

Brookline Housing Authority

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Admissions and Continued Occupancy Policy

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Brookline Housing Authority

I. GENERAL STATEMENT OF POLICY

It is the policy of the Brookline Housing Authority (hereinafter referred to as BHA or the Housing Authority) to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968, amended by the Community Development Act of 1974, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any other federal or state legislation protecting the individual rights of residents, applicants, or staff, which may subsequently be enacted.

It is the intent of BHA to provide safe, decent housing for lower income residents and families which is conducive to healthful living. BHA will not discriminate because of race, color, gender, sexual preference, religion, age, disability, national origin or familial status in the leasing, rental, or other disposition of housing or related facilities (including property) included in any housing programs under its jurisdiction.

The Housing Authority shall not automatically deny admission to any particular group or category of otherwise eligible families nor will any criteria be applied, or information considered, pertaining to attributes or behavior that may be imputed by some to a particular group or category. All criteria applied and information considered in administering this policy shall relate solely to the attributes and behavior of the individual members of the household.

It is also the policy of the BHA to guard the privacy of individuals in accordance with federal and state regulations, and to ensure the protection of individuals' records maintained by BHA. Therefore, the Housing Authority shall not disclose any personal information (including, but not limited to information on any disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure, or as required by law. This privacy policy in no way limits BHA's ability to collect such information as it may need to determine eligibility, compute rent, or determine the applicant's suitability for tenancy.

The BHA is committed to identifying and eliminating situations that create barriers to equal housing for all. In accordance with Section 504, the BHA will make such procedural, administrative, location, or physical changes as will reasonably accommodate persons with disability.

It is the policy of the BHA that, in its determination of the eligibility of families seeking participation in Brookline's public housing program, tenant selection and unit assignment be conducted in accordance with written, systematic processes and objective standards.

II. ELIGIBILITY FOR ADMISSION

A. Eligibility Criteria

It is the policy of the BHA to admit only eligible and qualified applicant families according to the following criteria:

1. Those who qualify as a family, single person, elderly person, near-elderly person, displaced person or remaining adult member of a tenant family (see Appendix C-Glossary of Terms).
2. Those whose annual income at the time of admission does not exceed the income limits established for occupancy as prescribed by HUD (see Appendix A for Income Limits).
3. Those whose members age 6 or older have been issued, and disclosed to the satisfaction of BHA, a Social Security Number (SSN).
4. For federally funded programs, those whose members are U.S. Citizens or noncitizens who have eligible immigration status.
5. Those whose household composition is appropriate for the unit sizes available in BHA developments in accordance with the occupancy standards outlined herein.
6. Those who do not maintain another residence in addition to the BHA unit.
7. Those whose members have not committed fraud in connection with any federal or state housing assistance program.
8. Those whose members have not been evicted from public housing, Indian Housing, Section 23, or any Section 8 program because of drug-related criminal activity for a five-year period beginning on the date of the eviction.
9. Those who have not engaged in or threatened abusive or violent behavior towards PHA personnel.
10. Those who meet or exceed the resident selection criteria outlined in Section II, Part E of this Policy.

B. Eligibility Restrictions Regarding Noncitizens Applying For Federally Funded Public Housing

1. In keeping with the HUD published Final Rule of March 1995, BHA will restrict housing assistance for federally funded programs to noncitizens with ineligible immigration status. BHA will require applicants to submit the required citizenship or eligible immigration documentation for every household member in order to receive housing assistance. Documentation will be required of all new admissions at the time an application is processed by the Housing Authority. It will only be necessary to provide this when a family applies to add additional family members to the lease.
2. Proof of citizenship will take the following form:
 - a. For families claiming U.S. citizenship, each applicant will sign the citizenship declaration form, which will become a permanent part of the resident file. Adults will be required to sign on behalf of all children under the age of eighteen years.
 - b. Noncitizens age 62 years or older will be required to sign a declaration of eligible immigration status and proof of age.
 - c. For noncitizens declaring eligible immigration status, applicants must sign a declaration of eligible immigration status, provide the required U.S. Immigration and Naturalization Service documents, and sign a verification consent form.

BHA has the right to deny or terminate housing assistance if members of any household are found to be noncitizens with ineligible immigration status; however, this determination will not take place until all appeal rights are requested and exercised by the household. BHA may grant time extensions to provide appropriate information, provided that the household shows a diligent effort in obtaining immigration status documents.

