

ACOP TABLE OF CONTENTS

This policy was last revised April 1, 2009. Section footnotes indicate the latest revision date for that section.

1.0	FAIR HOUSING	1-1
2.0	REASONABLE ACCOMODATION	2-1
2.1	COMMUNICATION	2-1
2.2	QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION	2-1
3.0	FAMILY OUTREACH	3-1
4.0	RIGHT TO PRIVACY	4-1
5.0	REQUIRED POSTINGS	5-1
6.0	TAKING APPLICATIONS	6-1
7.0	ELIGIBILITY FOR ADMISSION	7-1
7.1	INTRODUCTION.....	7-1
7.2	ELIGIBILITY CRITERIA	7-1
7.3	SUITABILITY	7-4
7.4	GROUND FOR DENIAL	7-5
7.5	INFORMAL REVIEW	7-7
8.0	MANAGING THE WAITING LIST	8-1
8.1	OPENING AND CLOSING THE WAITING LIST.....	8-1
8.2	ORGANIZATION OF THE WAITING LIST	8-1
8.3	PURGING THE WAITING LIST.....	8-1
8.4	REMOVAL OF APPLICANTS FROM THE WAITING LIST.....	8-2
9.0	TENANT SELECTION AND ASSIGNMENT PLAN	9-1
9.1	PREFERENCES.....	9-1
9.2	ASSIGNMENT OF BEDROOM SIZE.....	9-2
9.3	SELECTION FROM THE WAITING LIST	9-3
9.4	DECONCENTRATION POLICY	9-3
9.5	DECONCENTRATION INCENTIVES	9-4
9.6	OFFER OF A UNIT	9-4
9.7	REJECTION OF UNIT	9-4
9.8	ACCEPTANCE OF UNIT	9-5

10.0	INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME	10-1
10.1	INCOME	10-1
10.2	ANNUAL INCOME.....	10-3
10.3	DEDUCTIONS FROM ANNUAL INCOME.....	10-7
11.0	VERIFICATION.....	11-1
11.1	VERIFICATION METHODS AND AGE OF DATA	11-1
11.2	TYPES OF VERIFICATION	11-4
11.3	VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS	11-5
11.4	VERIFICATION OF SOCIAL SECURITY NUMBERS.....	11-6
11.5	TIMING OF VERIFICATION.....	11-7
11.6	FREQUENCY OF OBTAINING VERIFICATION.....	11-7
12.0	DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT	12-1
12.1	FAMILY CHOICE	12-1
12.2	THE FORMULA METHOD.....	12-1
12.3	MINIMUM RENT.....	12-1
12.4	THE FLAT RENT	12-2
12.5	CEILING RENT	12-2
12.6	RENT FOR FAMILIES UNDER THE NONCITIZEN RULE	12-2
12.7	UTILITY ALLOWANCE	12-3
12.8	PAYING RENT.....	12-4
13.0	CONTINUED OCCUPANCY AND COMMUNITY SERVICE	13-1
13.1	GENERAL.....	13-1
13.2	EXEMPTIONS	13-1
13.3	NOTIFICATION OF THE REQUIREMENT.....	13-1
13.4	VOLUNTEER OPPORTUNITIES.....	13-2
13.5	THE PROCESS	13-2
13.6	NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS	13-2
13.7	OPPORTUNITY FOR CURE	13-3
14.0	RECERTIFICATIONS	14-1
14.1	GENERAL.....	14-1
14.2	MISSED APPOINTMENTS	14-1
14.3	FLAT RENTS.....	14-1
14.4	THE FORMULA METHOD.....	14-2
14.5	EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS.....	14-3
14.6	INTERIM REEXAMINATIONS	14-3
14.7	SPECIAL REEXAMINATIONS	14-4
14.8	EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS	14-4

15.0	UNIT TRANSFERS.....	15-1
15.1	OBJECTIVES OF THE TRANSFER POLICY	15-1
15.2	CATEGORIES OF TRANSFERS.....	15-1
15.3	DOCUMENTATION	15-1
15.4	INCENTIVE TRANSFERS	15-2
15.5	PROCESSING TRANSFERS	15-2
15.6	COST OF THE FAMILY'S MOVE	15-3
15.7	TENANTS IN GOOD STANDING.....	15-4
15.8	TRANSFER REQUESTS.....	15-4
15.9	RIGHT OF THE PENNINGTON COUNTY HOUSING AND REDEVELOPMENTCOMMISSION IN TRANSFER POLICY.....	15-4
16.0	INSPECTIONS	16-1
16.1	MOVE-IN INSPECTIONS	16-1
16.2	QUARTERLY INSPECTIONS	16-1
16.3	SPECIAL INSPECTIONS	16-1
16.4	NOTICE OF INSPECTION	16-1
16.5	EMERGENCY INSPECTIONS.....	16-1
16.6	MOVE-OUT INSPECTIONS	16-1
16.7	PRE-TRANSFER INSPECTIONS.....	16.2
17.0	PET POLICY	17-1
17.1	EXCLUSIONS	17-1
17.2	APPROVAL	17-1
18.0	REPAYMENT AGREEMENTS	18-1
19.0	TERMINATION.....	19-1
19.1	TERMINATION BY TENANT.....	19-1
19.2	TERMINATION BY THE HOUSING AUTHORITY.....	19-1
19.3	ABANDONMENT	19-2
19.4	RETURN OF SECURITY DEPOSIT	19-3
	GLOSSARY.....	
	ACRONYMS.....	

