form to the Housing Authority of the City of Bradenton. In such case, the Housing Authority of the City of Bradenton will cancel the appointment and solely verify the family size and whether it is in an appropriate size unit.

15.4 THE INCOME METHOD

During the interview, the family will provide all information regarding income, assets, deductions (eligible expenses), and other information necessary to determine the family’s share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, the Housing Authority of the City of Bradenton will determine the family’s annual income and will calculate their rent as follows.
The total tenant payment is equal to the highest of:

A. 10% of the family's monthly income;

B. 30% of the family's adjusted monthly income;

C. The welfare rent; or

D. The minimum rent.

The family shall be informed of the results of the rent calculation under both the Income Method and the Flat Rent and given their choice of which rent to pay.

**15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS**

The new rent will generally be effective upon the anniversary date with thirty (30) calendar days' notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

**15.6 INTERIM REEXAMINATIONS**

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Rent adjustments are not required if the increase in gross household income is less than $40.00 per month. Rent adjustments will be processed for increased in gross family income of $40.00 or more per month. Participants are still required to report all changes in household composition, income, assets, allowances and deductions in writing the Housing Authority of the City of Bradenton within 10 calendar days of their occurrence. Unreported changes will result in an immediate rent adjustment and the participant will be responsible for any overpaid rental assistance that was paid on their behalf.

Families are required to report the following changes to the Housing Authority of the City of Bradenton between regular reexaminations. If the family's rent is being determined under the income method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) calendar days of their occurrence.
A. A member has been added to the family through birth or adoption or court-awarded custody.

B. A household member is leaving or has left the family unit.

C. Household income has increased or allowable expenses have decreased.
   In order to add a household member other than through birth, adoption, or court-awarded custody, the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The Housing Authority of the City of Bradenton will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family’s rent is being determined under the income method, the family’s annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with Section 15.8.

A resident requesting a live-in-aide will be required to provide verification of the need for a live-in-aide. In addition, before approval of the live-in-aide, the individual (live-in-aide) must complete an application form for purposes of determining citizenship/eligible immigrant status and the live-in-aide will go through the screening process similar to the process for applicants. The Housing Authority of the City of Bradenton will determine the eligibility of the live-in-aide before approval can be granted. If the individual is found to be ineligible or does not pass the screening criteria, the resident will be advised in writing and given the opportunity for an informal review. Under no circumstances will the live-in-aide be added to the lease or be considered the last remaining member of a tenant family.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income which will be for at least four (4) consecutive weeks or an increase in allowable expenses. Upon such request, the HOUSING AUTHORITY OF THE CITY OF BRADENTON will take timely action to process the interim reexamination and recalculate the family share.

15.7 SPECIAL REEXAMINATIONS
If a family’s income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the Housing Authority of the City of Bradenton may schedule special reexaminations every 120 calendar days until the income stabilizes and an annual income can be determined.

**15.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS**

Interim changes received before the 20th of the month will be effective on the first of the following month. Interim changes received after the 20th of the month will be effective on the first of the second month.

**15.9 HOUSING AUTHORITY MISTAKES IN CALCULATING RENT**

If the Housing Authority of the City of Bradenton makes a mistake in calculating a resident’s rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of twelve (12) months. The refund shall be given to the resident as soon as practical or credited to the resident’s account, whichever the resident desires unless the resident owes the Housing Authority money in which case the debt shall be offset to the degree possible before the resident chooses between the two refund methods.

**15.10 ZERO EARNED INCOME POLICY**

The HACB will require families who report zero earned income to report to the HACB for purposes of an interim reexamination once every (90) calendar days until the family reports verifiable earned income. Families whose head or co-head is considered elderly, near elderly, or disabled per HACB definition will be exempt from this requirement. Families whose head or co-head only income is from fixed annual income based on social security, supplemental social Income or retirement income will be exempt from this requirement.

The family will be required to continue to attend an interim recertification at least once every (90) calendar days for as long as the family remains at zero earned income.

**16.0 UNIT TRANSFERS**

**16.1 TRANSFERS POLICY**

Objectives of the Transfer Policy:

- To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate-sized unit.
▪ To facilitate humane relocation when required for modernization or other management purposes.
▪ To facilitate relocation of families with complete and permanent inability to continue living in a multiple-story housing unit.
▪ To eliminate vacancy loss and other expenses due to unnecessary transfers.

16.2 TYPES OF TRANSFERS

1. **HACB Initiated** - The HACB may at its discretion transfer residents because of an uninhabitable unit, major repairs, or other actions initiated by management as follows:
   a. In the event of a fire, accident or natural disaster that results in the dwelling unit becoming uninhabitable, the resident will be offered alternative accommodations within the neighborhood if a rentable unit in the appropriate size is available. The option to transfer fire or disaster victims is open to the HACB; on-site management may review rent paying history, housekeeping, illegal or criminal activities and/or social dysfunction and use these criteria for making the determination to re-house. In HACB, the Executive Director has the ultimate responsibility for providing shelter for victims of fire. If the appropriate-sized unit is not available within the same neighborhood, the family may be transferred to an appropriate size unit available at another HACB-owned neighborhood. If the move is to a site where residents purchase all or some utilities, the resident will pay the cost of any deposit required by the utility company. If an appropriate size unit is not available HACB-wide then the family may be over-housed but placed on the transfer list with the transfer being accomplished at the appropriate time.
   b. If a neighborhood is undergoing modernization type work which necessitates vacating housing units, the affected residents will be relocated at the HACB’s expense in available vacant units within the HACB.
   c. To protect a family from reprisals because family members provided information on criminal activities to a law enforcement agency.
   d. To protect a family who’s member(s) have been the victim of a hate crime.
   e. To accommodate a member of a family who has a mobility or other impairment that makes the person unable to use critical elements of the unit.
   f. If there is involuntary disposition of the multi-family rental housing development by HUD under Section 203 of the Housing and Community Development Amendments of 1978.
   g. If determined feasible by management, the HACB will attempt to relocate affected residents into vacant units within the site. Other decisions related to modernization transfers will be made by the Executive Director or his/her
designee. The HACB may suspend normal transfer procedures to facilitate modernization type activities.

2. **Transfers for Approved Medical Reasons** - Residents may be transferred from their current housing unit in order to obtain reasonable accommodations of the needs of any resident with disabilities. The Authority may require medical documentation of a resident’s condition from a physician or service provider and reserves the right to make its own evaluation of such documentation. Normally such transfers will be within the resident’s original neighborhood unless the appropriate size, reasonable accommodations and type of unit do not exist on the site. All other medical related transfer requests shall be determined solely by the Executive Director or his/her designee.

A resident who desires to relocate on advice of a physician or service provider for reasons other than inability to negotiate stairs may file an application for a housing unit with the management on site.

3. **Transfers to Appropriately Sized Unit**

Resident agrees that, if HACB determines the size of the Premises is no longer appropriate for the Resident’s needs, HACB may notify Resident that he may be required to move to another unit, giving Resident reasonable time to move. Moving time shall be mutually agreed upon by the Resident and the HACB. If Resident does not agree with the determination, Resident shall have the right to request a hearing under the HACB’s Grievance Procedure.