3. The following information will be considered as acceptable evidence and verification of an applicant's eligible immigration status:
 - a. Alien Registration Receipt Card
 - b. Arrival/Departure Record
 - c. Temporary Resident Card
 - d. Immigration and Naturalization Service (INS) receipt in the event of any lost or missing cards listed above.

4. If the BHA discovers that citizenship information provided is fraudulent, expired, or otherwise invalid, it will notify the family or individual of the results of these findings. The family or individual will then have 30 days from the date of the notification to file an appeal with the INS to correct the problem. The family or individual must provide a copy of the appeal request to the INS to the Housing Authority, which will become a permanent item in the resident file. The BHA can extend this 30-day appeal period at its sole discretion if good cause is found.
 5. Any applicant affected by these provisions has the right to an informal appeal provided the BHA is notified within 14 days.
 6. Mixed families provided housing assistance after June 19, 1995 may have their monthly rent continued provided that either the head of household or spouse have eligible immigration status and the ineligible family members are either the head, spouse, parents, or children of the head or spouse. Families who are no longer eligible for housing assistance due to the citizenship of a family member may be given temporary termination assistance to transfer to other housing at the discretion of the Housing Authority. If the temporary assistance is provided, it must be done in six-month increments but shall not exceed a total of three years.
 7. Families that no longer qualify for housing assistance due to their citizenship status may apply for prorated assistance to decrease the level of housing assistance provided to the household based on the number of ineligible persons in the household.
 8. Rental housing assistance is prohibited to noncitizen students and their families. None of the provisions of the rules related to prorated assistance, continued assistance, or temporary deferral of termination of assistance applies to noncitizen students. This prohibition does not include citizen spouses and their children.
- C. Ineligibility Because of Prior Eviction for Drug-Related Activity
1. Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance. Pursuant to federal law, persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to public housing at BHA for a five-year period beginning on the date of such eviction.
 2. The BHA will consider waiving this restriction if the applicant can demonstrate to the satisfaction of BHA that:

- a. the person successfully completed a rehabilitation program approved by BHA, or
- b. the circumstance(s) leading to the eviction no longer exists. For example, the person involved in drugs and responsible for the eviction is no longer part of the household.

D. Ineligibility Because of Prior Sex Offense Activity

1. Mandatory Prohibition for Lifetime Sex Offenders - HUD regulations at 24 CFR § 5.856, § 960.204(a)(4), and § 982.553(a)(2) prohibit admission after June 25, 2001, if any member of a household is subject to a State lifetime sex offender registration requirement. This regulation reflects a statutory prohibition. A household receiving assistance with such a member is receiving assistance in violation of federal law.
2. If the BHA discovers that a household member was erroneously admitted (the household member was subject to a lifetime registration requirement at admission and was admitted after June 25, 2001), the BHA must immediately pursue eviction or termination of assistance for the household member.

If the BHA erroneously admitted a lifetime sex offender, the BHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the BHA must terminate assistance for the household.

E. Special Eligibility Provisions Relating to Applicants Requiring a Live-In Aide(federal)/Personal Care Attendant (state)

Some applicants and tenants who would not otherwise be able to fully discharge the responsibilities of tenancy may be able to do so with the assistance of a personal care attendant/live-in aide residing in the unit. When an applicant or tenant can provide documentation to the satisfaction of the Housing Authority that a personal care attendant/live-in aide is required and available, the following provisions shall apply:

1. A personal care attendant/live-in aide is a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who is: (1) determined to be essential to the care and well-being of the persons; (2) is not obligated for the support of the persons; and (3) would not be living in the unit except to provide the necessary supportive services.
2. In state-aided developments in the event a Tenant or a household member has a disability and as a consequence of that disability requires the

services of a full-time, live-in personal care attendant, any such personal care attendant, who is not paid for the fair value of his or her services to the disabled person, must be approved in writing as an additional household member prior to his or her residing in the leased premises. Any such full-time, live-in personal care attendant, who is to be paid for the fair value of his or her services to the disabled person, shall be screened in the same manner as an applicant for public housing and, if he or she is found to be qualified, he or she may reside in the premises without being added as a household member but at BHA's request shall verify that he or she is working full-time as a personal care attendant for the disabled person and is receiving wages for the fair value of these services. If BHA determines an individual proposed as a live-in personal care attendant to be ineligible, the tenant or applicant may propose an alternate live-in personal care attendant for screening or may appeal BHA's determination as provided in the Informal Review Procedure (Appendix B)