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the Pennington County Housing and Redevelopment Commission's (PCHRC) 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

It is the policy of the Pennington County Housing and Redevelopment Commission 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.

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 Pennington County Housing and Redevelopment Commission's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Pennington County Housing and Redevelopment Commission 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 Pennington County Housing and Redevelopment Commission office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The Pennington County Housing and Redevelopment Commission will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. The Pennington County Housing and Redevelopment Commission 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.

2.0 REASONABLE ACCOMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Pennington County Housing and Redevelopment Commission 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 Pennington County Housing and Redevelopment Commission will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Pennington County Housing and Redevelopment Commission 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, 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 Pennington County Housing and Redevelopment Commission will obtain verification that the person 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 Pennington County Housing and Redevelopment Commission will obtain documentation that the requested accommodation is needed due to the disability. The Pennington County Housing and Redevelopment Commission 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 Pennington County Housing and Redevelopment Commission's business is housing. If the request would alter the fundamental business that the Pennington County Housing and Redevelopment Commission conducts, that would not be reasonable. For instance, the Pennington County Housing and Redevelopment Commission would deny a request to have the Pennington County Housing and Redevelopment Commission do grocery shopping for a person with disabilities.
 2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Pennington County Housing and Redevelopment Commission may request a meeting with the individual to investigate and consider equally effective alternatives.
- D. Generally the individual knows best what it is they need; however, the Pennington County Housing and Redevelopment Commission retains the right to be shown how the requested accommodation enables the individual to access or use the Pennington County Housing and Redevelopment Commission's programs or services.

If more than one accommodation is equally effective in providing access to the Pennington County Housing and Redevelopment Commission's programs and services, the Pennington County Housing and Redevelopment Commission 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 Pennington County Housing and Redevelopment Commission if there is no one else willing to pay for the modifications. If another party pays for the modification, the Pennington County Housing and Redevelopment Commission 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 Pennington County Housing and Redevelopment Commission 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.

3.0 FAMILY OUTREACH

The Pennington County Housing and Redevelopment Commission 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 Pennington County Housing and Redevelopment Commission will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The Pennington County Housing and Redevelopment Commission will also try to utilize public service announcements.

The Pennington County Housing and Redevelopment Commission 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.

4.0 RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to 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 signed release of information request from the applicant or tenant.

5.0 REQUIRED POSTINGS

The Pennington County Housing and Redevelopment Commission will post at its main office at 1805 West Fulton, Rapid City, SD, 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
- L. Any current Pennington County Housing and Redevelopment Commission Notices

6.0 TAKING APPLICATIONS

Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. If the application is not complete, or required information is not included, the application will not be approved until such time as these requirements are met. If it is determined that the applicant is not eligible for assistance the applicant will be notified in writing and given an opportunity for an informal review.

Applications are taken to compile a waiting list. Due to the demand for housing in the PCHRC jurisdiction, the PCHRC may take applications on an open enrollment basis, depending on the length of the waiting list. Applicants will not be offered housing assistance until their application is approved and they have reached the top of the waiting list.

Persons with disabilities who require a reasonable accommodation in completing an application may call the PCHRC to make special arrangements.

The applicant must immediately report changes in their applicant status including changes in family composition, income, or preference factors. All changes must be submitted in writing. The PCHRC will annotate the applicant's file and will update their place on the waiting list.

7.0 ELIGIBILITY FOR ADMISSION

7.1 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 Pennington County Housing and Redevelopment Commission screening criteria in order to be admitted to public housing.

7.2 ELIGIBILITY CRITERIA

A. Family status.

1. **A family with or without children.** Such a family is defined as a group of people, one of whom must be 18 years of age or older, related by blood, marriage, adoption or affinity that live together in a stable family relationship. In addition to the head of household, spouse and their children, this shall include parents, grandparents, grandchildren, siblings and their children, and other children for whom adult members of the household have legal custody. Other extended family members requiring the care of the family may be approved with documentation of need.
 - 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.
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 adult member of a tenant family**.
7. A **single adult person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

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.
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 Pennington County Housing and

Redevelopment Commission.

4. If the PCHRC 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 tenants.
5. Income limit restrictions do not apply to families transferring within our Public Housing Program.

C. Citizenship/Eligibility Status

1. To be eligible each member of the family must be a citizen, national, or a noncitizen 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)).
2. Family eligibility for assistance.
 - a. A family shall not be eligible for assistance unless every 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 noncitizen 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 6 years of age and older must provide a Social Security number or certify that they do not have one.