This section establishes both that the HACB has an obligation to transfer residents to the appropriately sized unit and that residents are obligated to accept such transfers. These will be made in accordance with the following principles:

a. Determination of the correct size housing unit shall be in accordance with the HACB’s Occupancy Standards.

b. Single persons, elderly and handicapped residents who occupy a one-bedroom housing unit will not be required to relocate into an efficiency (0-BR).

c. Management may, at its discretion, separate a single household into multiple households if sufficiently large units are not available or if management and the family determine this to be in the interest of both the family and the neighborhood. Based on the selection criteria for new admissions, management shall determine that each smaller family unit is eligible by HUD definition and contains a leaseholder capable of discharging lease obligations. The new household must apply to the HACB for occupancy and be processed through the regular wait list procedures.

4. **Transfers for Non-handicapped families living in handicapped designated units.**
The first paragraph of the dwelling lease states what type of unit, as designated by management, that the resident family is residing in. If the Premises leased by a Resident is a handicapped designated unit and none of the Household Residents occupying the Premises are handicapped individuals, the Resident agrees to transfer to a non-handicapped unit if and when the Premises is needed for a handicapped family.

The HACB may from time to time have an excess of handicapped accessible units. In an effort to get the best use of all units the HACB may from time to time rent a handicapped designated unit to a family that has no handicapped members. The HACB will advise the family of the requirements to transfer if and when a handicapped designated family is determined eligible. If the family selected for the unit decides not to accept the unit because of the requirement to move at some date in the future, the refusal shall not count against the family.

This section establishes both that the HACB has an obligation to transfer non-handicapped residents residing in handicapped designated units to non-handicapped designated units and that non-handicapped families are obligated to accept such transfers. These will be made in accordance with the following principles:

a. Transfers to a non-handicapped designated unit will be made within the same neighborhood, unless there are no vacancies of that size available in the same neighborhood.

b. Management, may at its discretion, separate a single household into multiple households if sufficiently large units are not available or if management and the family determine this to be in the interest of both the family and the neighborhood. Based on the selection criteria for new admissions, management shall determine that each smaller family unit is eligible by HUD definition and contain a legal leaseholder capable of discharging lease obligations. For the purposes of determining the priorities for transfers, this type of transfer shall be considered an HACB initiated transfer.

16.3 PRIORITIES FOR TRANSFERS

All transfers must be either for approved medical reasons, for relocation to an appropriately sized unit or be initiated by the HACB. No other reasons for transfers will be considered. Within the eligible types, transfers shall be performed over new move-ins according to the following priorities:

1. HACB initiated transfers;
2. Transfers to a single-level housing unit for approved medical reasons;
3. Residents who are under-housed by one or more bedrooms as is consistent with HQS and Housing Code enforcement for the City of Bradenton;

4. Residents who are over-housed by one or more bedrooms and not over-housed by the HACB to remedy the vacancy rate;

HACB initiated transfers always have priority over new move-ins. The remainder shall be mixed with new move-ins in a ratio of one transfer to five new move-ins. Within each priority type, transfers will be ranked by date. In transfers requested by residents for approved health reasons or to move to a larger housing unit, the date shall be that on which the changed family circumstances are verified by on-site management. In the case of an involuntary transfer, the date will be that on which management verifies that the change occurred. Management reserves the right to immediately transfer any family who has misrepresented family circumstances or composition.

16.4 TRANSFER PROCEDURES

The HACB staff shall:

- Determine whether a vacancy is used for a transfer or move-in based on priorities and established ratios.
- Coordinate actual transfers with other HACB staff.
- Maintain transfer logs and records for audit.
- Notify residents with pending transfers as their name approaches the top of the list.
- Counsel with residents experiencing problems with transfers, assisting hardship cases to find assistance.
- Issue final offer of vacant housing unit as soon as vacant housing unit is identified.
- Issue notice to transfer as soon as vacant housing unit is available for occupancy. This notice will give the resident four (4) working days to complete transfer.
- Process transfer documents.
- Participate in planning and implementation of special transfer systems for modernization and other similar programs.
- Inspect both housing units involved in the transfer, charging for any resident abuse.

Only one offer of a housing unit will be made to each resident being transferred within their own neighborhood. A resident being transferred outside his/her own neighborhood will be allowed to refuse one offer only. In the case of a family being transferred from a
unit which is uninhabitable, incorrectly sized, or scheduled for major repairs, failure to accept the unit offered, or the second unit offered in the case of a transfer outside the neighborhood, will be grounds for termination of the lease. When a person has requested a single-level housing unit for approved medical reasons declines the offer of such a housing unit, the HACB is not obligated to make any subsequent offers. The HACB will notify the resident in such cases that the HACB has discharged its obligations to the resident, that he/she remains in the housing unit at his/her own risk, and that the HACB assumes no liability for his condition.

16.5 RIGHT OF MANAGEMENT TO MAKE EXCEPTIONS

The plan is to be used as a guide to ensure fair and impartial means of assigning units for transfer. It is not intended that this policy shall create a property right or any other type of right for a resident to transfer or refuse transfer. Management reserves the right to make exceptions to this policy as circumstances require, consistent with applicable regulations of the Department of Housing and Urban Development.

16.6 COST OF THE FAMILY’S MOVE

The cost of the transfer generally will be borne by the family in the following circumstances:

A. When the transfer is made at the request of the family or by others on behalf of the family (i.e., by the police);
B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller; or
C. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The cost of the transfer will be borne by the Housing Authority of the City of Bradenton in the following circumstances:

A. When the transfer is needed in order to carry out modernization, disposition or demolition activities; or
B. When action or inaction by the Housing Authority of the City of Bradenton has caused the unit to be unsafe or inhabitable; or
C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved.
D. The responsibility for moving costs in other circumstances will be determined on a case by case basis.

16.7 TENANTS IN GOOD STANDING
When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the Housing Authority of the City of Bradenton. “Good Standing” means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection, both at time of request for placement on the transfer list and when household is notified of a transfer unit being available. If inspection of the current unit reveals excessive wear and tear and/or damages, charges will be calculated. Payment of calculated charges will be required in order to approve the request for placement on the transfer list or to transfer the household. If charges exceed two hundred dollars ($200.00), the transfer will be denied and household denied placement on the transfer list or removed from the transfer list.

16.8 TRANSFER REQUESTS

A tenant may request a transfer at any time by completing a transfer request form. In considering the request, the Housing Authority of the City of Bradenton may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The Housing Authority of the City of Bradenton will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) calendar days of receipt of the request to schedule a meeting. The Housing Authority of the City of Bradenton will grant or deny the transfer request in writing within ten (10) calendar days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the appropriate transfer waiting list.
If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

16.9 RIGHT OF THE HOUSING AUTHORITY OF THE CITY OF BRADENTON IN TRANSFER POLICY

The provisions listed above are to be used as a guide to ensure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

17.0 INSPECTIONS

An authorized representative of the Housing Authority of the City of Bradenton and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the Housing Authority of the City of Bradenton file and a copy given to the family member.
authorized Housing Authority of the City of Bradenton representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any Housing Authority of the City of Bradenton damages to the unit.