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 PCHRC to obtain from State Wage Information Collection Agencies (Swiss) any information or

materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and

- b. A provision authorizing HUD or the PCHRC to verify with previous or current employers 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; and
 - d. 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. Domestic violence, dating violence, or stalking.

No applicant for public housing who has been a victim of domestic violence, date violence, or stalking shall be denied admission into the program if they are otherwise qualified.

7.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The PCHRC 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, PCHRC employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families with be denied admission if they fail to meet the suitability criteria.
- B. The PCHRC will consider objective and reasonable aspects of the family's background, including the following:
 - 1. History of meeting financial obligations, especially rent;
 - 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 PCHRC will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The PCHRC will verify the information provided. Such verification may include but may not be limited to the following:

1. A rental history check of all adult family members;
2. 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 (3) years. Where the individual has lived outside the local area, the PCHRC may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
3. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

7.4 GROUND S FOR DENIAL

The PCHRC is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;

- E. Do 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;
- F. Have a history of criminal activity by any household member. Criminal activity that will result in denial of an application includes any violent criminal activity (as defined under South Dakota State law), drug related criminal activity, or gang related criminal activity within the past three years or three or more other criminal offenses (excluding minor traffic offenses) within the past three years. Time spent incarcerated for such criminal activity shall not be included in the calculation of the three year period.
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their Public Housing or Section 8 programs;
- I. Have 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 there from;
- J. Were evicted or had their lease terminated from assisted housing within the past three years because of drug-related criminal activity.
- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The PCHRC may waive this requirement if:
 - 1. The person demonstrates to the PCHRC satisfaction that the person clearly did not participate in, or know about the drug related activity.
 - 2. Has successfully completed a voluntary supervised drug or alcohol rehabilitation program;
- M. Have engaged in or threatened abusive or violent behavior towards any PCHRC staff or residents;
- N. Have a household member who has been evicted or had their lease terminated from public housing within the past three years;
- O. Have a family household member who has been terminated under the Section 8 program within the past three years.
- P. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed).

- Q. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

7.5 ***INFORMAL REVIEW***

- A. If the PCHRC determines that an applicant does not meet the criteria for receiving public housing assistance, the PCHRC will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within 10 business days of the denial. The PCHRC will describe how to obtain the informal review.

The informal review may be conducted by any person designated by the PCHRC, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to the PCHRC decision. The PCHRC must notify the applicant of the final decision within 14 calendar days after the informal review.

- B. The participant family may request that the PCHRC provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision. For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

8.0 MANAGING THE WAITING LIST

8.1 *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.

8.2 *ORGANIZATION OF THE WAITING LIST*

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

- A. The application will be a permanent file;
- B. PCHRC shall offer site based waiting lists based on the geographic location of its public housing units. All public housing properties will be assigned to one of the following sites; North Rapid City, South Rapid City, West Rapid City or Wall, SD. A listing of all public housing units in each geographic location will be provided to each applicant. Applicants may apply for any or all sites, however once an applicant has been offered and accepted a unit they will be removed from all other Public Housing waiting lists and will only be allowed to transfer to a different unit in accordance with the Unit Transfer Policy described in Section 16 of this Policy.
- C. All applications will be maintained in order of site, bedroom size, preference, and then in order of date and time of application.

8.3 *PURGING THE WAITING LIST*

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

8.4 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Pennington County Housing and Redevelopment Commission 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; or
- C. The applicant does not meet either the eligibility or suitability criteria for the program.

9.0 TENANT SELECTION AND ASSIGNMENT PLAN

9.1 PREFERENCES

The PCHRC will select families based on the following preferences points within each bedroom size category:

- A. **Working Families – 10 points:** Preference will be given to families whose head of household or co-head of household is working a minimum of 20 hours per week, is 62 years of age or older, or unable to work because of age or disability. **This preference shall apply only to projects under AMP Grouping SD04500016.**

- B. **Veteran – 5 points:** In accordance with South Dakota State Law, the PCHRC will give preference in the selection of applicants for participation in the Public Housing Program, to families of Servicemen and Veterans (including families of servicemen who died in service). Veteran shall be defined as any person who served on Active Duty in the armed forces of the United States and has been separated or discharged under honorable conditions or has been released to any reserve component of the armed forces. “Families” shall include only the spouse and minor children of the serviceman or veteran. **This preference shall apply to all Public Housing properties.**

- C. **Elderly or disabled – 10 points:** Preference will be given to families whose head of household or co-head of household is elderly (62 years of age or older) or disabled. **This preference shall apply only to Jackson Heights, Valley View, River Ridge and Prairie Village (AMP grouping SD04500011).**

The date and time of application will be noted and utilized to determine the sequence among applicants with an equal number of preference points.

Accessible Units: Accessible units will be first offered to families 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, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a 30-day notice.

Police Officers in Public Housing Units: In order to increase security in Public Housing developments, police officers who would otherwise be ineligible for Public Housing, may be allowed to occupy Public Housing units. The PHCRC Board of Commissioners shall approve each unit to be occupied under this provision, and shall establish the terms of tenancy for each unit.