17.1 MOVE-IN INSPECTIONS

The Housing Authority of the City of Bradenton and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

17.2 ANNUAL INSPECTIONS

The Housing Authority of the City of Bradenton will inspect each public housing unit annually to ensure that each unit meets the Housing Authority of the City of Bradenton’s housing standards. Work orders will be submitted and completed to correct any deficiencies.

17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

17.4 SPECIAL INSPECTIONS

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the Housing Authority of the City of Bradenton.

17.5 HOUSEKEEPING INSPECTIONS

Generally, at the time of annual reexamination, or at other times as necessary, the Housing Authority of the City of Bradenton will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition. Failure to maintain the property in a safe and sanitary condition will be grounds for termination per Section 20.2 of this plan.

17.6 NOTICE OF INSPECTION
For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, the Housing Authority of the City of Bradenton will give the tenant at least two (2) calendar days written notice.

17.7 EMERGENCY INSPECTIONS

If any employee and/or agent of the Housing Authority of the City of Bradenton has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

17.8 PRE-MOVE-OUT INSPECTIONS

When a tenant gives notice that they intend to move, the Housing Authority of the City of Bradenton will offer to schedule a pre-move-out inspection with the family. The inspection allows the Housing Authority of the City of Bradenton to help the family identify any problems which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling the Housing Authority of the City of Bradenton to ready units more quickly for the future occupants.

17.9 MOVE-OUT INSPECTIONS

The Housing Authority of the City of Bradenton conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

18.0 GRIEVANCES AND APPEALS

18.1 OVERVIEW

When the PHA 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 PHA policies necessary to respond to applicant appeals through the informal hearing process.

18.2 INFORMAL REVIEW PROCESS
Informal reviews 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 reviews 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 in the PHA grievance procedure [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal reviews provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

18.3 USE OF INFORMAL REVIEW PROCESS

While the HACB must offer the opportunity of an informal review to applicants who have been determined as ineligible for admission, the PHA could make an informal hearing process available to applicants who wish to dispute other PHA actions that adversely affect them.

**HACB POLICY**

The HACB will only offer reviews to applicants for the purpose of disputing denials of admission.

18.4 NOTICE OF DENIAL [24 CFR 960.208(a)]

The PHA 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 PHA 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. 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.

18.5 SCHEDULING AN INFORMAL REVIEW

**HACB POLICY**

A request for an informal review must be made in writing and delivered to the HACB 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 the HACB’s notification of denial of admission. The HACB will schedule and send written notice of the informal hearing within 10 business days of the family’s request.

18.6 CONDUCTING AN INFORMAL REVIEW [PH Occ GB, p. 58]
**HACB POLICY**

The informal review will be conducted by a person other than the one who made the decision under review, or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision of the HACB.

The person conducting the informal review will make a recommendation to the HACB, but the HACB is responsible for making the final decision as to whether admission should be granted or denied.

**18.7 INFORMAL REVIEW DECISION [PH Occ GB, p. 58]**

**HACB POLICY**

The PHA will notify the applicant of the PHA's final decision, including a brief statement of the reasons for the final decision. In rendering a decision, the PHA 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 PHA policy, then the decision to deny assistance will be overturned.

- The validity of the evidence. The PHA 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, the PHA will uphold the decision to deny admission.

If the facts prove the grounds for denial, and the denial is discretionary, the HACB will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

The HACB will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, 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.

**18.8 REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES [24 CFR 966.7]**
Persons with disabilities may request reasonable accommodations to participate in the informal review process and the HACB must consider such accommodations. The HACB must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person’s disability.

18.9 GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

18.9A PROCEDURES GOVERNING THE HEARING

A. The complainant shall be afforded a fair hearing providing the basic safeguards of due process which shall include:
   (1) The opportunity to examine before the hearing and, at the expense of the complainant, to copy all documents, records and regulations of the Authority that are directly relevant to the hearing. Any document not so made available after request therefore by the complainant may not be relied on by the Authority at the hearing;
   (2) The right to be represented by counsel or other person chosen as tenant’s representative, and to have such person make statements on the tenant’s behalf;
   (3) The right to a private hearing unless the complainant requests a public hearing;
   (4) The right to present evidence and arguments in support of tenant’s complainant, to convert evidence relied on by the Authority, and to confront and cross-examine all witnesses in whose testimony or information the Authority relies; and
   (5) A decision based solely and exclusively upon the facts presented at the hearing.

B. The hearing officer may render a decision without proceeding with the hearing if the hearing officer determines that the issue has been previously decided in another proceeding.

C. If the complainant or the Authority fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing of a period of time not to exceed five business days or may make a determination that the party has waived his right to a hearing. Both the complainant and the Authority shall be notified of the determination by the hearing officer. Provided that a determination that the complainant has waived his right to a hearing shall not constitute a waiver of any right the complainant may have to contest the Authority’s disposition of the grievance in an appropriate judicial proceeding.

D. At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the Authority must sustain the burden of
justifying the Authority action or failure to act against which the complaint is
directed.

E. The hearing shall be conducted informally by the hearing officer and oral or
documentary evidence pertinent to the facts and issues raised by the complaint
may be received without regard to admissibility under the rules of evidence
applicable to judicial proceedings. The hearing officer shall require the
Authority, the complainant, counsel, and other participants or spectators to
conduct themselves in an orderly fashion. Failure to comply with the directions
of the hearing officer to obtain order may result in exclusion from the
proceedings or it may result in a decision adverse to the interests of the
disorderly party and granting a denial of the relief sought, as appropriate.

F. The complainant or the Authority 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.

18.9B DECISION OF THE HEARING OFFICER OR HEARING PANEL

A. The hearing officer shall prepare a written decision, together with the reasons
therefore, within a reasonable time after the hearing. A copy of the decision shall be
sent to the complainant and the Authority. The Authority shall retain a copy of the
decision in the tenant’s folder. A copy of the decision, with all names and identifying
references deleted, shall also be maintained on file by the Authority and made
available for inspection by a prospective complainant, his representative, or the
hearing panel.

B. The decision of the hearing officer shall be binding on the Authority which shall take
all actions, or refrain from any actions, necessary to carry out the decision unless
the Authority Board of Commissioners determines within a reasonable time, and
promptly notifies the complainant of its determination, that

   (1) The grievance does not concern Authority action or failure to act in
       accordance with or involving the complainant’s lease on Authority
       regulations, which adversely affect the complainant’s rights, duties, welfare,
       or status;

   (2) The decision of the hearing officer or hearing panel is contrary to applicable
       Federal, State, or local law HUD regulations or requirements of the annual
       contributions contract between the HUD and the Authority.

C. A decision by the hearing officer; hearing panel, or Board of Commissioners in favor
of the Authority or which denies the relief requested by the complainant in whole or
in part shall not constitute a waiver of, nor affect in any manner whatever any rights
the complainant may have a trial de novo or judicial review in any judicial
proceedings, which may thereafter be brought in the matter.
19.0 PET POLICY

19.1 EXCLUSIONS

This policy does not apply to animals that are necessary as a reasonable accommodation to assist, support or provide services to persons with disabilities. Trained, assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors, including, but not limited to, removal of waste, registering the pet, providing a picture to management and leaving pet unattended. Owners of trained, assistive animals will be required to comply with 18.5 of this policy in its entirety. 18.5 requires submission of annual inoculation records and compliance with all state and local laws pertaining to pet ownership. HACB has the authority to regulate service animals which assist, support or provide services to persons with disabilities, under Federal, State or local law.

19.2 PETS IN PUBLIC HOUSING

The Housing Authority of the City of Bradenton allows for pet ownership in its developments with the written pre-approval of the Housing Authority. This policy applies to all public housing properties. However, sites not managed by the HOUSING AUTHORITY OF THE CITY OF BRADENTON, may have additional rights or limitations. Residents are responsible for any damage caused by their pets, including the cost of fumigating or cleaning their units. In exchange for this right, resident assumes full responsibility and liability for the pet and agrees to hold the Housing Authority of the City of Bradenton harmless from any claims caused by an action or inaction of the pet.

19.3 APPROVAL

Residents must have the prior written approval of the Housing Authority before moving a pet into their unit. Residents must request approval on HACB Approved forms that must be fully completed before the Housing Authority will approve the request. Residents must give the Housing Authority a picture of the pet so it can be identified if it is running loose.

19.4 TYPES AND NUMBER OF PETS

The Housing Authority of the City of Bradenton will allow only common household pets. This means only domesticated animals such as a dog, cat, bird, rodent (including a rabbit), fish in aquariums or a turtle will be allowed in units. Common household pets do not include reptiles (except turtles). If this definition conflicts with a state or local law or regulation, the state or local law or regulation shall govern.

All dogs and cats must be spayed or neutered before they become six months old. A licensed veterinarian must verify this fact.
Only one (1) pet per unit will be allowed according to this schedule.

A. One dog; or
B. One cat; or
C. One bowl or tank of fish (maximum tank size – twenty (20) gallons); or
D. One pair of caged birds (parakeets or canaries only); or
E. One small caged animal such as a guinea pig, hamster or gerbil

The following lists the types of pets that are prohibited:

A. Vicious or dangerous pets such as, but not limited to: Pit Bulls, Doberman Pinchers, German Shepherds, Huskies, Rottweilers, Chow Chows, reptiles (except turtles) and arachnoids.
B. Pets over the weight and height limits
C. Farm animals, fowl or other animals

If this definition conflicts with state or local law or regulation, the state or local law or regulation shall govern.

Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed.

No animal may exceed twenty-five (25) pounds in weight projected to full adult size.

19.5 INOCULATIONS

In order to be registered, pets must be appropriately inoculated against rabies, distemper and other conditions prescribed by state and/or local ordinances. They must comply with all other state and local public health, animal control, and anti-cruelty laws including any licensing requirements. A certification signed by a licensed veterinarian or state or local official shall be annually filed with the Housing Authority of the City of Bradenton to attest to the inoculations.

19.6 PET DEPOSIT

A pet deposit of $100.00 for dogs and cats; $100.00 for all other types of pets is required at the time of registering a pet. The deposit is refundable when the pet or the family vacates the unit, less any amounts owed due to damage beyond normal wear and tear.

Pet owners who do not pick up after their pets will be fined a waste removal charge of approximately $15.00 per occurrence. In cases where extensive waste removal is necessary the resident will be charged the actual cost of any clean-up required.

19.7 FINANCIAL OBLIGATION OF RESIDENTS
Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner's unit will be the financial responsibility of the pet owner and the Housing Authority of the City of Bradenton reserves the right to exterminate and charge the resident.

19.8 NUISANCE OR THREAT TO HEALTH OR SAFETY

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner’s unit and surrounding areas. Repeated substantiated complaints by neighbors or Housing Authority of the City of Bradenton personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance may result in the owner having to remove the pet or move him/herself.

Pets that make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one half hour or more to the disturbance of any person at any time of day or night shall be considered a nuisance.

The Authority may enter and inspect the unit and premises, after reasonable notice, during reasonable hours for compliance with the Pet Policy or other lease violations. The Authority may also enter and inspect the unit if a written complaint is received alleging that the conduct or condition of the pet in the unit constitutes a nuisance or threat to the health and safety of the other occupants or persons in the community.

19.9 DESIGNATION OF PET AREAS

Pets must be kept in the owner's unit or on a leash at all times when outside the unit (no outdoor cages may be constructed). Pets will be allowed only in designated areas on the grounds of the property if the Housing Authority of the City of Bradenton designates a pet area for the particular site. Pet owners must clean up after their pets and are responsible for disposing of pet waste.

With the exception of assistive animals, no pets shall be allowed in the community room, community room kitchen, laundry rooms, public bathrooms, lobby, beauty shop, hallways or office in any of our sites.

To accommodate residents who have medically certified allergic or phobic reactions to dogs, cats, or other pets, those pets may be barred from certain wings (or floors) in our development(s)/building(s). This shall be implemented based on demand for this service.

19.10 MISCELLANEOUS RULES

Pets may not be left unattended in a dwelling unit for over 14 hours. If the pet is left unattended and no arrangements have been made for its care, the HA will have the right to enter the premises and take the uncare for pet to be boarded at a local animal care facility at the total expense of the resident.
A pet owner shall physically control or confine his/her pet during the times when Housing Authority employees, agents of the Housing Authority or others must enter the pet owner’s apartment to conduct business, provide services, enforce lease terms, etc. If a pet causes harm to any person, the pet’s owner shall be required to permanently remove the pet from the Housing Authority’s property within 24 hours of written notice from the Housing Authority. The pet owner may also be subject to termination of his/her dwelling lease.

No pet under any circumstances shall be left chained, leashed or tied to Housing Authority property outside the unit regardless of whether resident/pet owner is present. All leashes shall not exceed six (6) feet in length.
A pet owner who violates any other conditions of this policy may be required to remove his/her pet from the development within 10 calendar days of written notice from the Housing Authority. The pet owner may also be subject to termination of his/her dwelling lease.

The Housing Authority's grievance procedures shall be applicable to all individual grievances or disputes arising out of violations or alleged violations of this policy.

19.11 VISITING PETS

Guests may not bring their pets onto the Housing Authority property at any time. Pets not owned or registered by the resident with the Authority shall not be kept by the resident for any length of time or under any circumstance. Residents are prohibited from feeding or harboring stray animals. The feeding or harboring of stray animals shall constitute having a pet without written permission by the Authority and deemed a violation of the lease.

19.12 REMOVAL OF PETS

The Housing Authority of the City of Bradenton, or an appropriate community authority, shall require the removal of any pet from a project if the pet’s conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.
In the event of illness or death of pet owner, or in the case of an emergency which would prevent the pet owner from properly caring for the pet, the Housing Authority of the City of Bradenton has permission to call the emergency caregiver designated by the resident or the local Pet Law Enforcement Agency to take the pet and care for it until family or friends would claim the pet and assume responsibility for it. Any expenses incurred will be the responsibility of the pet owner.

20.0 PARKING AND AIR CONDITIONING AND HEATING POLICY

20.1 PARKING

Each Resident shall comply with the following parking rules and regulations:
1. Resident, Household Residents, visitors and guests must use the designated parking areas.