9.2 ASSIGNMENT OF BEDROOM SIZES

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

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	2	4
3	3	6
4	4	8

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the PCHRC will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care. In the case of an unborn child, the need for a larger bedroom size may be dependent on the sex of the child. In this case an additional bedroom will not be provided until the appropriate size unit can be determined.

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

- A. Children of the same sex will share a bedroom.
- B. Adults and children will not be required to share a bedroom, except that a larger unit shall not be provided solely because one or both siblings sharing a bedroom turns 18 years old.
- C. Foster – adults and/or foster - children will not be required to share a bedroom with family members.
- D. Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. The PCHRC will allow the smaller size unit so long as generally no more than 2 people per bedroom are assigned. In

such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for 2 years or until the family size changes, whichever may occur first.

- B. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. The PCHRC will allow the larger size unit if the family provides a verified medical need that the family be housed in a larger unit.
- C. 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 to the appropriate size unit, at their own expense, when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.
- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

9.3 SELECTION FROM THE WAITING LIST

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

9.4 DECONCENTRATION POLICY

It is PCHRC policy to provide for deconcentration 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 PCHRC 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.

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our developments and the income levels of the families on the waiting

list. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement.

9.5 DECONCENTRATION INCENTIVES

The PCHRC may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration 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.

9.6 OFFER OF A UNIT

When the PCHRC 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 deconcentration goal and/or the income targeting goal.

The PCHRC 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 five (5) business days from the date the letter was mailed to contact the PCHRC regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file.

9.7 REJECTION OF UNIT

If in making the offer to the family the PCHRC skipped over other families on the waiting list in order to meet their deconcentration goal or offered the family any other deconcentration 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 PCHRC did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family be removed from the waiting list.

If the family rejects; with good cause, any unit offered, they will not lose their place on the waiting list. Good cause includes reasons related to health, or other reasons beyond the control of the applicant, which prevent the family from moving at the time the unit is offered. Incarceration and current lease obligations of the applicant shall not be considered good cause.

The family will be offered the right to an informal review of any decision to alter their application status.

9.8 *ACCEPTANCE OF UNIT*

Upon accepting the unit the head of household will be required to sign a statement accepting the unit and stating his or her intention to execute a dwelling lease. The family will be required to sign a lease on the accepted unit to be effective within a reasonable length of time after they have been notified that the unit is ready, but not to exceed (14) days.

The applicant will be provided a copy of the lease, the grievance procedure, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will initial a statement acknowledging that they have received these documents and that they have reviewed them with Housing Authority personnel.

The signing of the lease and the review of financial information are to be privately handled. The head of household 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 PCHRC 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.

The family will pay a security deposit within five (5) working days of acceptance of the dwelling unit to insure that the PCHRC will not make the unit available to another applicant. Should the applicant fail to execute a lease on said unit, the deposit will not be refunded. The security deposit will be equal:

- A. \$250.00 for units designated for the elderly or disabled.
- B. \$450.00 for other units.

If the family is unable to pay the security deposit in full at the time of acceptance of the unit, the PCHRC **may** enter into an agreement with the family to pay it in installments. In order to qualify for a payment agreement, the family must have an adequate monthly source of income to support monthly payments. In no event will such payment agreements exceed six (6) months in duration.

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.

10.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

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

10.1 INCOME

Annual income means 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 income includes, but is not limited to:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- B. 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.
- C. 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.

- D. 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.)
- E. 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.)
- F. Welfare assistance.
 - 1. 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:
 - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
 - 2. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud. This amount will be included as long as the welfare case remains open with sanctions in place.
 - 3. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.

- G. 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.
- H. 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.)

10.2 ANNUAL INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. 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);
- C. 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;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. 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, child care, 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, and resident initiatives coordination. 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. For family members who enrolled in certain training programs prior to October 1, 1999, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
 - a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
 - i. Is authorized by a Federal, State or local law.
 - ii. Is funded by the Federal, State or local government;
 - iii. Is operated or administered by a public agency; and
 - iv. Has as its objective to assist participants in acquiring employment skills.

- b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
 - c. Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
11. The incremental earnings due to employment during the 12-month period following date of 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 family self-sufficiency program.
 - c. Families who are or were, within 6 months, assisted under a State TANF program.
12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
13. 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;
14. 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
- a. The value of the allotment of food stamps
 - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
 - c. Payments received under the Alaska Native Claims Settlement Act

- d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes
- e. Payments made under HHS's Low-Income Energy Assistance Program
- f. Payments received under the Job Training Partnership Act
- g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
- h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
- i. Amount of scholarships awarded under Title IV including Work Study
- j. Payments received under the Older Americans Act of 1965
- k. Payments from Agent Orange Settlement
- l. Payments received under the Maine Indian Claims Act
- m. The value of child care under the Child Care and Development Block Grant Act of 1990
- n. Earned income tax credit refund payments
- o. Payments for living expenses under the Americorps Program
- p. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of Mescalero Reservation.
- q. Any allowance paid under the provision of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran.
- r. 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.
- s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998.
- t. Additional income exclusions provided by and funded by the PCHRC.