2. Parking of any vehicle, including but not limited to motorcycles, on any lawn area or non-designated parking area within the development is not permitted. Any vehicle parked on the lawn or any other area not specifically designated for parking will be towed at the owner’s expense.

3. Motorcycles are not to be driven within the development except for travel to and from the development.

4. Loud mufflers, large trucks or other objectionable vehicles shall not be driven or parked in the parking areas.

5. Resident’s, Household Residents’ and their guest’s motorized vehicles must be properly tagged and licensed and shall be in running condition with fully inflated tires. Any vehicle not meeting these requirements will be towed at the owner’s expense.

6. Resident shall not engage in the repair or maintenance of any vehicles, including, but not limited to, automobiles, motorcycles, lawn mowers, and boats, within the parking lots, common areas, or other property owned by HACB. Repair and maintenance prohibited hereby includes, without limitation, oil changes, tire rotation, and brake jobs.

7. Resident acknowledges that violation of any of the above rules and regulations will result in the immediate towing of the offending vehicle without further notice to Resident. Resident agrees to pay all towing charges resulting from Resident’s, Household Residents’, and their guests’ violation of these rules and regulations.

**20.2 AIR-CONDITIONING AND HEATING**

Resident shall be charged for damages resulting from his/her failure to maintain sufficient heating and air conditioning in the Premises or to notify HACB of a failure of the heating and air conditioning equipment, unless the same is the result of a cause beyond his/her control. For the purposes hereof, sufficient heating and air conditioning shall mean that the heating and air conditioning equipment appropriate for the season shall be on with the thermostat set at no lower than seventy (70) degrees Fahrenheit for air conditioning and no higher than eighty (80) degrees Fahrenheit for heating.

**21.0 REPAYMENT AGREEMENTS**

This Chapter describes the HACB’s policies for the recovery of monies which have been overpaid for families. It describes the methods that will be utilized for collection of monies
and the guidelines for different types of debts. It is the HACB’s policy to meet the informational needs of families, and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support the HACB’s claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the family or other interested parties.

When families owe money to the HACB, the HACB will make every effort to collect it. The HACB will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements

A. PAYMENT AGREEMENT FOR FAMILIES

A Payment Agreement as used in this Plan is a document entered into between the HACB and a person who owes a debt to the HACB. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the HACB upon default of the agreement.

HACB may decline to enter into a payment agreement with a family when:

- The family has an existing payment agreement with HACB for the same offense or if the second offense relates to unreported household income; or
- The HACB has determined that the debt owed by the family cannot be repaid within an 18-month period from effective date of payment agreement.

HACB **will decline** to enter into a payment agreement with a family when:

- The HACB has determined that the family has committed program fraud (unreported income, under reported income)

**Terms and Conditions of Payment Agreement**
The HACB will set the terms and conditions of the payment agreement.

**Payment Agreement Execution**
The HACB will only enter into a payment agreement with the head of household.
**Terms**

The payment agreement terms shall be for a period not to exceed 18 months.

**When Payment Is Due**

The first payment shall always be due on the first day of the month following the effective day of the payment agreement.

Payments shall be due and payable on the first day of the month and will be considered late if not paid by the fifth day of the month. The HACB shall not charge a late fee if payments are late.

**Payment Default**

If payments are received past the twentieth day of the month more than (2) times within a twelve-month period, the payment agreement will be considered in default and payment in full will be required. Where a payment agreement is considered to be in default, the HACB may terminate assistance and/or pursue any available remedy including filing civil action to collect the total amount owed.

**Monthly Payment Amounts /Terms**

The monthly payments will be determined by dividing the total amount due by the total number of months the HACB affords the family to pay.

<table>
<thead>
<tr>
<th>Amount Owed</th>
<th>Period to Repay</th>
<th>Monthly Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>$50 - $999</td>
<td>1-6 months</td>
<td>$50.00 - $167.00</td>
</tr>
<tr>
<td>$1,000 −$1,999</td>
<td>7- 10 months</td>
<td>$143.00 - $200.00</td>
</tr>
<tr>
<td>$2,000 −$2,999</td>
<td>11-18 months</td>
<td>$182.00 - $200.00</td>
</tr>
</tbody>
</table>

Where HACB determines that the amount owed by a participant family exceeds $3,000.00 the HACB will not enter into a payment agreement.

**Cashier’s check or money order**

The HACB will accept payment in the form of cashier’s check or money order only. No personal checks or cash shall be accepted as payment.

**Transfer of payment agreement**
Where the head of household relinquishes the housing assistance to an adult member of the household the debt may be transferred to the remaining adult household member. A few agreements will be required for the remaining family member.

**Referrals**

The HACB may refer cases to the Inspector General of the U. S. Department of Housing and Urban Development, the U.S. Attorney, the County Prosecutor or the City Attorney, or seek any other available civil remedies against the participant where the HACB has determined the participant has committed fraud or where any debt due to the HACB has been determined to be in access of $5,000.00

**Request to move when a current payment agreement exists**

The HACB will not approve a family move while a payment agreement debt is in default (not current) unless:

1. The family size has exceeded the minimum occupancy standards;
2. The move is the result of an approved reasonable accommodations request;
3. The move is the result of domestic violence or VAWA along with verifiable proof from a police report, court restraining order or authorization to do so by other reliable legal entity the HACB considers.

**22.0 TERMINATION**

**22.1 TERMINATION BY TENANT**

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (30) calendar days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

**22.2 TERMINATION BY THE HOUSING AUTHORITY**

Twelve months after the Housing Authority of the City of Bradenton has implemented the mandated Community Service Requirement, it will not renew the lease of any non-exempt family that is not in compliance with the Community Service Requirement or approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.
The Housing Authority of the City of Bradenton will terminate the lease for serious or repeated violations of material lease terms. Such violations include, but are not limited to, the following:

A. Nonpayment of rent or other charges;

B. A history of late rental payments four (4) notices within a 12-month period);

C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent failure of the family to cooperate with the Housing Authority of the City of Bradenton by supplying information determined to be necessary use in a regularly scheduled reexamination, interim examination or fraud investigation by the deadline set by the Housing Authority; failure to complete a required annual or interim re-examination after the HACB has provided notice; failure to provide information by an HACB imposed deadline that the HACB has requested in writing at least on two separate occasions or;

D. Failure to allow inspection of the unit;

E. Failure to maintain the unit in a safe and sanitary manner;

F. Assignment or subletting of the premises;

G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);

H. Destruction of property, acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;

I. Any felonious (felony) criminal activity or a pattern of misdemeanor criminal activity even if he/she has not been convicted or prosecuted for said conduct.

J. Any violent or drug-related criminal activity on or off the premises, not just on or near the premises. This includes 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. This includes but is not limited to the manufacture of methamphetamine on the premises of the Housing Authority of the City of Bradenton or on the premises of any other federally assisted housing;

K. Non-compliance with Non-Citizen Rule requirements;

L. Permitting persons not on the lease to reside in the unit more than fourteen (14) calendar days each year without the prior written approval of the Housing Authority;
M. Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the Authority by the resident, household members, or guests of the resident or threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy;

N. Alcohol abuse that the Housing Authority of the City of Bradenton determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;

O. Failure to perform required community service or be exempted therefrom;

P. The Housing Authority of the City of Bradenton will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program;

Q. Determination that a household member is illegally using a drug or when the Housing Authority of the City of Bradenton 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;

R. Criminal activity as shown by a criminal record. In such cases the Housing Authority of the City of Bradenton will notify the household of the proposed action to be based on the information and will provide the subject of the record and the tenant with a copy of the criminal record before the Housing Authority of the City of Bradenton grievance hearing or court trial concerning the termination of tenancy or eviction. The tenant will be given an opportunity to dispute the accuracy and relevance of that record in the grievance hearing or court trial;

S. Removing any batteries from a smoke detector or failing to notify the Landlord if the smoke detector is inoperable for any reason; and

T. Breaching an agreement with HOUSING AUTHORITY OF THE CITY OF BRADENTON to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority;

U. Fleeing as a fugitive felon, parole violator or 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;

V. Any eviction from federally assisted housing in the last five years;
W. Commission of fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;

X. Does not have the continued ability (with assistance) to maintain their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants or people residing in the immediate vicinity.

Y. Absence from the unit for more than a total of sixty (60) days within a twelve (12) month period, unless the Housing Authority has authorized in writing a greater period of time because of documented medical reasons as provided by Resident, and which shall be permitted by the Authority for no more than 180 continuous days.

Z. Documented proof on the part of HACB that the applicant or assisted family deceived or attempted to deceive, failed to provide or provided falsified documentation to obtain housing assistance or other benefits that the applicant or assisted family would not have been otherwise qualified to receive – including placement on a wait list ahead of others, placement in a unit that the applicant or assisted family would not have otherwise been qualified for, receipt of utility reimbursement funds, or eligibility for allowances or deductions that the applicant or assisted family may otherwise would not have qualified for.

AA. Other good cause.

If an individual or family's lease is terminated for criminal activity, the Housing Authority of the City of Bradenton will notify the local post office serving the development that the individual or family no longer lives there.

In deciding to terminate a tenancy for criminal activity or alcohol abuse, the Housing Authority of the City of Bradenton will consider circumstances relevant to the particular case such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity, and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action.

22.3 A VAWA PROTECTIONS

Under the Violence Against Women Act (VAWA), public housing residents have the following specific protections, which will be observed by the Housing Authority of the City of Bradenton:
An incident or incidents or actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not in itself be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence. The Housing Authority may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants. This is also true even if the household member is not a signatory to the lease. Under VAWA, the Housing Authority of the City of Bradenton is granted the authority to bifurcate the lease. The Housing Authority will honor court orders regarding the rights of access or control of the property.

There is no limitation on the ability of the Housing Authority to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking. The victim may not be subject to a “more demanding standard” than non-victims. There is no prohibition on the Housing Authority evicting if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s (victim’s) tenancy is not terminated.” Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

The Housing Authority of the City of Bradenton shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority. Types of acceptable verifications are outlined below, and must be submitted within 14 business days after receipt of the Housing Authority’s written request for verification.

22.3B VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

The Housing Authority of the City of Bradenton shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority.

A. Requirement for Verification. The law allows, but does not require, the Housing Authority of the City of Bradenton to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. The Housing Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:
1. **HUD-approved form (HUD-50066)** - By providing to the Housing Authority a written certification, on the form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, 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.

2. **Other documentation** - by providing to the Housing Authority 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. **Police or court record** – by providing to the Housing Authority a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

**B. 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, dating violence or stalking, and who is requested by the Housing Authority to provide verification, must provide such verification within 14 business days after receipt of the written request for verification. 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.

### 22.3 CONFIDENTIALITY

All information provided under VAWA including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence and shall not be entered into any shared database or provided to any related entity 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.

The Housing Authority of the City of Bradenton shall provide its tenants notice of their rights under VAWA including their right to confidentiality and the limits thereof.

22.4 TERMINATIONS FOR CRIMINAL ACTIVITY

A. The term “due process determination” means a determination by HUD that law covering the Housing Authority of the City of Bradenton’s jurisdiction requires that residents must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit.

B. HUD has issued a due process determination that the law of this State requires that residents be given the opportunity for a hearing in a court that provides the basic elements of due process before eviction from a dwelling unit. The Housing Authority of the City of Bradenton has therefore determined that this Grievance Procedure shall not be applicable to any termination of tenancy or eviction for:
1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Housing Authority of the City of Bradenton’s public housing premises by other residents or employees of the Housing Authority;
2. Any violent or drug-related criminal activity on or off such premises; or
3. Any activity resulting in a felony conviction.

22.5 ABANDONMENT

The Housing Authority of the City of Bradenton will consider a unit to be abandoned when a resident is absent from the unit for a period of fifteen (15) days, the rent is not current, and Resident has not notified the Authority in writing in advance of an intended absence.

When a unit has been abandoned, a Housing Authority of the City of Bradenton representative may enter the unit and remove any abandoned property which will be disposed of immediately. As defined by Chapter 83, Part II, Florida Statutes, as amended, the Housing Authority will not be liable or responsible for storage or disposition of any property left in a unit or elsewhere on the Authority’s property.

22.6 RETURN OF SECURITY DEPOSIT
After a family moves out, the Housing Authority of the City of Bradenton will return the security deposit within sixty (30) calendar days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

The Housing Authority of the City of Bradenton will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within sixty (60) calendar days.

23.0 ANTI-FRAUD POLICY

The Housing Authority of the City of Bradenton is fully committed to combating fraud in its public housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the Housing Authority of the City of Bradenton. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements.

Although there are numerous different types of fraud that may be committed, the two most common are the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. The Housing Authority of the City of Bradenton shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, the Housing Authority of the City of Bradenton shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate:

A. Require the resident to immediately repay the amount in question;

B. Require the resident to enter into a satisfactory repayment agreement as set forth in a previous section of this Policy;

C. Terminate the resident's tenancy;

D. Refer the case for criminal prosecution; or

E. Take such other action as the Housing Authority of the City of Bradenton deems appropriate.

24.0 SMOKE-FREE POLICY

24.1 SMOKE-FREE POLICY
The United States Department of Housing and Urban Development (HUD) has published a rule that will require all Public Housing Authorities (PHAs) to establish smoke-free policies in public housing buildings. The rule prohibits all smoking inside and within 25 feet of the exterior of all public housing buildings. The Housing Authority City of Bradenton (HACB) is working with Tobacco Free Florida to establish a rule to protect our residents from harm, to shield our buildings from damage and to provide a safe, clean and comfortable living environment for the members of our community.

24.2 PURPOSE OF SMOKE-FREE POLICY
1. To mitigate the irritation and known health effects of secondhand smoke.
2. To allow all staff the opportunity to perform their job duties in an environment that is non-smoking.
3. Minimize the maintenance, cleaning, and redecorating cost caused by smoking.
4. Decrease the risk of smoking-related fires to property and personal safety.

24.3 DEFINITION FOR SMOKING
The term “smoking” means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, electronic cigarette, waterpipes/hookahs, or any other similar lighted product in any manner or in any form.