15. Deferred Department of Veteran Affairs (VA) disability benefits that are received in a lump sum amount or in prospective monthly amounts.

The PCHRC will not provide exclusions from income in addition to those already provided for by HUD.

10.3 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. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.
- D. For any elderly or disabled family:
 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income
- E. Child care expenses that allow family members to be gainfully employed or further their education.

11.0 VERIFICATION

The PCHRC 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 noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

11.1 VERIFICATION METHODS AND AGE OF DATA

The PCHRC will verify information through the five (5) methods of verification acceptable to HUD in the following order:

1. Up-front income verification (UIV)
2. Third-party written verification
3. Third-party oral verification
4. Review of documents
5. Certification/self-declaration

Up-Front Income Verification

The PCHRC will utilize up-front income verification tools, including TASS, the Work Number, and computer matching agreements with federal, state, and local government agencies, whenever possible. UIV may alleviate the need for third party verification when there is not a substantial difference between UIV and tenant reported incomes. A substantial difference is defined as one where UIV income differs from tenant-provided and/or other verified income information by \$200 or more per month.

In cases where UIV income data is **not** substantially different than tenant-reported income, the PCHRC will follow guidelines below:

- If UIV income data is less than current tenant-provided documentation, the PCHRC will use tenant-provided documents to calculate anticipated annual income.
- If UIV income data is more than current tenant-provided documentation, the PCHRC will use UIV income data to calculate anticipated annual income unless the tenant provides the PCHRC with documentation of a change in circumstances (i.e. change in employment, reduction in hours, etc). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, the PCHRC will use tenant-provided documents to calculate anticipated annual income.

In cases where UIV income data is substantially different than tenant-reported income, the PCHRC shall follow the guidelines below:

- The PCHRC shall request written third party verification from the discrepant income source, in accordance with 24 CFS 5.236(3)(i).
- The PCHRC should review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the PCHRC can not readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
- The PCHRC must analyze all data (UIV data, third party verification, and other documents/information provided by the family) and attempt to resolve the income discrepancy.
- The PCHRC will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

If the PCHRC is unable to anticipate annual income using current information due to historical fluctuations in income, the PCHRC may average amounts received/earned to anticipate annual income. If the family disputes UIV SS/SSI benefit data, the PCHRC will request the tenant to provide the PCHRC with a current, original SSA notice or benefit letter within 10 business days. The tenant may contact SSA at 1-(800) 772-1213 or visit their local SSA office.

Use of Third-Party Verification to Supplement Up-Front Income Verification.

Up-front income verification replaces, to the maximum extent possible, the more time-consuming and less accurate third-party verification process of contacting individual employers identified by families or reviewing outdated income verification documents. However, third-party verification may continue to be necessary to complement up-front income verification. Up-front income verification should not be considered an automatic substitute for other third-party verification. Rather, up-front income verification may supplement other verification documentation, such as original, current tenant-provided documents.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first-class mail or fax. The family will be required to sign an authorization allowing the information source to release the specified information. Two attempts to obtain third-party verification will be made before relying on another method. Verifications received electronically directly from the source are considered third party written verifications. Third-party verification forms, including computerized printouts, will not be hand-carried by the family under any circumstances. The PCHRC will send requests for third party written verifications to the source at all times regardless of whether the family provides a computerized printout.

The PCHRC will allow four (4) weeks for return of third-party verifications. The PCHRC has determined that it is not cost effective to obtain third party verification of bank accounts with balances under \$2,000. For such accounts, current bank statements or other acceptable verifications provided by the family will be used in accordance with the "Review of Documents" procedure below. If third party written verification is not used, the PCHRC will document the reasons in the file. For applicants, verifications may not be more than 60 days old at the time the assistance is started. For participants, they are valid for 120 days from the date of receipt.

Third-Party Oral Verification

Oral third-party verification will be used when written third party verification is delayed or impossible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third-party verification is provided by telephone, the PCHRC must originate the call. If third-party verification is not available, the PCHRC will compare the specified information to any documents provided by the family.

Review of Documents

In the event that third-party written or oral verification is unavailable or information has not been verified by a third party within four weeks, the PCHRC will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents contain complete information. All such documents, excluding government checks, will be photocopied and retained in the family file. When documents cannot be photocopied, staff viewing the documents will complete a Certification of Document Viewed or Person Contacted form.

The PCHRC will accept the following documents from families providing that tampering can be easily noted:

- Printed wage stubs
- Computer printouts from employers
- Bank Statements
- Signed letters (provided that the information is confirmed by phone)
- Other documents identified by PCHRC as acceptable verification

The PCHRC will accept faxed documents. The PCHRC will not accept photocopies. If third-party verification is received after documents have been accepted as provisional verification and there is a discrepancy, the PCHRC will contact the third-party source and/or the family to resolve differences.

The PCHRC will allow up to one week for families to provide documents when third-party verification is impossible to obtain. The PCHRC will not delay the processing of a family beyond 45 days because a third-party information provider does not return a verification in a timely manner.