24.4 NON-SMOKING AREAS
Smoking will not be permitted anywhere in the building, including apartments, in accordance with the following guideline. Effective on September 1, 2017 all current residents, all employees, all guests, and all new residents of HACB Public Housing after this date will be prohibited from smoking anywhere in the building, including in apartment units and within 25 feet of the exterior of all HACB properties.

Any deviation from the smoke-free policy by any tenant, member of their household, or their guest will be considered a lease violation.

“No Smoking” signs will be posted throughout our public housing sites. Smoking outside the building will be limited to the designated smoking areas. These designated smoking areas will be clearly marked and the HACB will provide a means for proper disposal of smoked products. If a resident smells tobacco smoke in any place in the building, they are to report this to the HACB main office as soon as possible. Management will seek to identify the source of the smoke and take appropriate action.

24.5 COST AND BENEFITS OF PROPOSED SMOKE-FREE RULE
A 2014 CDC study estimated that the annual cost savings associated with banning smoking in public and subsidized housing to be $153 million. Health care costs accounted for $94 million, and renovation and fire related costs accounted for $43 million and $16 million, respectively.
When the rule is implemented, smoking in prohibited areas will be a lease violation. While eviction is a possible final result of policy enforcement, HUD is encouraging a graduated enforcement approach with escalating warnings and opportunities for behavior change. Lease termination will be a last resort.

For more information about our smoke-free policy, please contact: The HACB Recertification Specialist at 941-748-5568 Extension 225.

24.6 SMOKE-FREE POLICY VIOLATION PROCEDURES

First Violation: Notice of Concern warning in file.

Second Violation: Mandatory meeting with management, document information in file, seven day curable.

Third Violation: Mandatory meeting with management staff, 30-day non-curable issued and eviction filed. Resident will be offered a binding stipulation agreement. If they agree to the stipulation agreement, it will be signed and filed with the court. The case will be dismissed after 12 months of compliance. Resident will be required to pay attorney cost and court fees. Resident must complete an approved free smoking cessation class.

Fourth Violation: Resident is under a stipulation agreement. By them or a family member violating the Smoke Free Policy they have violated the stipulation agreement. An affidavit will be filed by the management and the eviction process will be completed and a writ issued. Resident will be required to pay all attorney fees and cost.

24.7 DESIGNATED SMOKING AREAS

See Property Maps for designated smoking areas throughout HACB-owned properties.
GLOSSARY

50058 Form: The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

1937 Housing Act: The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head. An emancipated minor is also considered an adult. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State or tribal law.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly and disabled families, disability expenses, and childcare expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act,
and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

**Annual Income:** All amounts, monetary or not, that:
A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
C. Are not specifically excluded from annual income.
Annual also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

**Applicant (applicant family):** A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

**As-Paid States:** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid States are New Hampshire, New York, Oregon, and Vermont.

**Assets:** The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

**Asset Income:** Income received from assets held by family members. If assets total more than $5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below.)

**Assistance applicant:** A family or individual that seeks admission to the public housing program.

**Business Days:** Days the housing authority is open for business.

**Ceiling Rent:** Maximum rent allowed for some units in public housing developments under the income method of calculating rent.

**Certification:** The examination of a household’s income, expenses, and family composition to determine the family’s eligibility for program participation and to calculate the family’s share of rent.

**Child:** For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

**Childcare Expenses:** Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be
gainfully employed, or to further his or her education and only to the extent such amounts
are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In
the case of childcare necessary to permit employment, the amount deducted shall not
exceed the amount of employment income that is included in annual income. (24 CFR
5.603(d))

**Citizen:** A citizen or national of the United States. (24 CFR 5.504(b))

**Community service:** The performance of voluntary work or duties that are a public benefit
and that serve to improve the quality of life, enhance resident self-sufficiency, or increase
resident self-responsibility in the community. Community service is not employment and
may not include political activities.

**Consent Form:** Any consent form approved by HUD to be signed by assistance applicants
and participants for the purpose of obtaining income information from employers and
SWICAs, return information from the Social Security Administration, and return
information for unearned income from the Internal Revenue Service. The consent forms
may authorize the collection of other information from assistance applicants or participant
to determine eligibility or level of benefits. (24 CFR 5.214)

**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.

**Covered Person:** For purposes of the anti-drug provisions of this policy, a covered person
is a tenant, any member of the tenant’s household, a guest or another person under the
tenant’s control.

**Currently engaging in:** With respect to behavior such as illegal use of a drug, other drug-
related criminal activity, or other criminal activity, currently engaging in means that the
individual has engaged in the behavior recently enough to justify a reasonable belief that
the individual’s behavior is current.

**Dating Violence:** Violence committed by a person: (A) who is or has been in a social
relationship of a romantic or intimate nature with the victim; and (B) where the existence
of such a relationship shall be determined based on a consideration of the following
factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the
frequency of interaction between the persons involved in the relationship.

**Decent, Safe, and Sanitary:** Housing is decent, safe, and sanitary if it satisfies the
applicable housing quality standards.

**Department:** The Department of Housing and Urban Development. (24 CFR 5.100)
Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

Dependent Allowance: An amount, equal to $480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

Disability Assistance Expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

Disability Assistance Expense Allowance: In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

Disabled Person: See "person with disabilities."

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

Displaced Person: A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [1937 Act]

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

Drug: means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-Related Criminal Activity: The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.
**Economic self-sufficiency program:** Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

**Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

**Elderly/Disabled Family Allowance:** For elderly families, an allowance of $400 is deducted from the household's annual income in determining adjusted annual income.

**Elderly Person:** A person who is at least 62 years of age. (1937 Housing Act)

**Extremely low-income families:** Those families whose incomes do not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

**Family** includes but is not limited to:
A. A family with or without children;
B. An elderly family;
C. A near-elderly family;
D. A disabled family;
E. A displaced family;
F. The remaining member of a tenant family; and
G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

**Family Members:** All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease. **A family member must reside in the assisted unit at least 51% of the time or over 6 months out of the calendar year.**
**Family Self-Sufficiency Program (FSS Program):** The program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

**Flat Rent:** A rent amount the family may choose to pay in lieu of having their rent determined under the income method. The flat rent is at least 80% of local Fair Market Rents (FMR), subject to an appropriate utility adjustment. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

**Full-Time Student:** A person who is attending school or vocational training on a full-time basis as defined by the institution.

**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.

**Head of Household:** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

**Homeless:** A person is considered homeless only when he/she resides in one of the places described below: • In places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings (on the street). • In an emergency shelter. • In transitional or supportive housing for homeless persons who originally came from the streets or emergency shelters. • In any of the above places but is spending a short time (up to 30 consecutive days) in a hospital or other institution. • Is being discharged within a week from an institution, such as a mental health or substance abuse treatment facility or a jail/prison, in which the person has been a resident for more than 30 consecutive days and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing. For example, a person being discharged from prison after more than 30 days is eligible ONLY IF no subsequent residence has been identified and the person does not have money, family or friends to provide housing. • Is fleeing a domestic violence housing situation and no subsequent residence has been identified and lacks the resources housing and support networks needed to obtain housing.