Self-Certification/Self-Declaration

When information cannot be verified by a third party or by review of documents, families will be required to submit a self-certification. Self-certification means a notarized statement signed under penalty of perjury in the presence of a witness. The PCHRC will allow up to one week for a family to provide a self-certification or self-declaration if other forms of verification are impossible to obtain.

11.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the PCHRC will send a request form to the source along with a release form signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
General Eligibility Items		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls

Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CD's, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond

be determined.

Prior to being admitted all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.

Prior to being admitted all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The PCHRC will make a copy of the individual's INS documentation and place the copy in the file. The PCHRC will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the PCHRC will mail information to the INS in order that a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of non-eligible members and the head of the household must sign the list.

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If the PCHRC determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

11.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number and who is at least 6 years of age must provide verification of their Social Security number. New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning the age of 6.

The best verification of the Social Security number is the original Social Security card. If the card is not available, the PCHRC will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies that establishes and states the number will also be accepted. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. The PCHRC will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to 60 days to provide the verification. If the individual is at least 62 years of age, they will be given 120 days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

11.5 TIMING OF VERIFICATION

Verification information must be dated within 120 days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will only verify and update those elements reported to have changed.

11.6 FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible noncitizen status will be verified only once. This verification will be obtained prior to admission. Prior to a new member joining the family, their citizenship/eligible noncitizen status will be verified.

For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

12.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

12.1 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 formula 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 reexamination process every three years, rather than the annual review they would otherwise undergo.
- B. Families who opt for the flat rent may request to have a reexamination and return to the formula 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 child care, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

12.2 THE FORMULA METHOD

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or

In the case of a family who has qualified for the income exclusion at Section 10.2(11), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

12.3 MINIMUM RENT

The PCHRC has set the minimum rent at \$0.00.

12.4 THE FLAT RENT

The PCHRC has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The PCHRC determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on flat rents, see Section 14.3).

The PCHRC will post the flat rents at the central office and they are incorporated in this policy upon approval by the Board of Commissioners.

12.5 CEILING RENT

The PCHRC has not adopted ceiling rents.

12.6 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.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is 18 months. The PCHRC will grant each family a period of 6 months to find suitable affordable housing. If the family cannot find suitable affordable housing, the PCHRC will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

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 PCHRC. 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.

12.7 UTILITY ALLOWANCE

The PCHRC shall establish a utility allowance for all check-metered utilities and for all tenant-paid utilities. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, the PCHRC will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc). Allowances will be evaluated at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

The utility allowance will be deducted from the total tenant payment in order to determine the amount of rent paid to the PCHRC for those families choosing rent based on income. The amount, if any, by which the utility allowance for a unit exceeds the total tenant payment for the family occupying the unit will be provided as a utility reimbursement to the family each month. Families choosing a flat rent do not receive the utility allowance in the calculation of their rent.

For PCHRC paid utilities, the PCHRC will monitor the utility consumption of each household. Any consumption in excess of the allowance established by the PCHRC will be billed to the tenant monthly.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took

place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

12.8 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents should be paid at 1805 West Fulton, Rapid City, or at other such locations as may be designated by the PCHRC. Reasonable accommodations for this requirement will be made for persons with disabilities. All payments must be made by check, cashiers check, money order or ACH transfers. No cash payments will be accepted. Checks will be processed electronically.

If the rent is not paid by the seventh of the month, a late charge of \$20.00 will be assessed to the tenant and steps will be taken to terminate the lease. If a check is returned for insufficient funds, this shall be considered a non-payment of rent and the late charge plus an additional charge of \$10 for processing costs will be incurred.

13.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

13.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute 8 hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement

13.2 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 and are unable to comply with this requirement.
- C. Family members who are the primary care giver for someone who is blind or disabled and are unable to comply with this requirement.
- D. Family members engaged in work activity for a minimum of 20 hours per week.
- E. Family members who are 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 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.
- G. Full time students

13.3 NOTIFICATION OF THE REQUIREMENT

The PCHRC shall identify all adult family members who are apparently not exempt from the community service requirement.

The PCHRC 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 PCHRC 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 October 1, 1999. For family's 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.

13.4 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 PCHRC will coordinate with social service agencies, local schools, and the Human Resources Office in identifying a list of volunteer community service positions.

The PCHRC may create volunteer positions such as hall monitoring, litter patrols, and supervising and record keeping for volunteers.

13.5 THE PROCESS

At the first annual reexamination on or after October 1, 1999, and each annual reexamination thereafter, the PCHRC 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.

13.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

The PCHRC 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;

13.7 OPPORTUNITY FOR CURE

The PCHRC will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. 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 goes toward the current commitment until the current year's commitment is made.

If any applicable family member does not accept the terms of the agreement, the PCHRC shall take action to terminate the lease. If at the end of the term of the agreement, the family member is still non-compliant, the families lease shall not be renewed and the entire family will be required to vacate unless the non-compliant member agrees to move out.

14.0 RECERTIFICATIONS

At least annually, the PCHRC 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.

14.1 GENERAL

The PCHRC 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 formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a flat rent to a formula 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 formula 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.

During the appointment, the PCHRC 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.

14.2 MISSED APPOINTMENTS

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the PCHRC taking eviction actions against the family.

14.3 FLAT RENTS

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

- A. 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 formula amount.
- B. The amount of the flat rent.
- C. A fact sheet about formula 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.

- D. 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.
- E. Families who opt for the flat rent may request to have a reexamination and return to the formula-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 child care, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- F. The dates upon which the PCHRC 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.
- G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- H. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, PCHRC will send a reexamination letter to the family offering the choice between a flat and a formula rent. The opportunity to select the flat rent is available only at this time. At the appointment, the PCHRC 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 PCHRC representative, they may make the selection on the form and return the form to the PCHRC. In such case, the PCHRC will cancel the appointment.

14.4 THE FORMULA METHOD

During the interview, the family will provide all information regarding income, assets, 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 PCHRC 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 monthly income;
- B. 30% of adjusted monthly income.

14.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

The new rent will generally be effective upon the anniversary date with thirty (30) 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.

14.6 INTERIM REEXAMINATIONS

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

Families are required to report the following changes in writing to the PCHRC within five business days of the change occurring. If the family's rent is being determined under the formula method, these changes may trigger an interim reexamination.

- A. An increase of \$1200 or more per year in family income.
- B. A member has been added to the family through birth or adoption or court-awarded custody.
- C. A household member is leaving or has left the family unit. In order to add a household member other than through birth or adoption (including a live-in aide), 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 PCHRC 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 formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The new rent will be in accordance with paragraph 14.8 below

In order to add a household member other than through birth or adoption (including a live-in aide), 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 PCHRC 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 formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The new rent will be in accordance with paragraph 14.8 below.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the PCHRC will take timely action to process the interim reexamination and recalculate the tenant's rent.

14.7 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for 12 months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the PCHRC may schedule special a reexaminations every 90 days until the income stabilizes and an annual income can be determined.

14.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first day of the second month after the month in which the change occurred. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction, and the changes were reported by the 25th of the month, the rent reduction will be effective the first of the following month. If changes which result in a rent decrease are reported after the 25th of the month, the decrease will be effective the first day of the second month following the reported change.

The effective dates discussed above shall not apply to changes in rent attributable to the addition of new household members. In the event that a new member is added to the household, any rent change will be effective the first of the following month.

15.0 UNIT TRANSFERS

15.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting the PCHRC deconcentration goal.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.

15.2 CATEGORIES OF TRANSFERS

Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

Category 2: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.

Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain PCHRC occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family and other transfers approved by the PCHRC.

15.3 DOCUMENTATION

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

15.4 INCENTIVE TRANSFERS

Transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and wish to move to a development where their income category does not predominate.

Families living in multifamily developments have the opportunity to transfer to scattered-site housing. Families approved for such transfers will meet the following eligibility criteria:

- A. Have been a tenant for 3 years;
- B. For a minimum of 1 year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least 20 hours per week, the adult family members are 62 years of age or older or are disabled, or are the primary care givers to others with disabilities;
- C. The family is current in the payment of all charges owed the PCHRC and has not paid late rent for at least 1 year;
- D. The family passes a current housekeeping inspection and does not have any record of housekeeping problems or excessive tenant caused damages during the last 2 years;
- E. The family has not materially violated the lease over the past 2 years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff.

15.5 PROCESSING TRANSFERS

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfers will be housed ahead of family's applicant waiting list.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete a transfer. Any additional security deposit owing must be paid at the time of lease execution.

The following is the policy for the rejection of an offer to transfer:

- A. If the family rejects with good cause any unit offered, they will not lose their

place on the transfer waiting list.

- B. If the transfer is being made at the request of the PCHRC and the family rejects the offer without good cause, the PCHRC will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the PCHRC optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.
- C. If the transfer is being made at the family's request and the rejected offer provides deconcentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.
- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer that does not include deconcentration incentives. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

15.6 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;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or;
- D. 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 PCHRC in the following circumstances:

- A. When the transfer is needed in order to carry out rehabilitation activities; or
- B. When action or inaction by the PCHRC has caused the unit to be unsafe or inhabitable.

The responsibility for moving costs in other circumstances will be determined on a case by case basis.

15.7 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 PCHRC. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must have passed all housekeeping inspections within the past 2 years.

15.8 TRANSFER REQUESTS

A tenant may request a transfer at any time by completing a transfer request form. In considering the request, the PCHRC may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The PCHRC will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten business days of receipt of the request to schedule a meeting.

The PCHRC will grant or deny the transfer request in writing within ten business 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 transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

15.9 RIGHT OF THE PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION IN TRANSFER POLICY

The provisions listed above are to be used as a guide to insure 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.

16.0 INSPECTIONS

16.1 MOVE-IN INSPECTIONS

The PCHRC 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.