**Household Members:** All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease. **A household member must reside in the assisted unit at least 51% of the time or over 6 months out of the calendar year.**

**Housing Assistance Plan:** A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

**Immediate Family Member:** a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.
**Imputed Income:** For households with net family assets of more than $5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

**Imputed welfare income:** The amount of annual income not actually received by a family, as a result of a welfare benefit reduction for welfare fraud or the failure to comply with economic self-sufficiency requirements, which is nonetheless included in the family’s annual income for purposes of determining rent.

**In-Kind Payments:** Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

**Income Method:** A means of calculating a family's rent based on the greater of 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the income method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

**Interim (examination):** A reexamination of a family income, expenses, and household composition conducted between the regular annual re-certifications when a change in a household’s circumstances warrants such a reexamination.

**Law enforcement agency:** The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

**Live-In Aide:** A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:
A. Is determined to be essential to the care and well-being of the persons;
B. Is not obligated for the support of the persons; and
C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))
A live-in aide is not a party to the lease.

**Low-Income Families:** Those families whose incomes do not exceed 80% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80% of the median for the area on the basis of HUD’s findings that such variations are necessary because of unusually high or low family incomes.

**Medical Expenses:** Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-
prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, transportation for medical purposes.

**Mixed Family:** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

**Mixed population development:** A public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception (and has retained that character). If the development was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the development (or portion of development) to elderly families and disabled families. These developments were formerly known as elderly projects.

**Monthly Adjusted Income:** One twelfth of adjusted income. (24 CFR 5.603(d))

**Monthly Income:** One twelfth of annual income. (24 CFR 5.603(d))

**National:** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b))

**Near-Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

**Net Family Assets:**
A. 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.
B. 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.
C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))
**Non-Citizen:** A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

**Occupancy Standards:** The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

**Other person under the tenant’s control:** For the purposes of the definition of covered person it means the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) 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.

**Participant:** A family or individual that is assisted by the public housing program.

**Permanently absent:** A person or persons not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit or when the person has been absent from the unit for more than six consecutive months during a calendar year.

**Person with Disabilities:** A person who:
- A. Has a disability as defined in 42 U.S.C. 423
- B. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  1. Is expected to be of long-continued and indefinite duration;
  2. Substantially impedes his or her ability to live independently; and
  3. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
- C. Has a developmental disability as defined in 42 U.S.C. 6001.

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence.

**Premises:** for purposes of the anti-drug provisions of this policy it means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

**Previously unemployed:** This includes a person who has earned, in the 12 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.
**Processing Entity:** The person or entity that is responsible for making eligibility and related determinations and an income reexamination. In the Section 8 and public housing programs, the processing entity is the responsibility entity.

**Proration of Assistance:** The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR5.520)

**Public Housing:** Housing assisted under the 1937 Act, other than under Section 8. Public housing includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating funds.

**Public Housing Agency (PHA):** Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

**Recertification/Reexamination:** The annual recertification/reexamination of a family's income, expenses, and composition to determine the family's rent.

**Remaining Member of a Tenant Family:** A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)

**Responsible Entity:**
A. For the public housing program, the Section 8 tenant-based assistance program (24 CFR 982), and the Section 8 project-based certificate or voucher program (24 CFR 983), and the Section 8 moderate rehabilitation program (24 CFR 882), responsible entity means the PHA administering the program under an ACC with HUD;

B. For all other Section 8 programs, responsible entity means the Section 8 project owner.

**Self-Declaration:** A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

**Shelter Allowance:** That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

**Single Person:** Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

**Specified Welfare Benefit Reduction:**
A. 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.

B. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

1. at the expiration of a lifetime or other time limit on the payment of welfare benefits;

2. 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

3. because a family member has not complied with other welfare agency requirements.

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

**State Wage Information Collection Agency (SWICA):** The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

**Temporarily absent:** A person of persons not actually residing in a unit for a period of time while still maintaining control of the unit. If the absence exceeds thirty (30) calendar days, the Housing Authority must agree to the absence.

**Temporary Assistance to Needy Families (TANF):** The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

**Tenant:** The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

**Tenant Rent:** The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))
**Third-Party (verification):** Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

**Total Tenant Payment (TTP):**
A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of:
   a. 30% of the family's monthly adjusted income;
   b. 10% of the family's monthly income; or
   c. If the family is receiving payments for welfare assistance from a public agency and a part of such 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 such payments which is so designated.
   If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.
2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996, will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

**Utility Allowance:** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

**Utility Reimbursement:** The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603)

**Very Low-Income Families:** Families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Victims of Domestic Violence:** Individuals or families who have been or are being subjected to or victimized by violence by a member of the family or household. The Housing Authority of the City of Bradenton will require evidence that the family has been
displaced as result of fleeing violence in the home. Evidence or proof may include a Protection from Abuse Order, police report, or written verification that the individual or family is living in an emergency shelter because the individual or family has been subjected to or victimized by violence by a member of the family or household. The following criteria are used to establish an individual’s or a family's eligibility to claim this status:

A. Verified actual or threatened physical violence directed against the applicant or the applicant’s family by a spouse or other household member who lives in the unit with the family or where the family has fled its housing to escape from an abuser.

B. The actual or threatened violence must have occurred within the past 30 calendar days or be of a continuing nature.

An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced as a result of domestic violence.

The applicant must certify that the abuser will not reside with the applicant unless the Housing Authority gives prior written approval.

The Housing Authority will approve the return of the abuser to the household under the following conditions:

A. The Housing Authority verifies that the abuser has received therapy or counseling that appears to minimize the likelihood of the recurrence of violent behavior.

B. A counselor, therapist or other appropriate professional recommends in writing that the individual be allowed to reside with the family.

If the abuser returns to the family without approval of the Housing Authority, the Housing Authority will deny or terminate assistance for breach of the certification.

If the family requests it, the Housing Authority of the City of Bradenton will try to ensure that the new location of the family is concealed.

**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.

**Welfare Assistance:** Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

45 CFR 260.31 defines the term “assistance” to include 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).

It includes such benefits even when they are:
A. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

B. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR 261.30). Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.
The term “assistance” excludes:

A. Non-recurrent, short-term benefits that:
   1. Are designed to deal with a specific crisis situation or episode of need;
   2. Are not intended to meet recurrent or ongoing needs; and
   3. Will not extend beyond four months.

B. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

C. Supportive services such as child care and transportation provided to families who are employed;

D. Refundable earned income tax credits;

E. Contributions to, and distributions from, Individual Development Accounts;

F. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

G. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

**Welfare Rent:** In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

**Written notification:** All written notifications required in this policy shall be hand delivered with a signed receipt or mailed via first class mail unless specified otherwise.
ACRONYMS

ACC Annual Contributions Contract
CFR Code of Federal Regulations
FSS Family Self Sufficiency (program)
HCDA Housing and Community Development Act
HQS Housing Quality Standards
HUD Department of Housing and Urban Development
INS (U.S.) Immigration and Naturalization Service
NAHA (Cranston-Gonzalez) National Affordable Housing Act
NOFA Notice of Funding Availability
OMB (U.S.) Office of Management and Budget
PHA Public Housing Agency
QHWRA Quality Housing and Work Responsibility Act of 1998
SSA Social Security Administration
TTP Total Tenant Payment
MAINTENANCE CHARGES

See “Current HACB Maintenance Charges” lease addendum