16.2 QUARTERLY/SEMI-ANNUAL INSPECTIONS

The PCHRC will inspect each public housing family unit quarterly, and each unit designated for the elderly and disabled semi-annually, to ensure that each unit meets the PCHRC housing standards. Work orders will be submitted and completed to correct any deficiencies and the family will be billed for any tenant caused damages. If the family passes all inspections for a period of one year, the frequency of inspections may be decreased to semi-annually or annually. If the family repeatedly does not pass the quarterly inspection, inspections may be made monthly. In no event will inspections be made less than once per year.

16.3 SPECIAL INSPECTIONS

A special inspection may be scheduled as needed to enable HUD, PCHRC staff, or others to inspect housing stock maintained by the PCHRC.

16.4 NOTICE OF INSPECTION

For non-emergency inspections the PCHRC will give the tenant at least two (2) days written notice.

16.5 EMERGENCY INSPECTIONS

If any employee and/or agent of the PCHRC 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.

16.6 MOVE-OUT INSPECTIONS

The PCHRC 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 inspection will be scheduled with the tenant to allow them to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

16.7 PRE-TRANSFER INSPECTIONS

Prior to the transfer of any resident from one PCHRC owned or managed unit to any other PCHRC owned or managed unit a pre-transfer inspection of the residents current unit shall be performed. No transfers will be allowed until any damages to the current unit have been repaired, and any resulting charges paid in full.

17.0 PET POLICY

17.1 EXCLUSIONS

This policy does not apply to animals that are used to assist persons with disabilities. 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.

17.2 APPROVAL

The PCHRC will allow for pet ownership in all public housing projects. Residents must have the prior approval of the Housing Authority before moving a pet into their unit, and must sign and abide by the duly adopted pet policy.

18.0 REPAYMENT AGREEMENTS

When a resident owes the PCHRC back charges and is unable to pay the balance by the due date, the resident may request that the PCHRC allow them to enter into a Repayment Agreement. The PCHRC has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

19.0 TERMINATION

19.1 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 30 days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

19.2 TERMINATION BY THE HOUSING AUTHORITY

The PCHRC 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;
- C. Two instances of failure to report, in a timely manor, income or other household changes which would result in an increase in the tenant's rent within a three year period;
- 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;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any drug-related criminal activity, violent criminal activity (as defined under South Dakota State law), or street gang activity or three or more other criminal offenses (excluding minor traffic offenses) within a three year period.
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than 14 days within a 45 day period without the prior written approval of the Housing Authority; and
- M. Actual or threatened physical or verbal abuse of PCHRC staff.

N. Other good cause.

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 be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

The PCHRC may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened act of violence or stalking to family members or others without terminating the assistance or evicting the victimized lawful occupants.

The PCHRC may honor court orders regarding the rights of access or control of the property issued to protect the victim and issued to address the distribution or possession of property among household members where the family “breaks up”.

There is no limitation on the ability of the PCHRC to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a “more demanding standard” than non-victims.

There is no prohibition on the PCHRC 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 superceded by these provisions.

The PCHRC may require certification by the victim of victim status on such forms as the PCHRC and/or HUD shall prescribe or approve.

The PCHRC 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.

19.3 ABANDONMENT

The PCHRC will consider a unit to be abandoned when a resident has both fallen behind in rent **AND** has clearly indicated by words or actions an intention not to continue living in the unit. Voluntary discontinuance of utility service or transfer of service to the PCHRC by the family shall constitute intention not to continue living in the unit.

When a unit has been abandoned, a PCHRC representative may enter the unit and remove any abandoned property. If the value of the property is estimated to be less than \$100, it will be disposed of. If the value of the property is estimated to be in excess of \$100, it will be stored for thirty (30) days, after which it will be disposed of.

19.4 RETURN OF SECURITY DEPOSIT

After a family moves out, the PCHRC will return the security deposit within 14 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. Within 45 days after termination of the tenancy, upon request of the family, Management shall provide the family with an itemized accounting of any deposit withheld.

The PCHRC 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 14 days.

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.

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 families, disability expenses, and child care 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 Income 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.)

Ceiling Rent: Maximum rent allowed for some units in public housing projects.

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))

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

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

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)

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.
 - (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: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Drug-Related Criminal Activity: Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

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 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 the Secretary with adjustments for smaller and larger families.

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.

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 formula method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

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

Full-Time Student: A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

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))

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.

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: with respect to a person –

- A. a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- B. any 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.

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).

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

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))

Low-Income Families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937Act)

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))

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 therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (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.

Person with Disabilities: A person who:

- A. Has a disability as defined in Section 223 of the Social Security Act, which states:

"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

- B. Is determined, pursuant to regulations issued by the Secretary, 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 such ability could be improved by more suitable housing conditions, or
- C. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, which states:

"Severe chronic disability that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age 22;
3. Is likely to continue indefinitely.
4. Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
5. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

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. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

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 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: The annual 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.)

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)

Stalking:

- A. (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and
- B. 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)

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: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

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

ACRONYMS

ACC	Annual Contributions Contract
ACOP	Admissions and Continued Occupancy Policy
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
PCHRC	Pennington County Housing and Redevelopment Commission
PHA	Public Housing Agency
QHWRA	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
TTP	Total Tenant Payment