3. In federally-aided developments in the event a Tenant or a household member has a disability and as a consequence of that disability requires the services of a full-time, live-in aide, any such live-in aide must be approved by the BHA in writing prior to his or her residing in the leased premises. Any such full-time, live-in aide shall be screened in the same manner as an applicant for public housing and, if he or she is found to be qualified, he or she may reside in the premises without being added as a household member but at BHA's request shall verify that he or she is a personal care attendant for the disabled person. If BHA determines an individual proposed as a live-in aide to be ineligible, the tenant or applicant may propose an alternate live-in aide for screening or may appeal BHA's determination as provided in the Informal Review Procedure (Appendix B)
4. A personal care attendant/live-in aide can be assigned a bedroom but is not added to the lease.
5. BHA does not permit live-in personal care attendant's or live-in aide's household members to reside in the apartment.
6. The primary tenant is responsible for all acts of all household members with respect to the requirements of the dwelling lease. Any violation of lease provisions by the live-in personal care attendant/live-in aide may be cause for eviction of the household.
7. The live-in personal care attendant/live-in aide does not have rights to continue in occupancy as a remaining member of a household.

F. Resident Selection Criteria

1. The applicant household must meet the Resident Selection Criteria established by BHA to protect the rights and needs of the public housing communities. It is sometimes necessary to deny admission to public housing to those applicants whose habits and practices may be expected to have a detrimental effect on the residents, the environment of the development or financial stability of the property.
2. General Requirements. The burden is on the applicant to demonstrate to the satisfaction of BHA that the applicant family is:
 - a. Willing to reliably discharge the financial obligations of renting a unit; and
 - b. Willing to maintain the unit in a healthy, safe and secure condition; and
 - c. Willing to live peaceably with neighbors and BHA staff in a residential community; and
 - d. Willing to accept and abide by the terms of the lease agreement, attachments, addenda and all house rules; and
 - e. Willing to provide the Housing Authority with accurate and complete information on the application form or any other form or document required to determine initial eligibility, preference status, and continued occupancy for public housing. Failure or refusal to comply or provision of falsified information is grounds for a determination of ineligibility and for termination of tenancy and eviction.
3. Documentation. The following information related to an applicant's potential future habits or practices will be used to determine if the applicant meets BHA's selection criteria:
 - a. The household's acceptable past performance in meeting financial obligations, especially rent and utilities. Positive or neutral references from the current landlord, and at least one prior landlord and neutral or better credit reports, together constitute adequate evidence that the applicant household meets this criteria.

In determining an applicant's ineligibility based on a previous history of non-payment of rent, the Housing Authority will consider whether:

- The applicant was residing in a substandard unit and was withholding rent payments pending repairs in a manner consistent with local ordinances; or
 - The record on nonpayment or frequent late payment was due to the applicant being required to pay excessive rent relative to his/her income and the applicant demonstrated responsible efforts to resolve the nonpayment problem.
- b. The applicant household does not have a record of disturbance of neighbors and/or landlord's or landlord's representatives, or of destruction of property. Acceptable landlord references and police and court record reports showing that no household member engages in these types of activities, together constitute adequate evidence that the household meets this criteria.
- c. The household does not have a record of housekeeping practices that may adversely affect the health, safety or welfare of others, or cause damage to BHA property. Acceptable landlord references or satisfactory or better Home Visit ratings constitute adequate evidence that the household meets this criteria.
- d. No member of the household has been arrested or convicted for criminal activity or drug-related criminal activity that would adversely affect the health, safety or right to peaceful enjoyment of others. This includes crimes of physical violence and violence to property. Court and police record reports showing that no household member has a record of such activity shall constitute adequate evidence that the household meets this criteria.
- e. HUD prohibits individuals who are lifetime registered sex offenders from admission to HUD-subsidized housing.
- f. No member of the household has, within the last 5 years, been arrested or convicted of fraud relating to welfare, social security or other government benefit program.
- g. There is no reasonable cause to believe that any member of the applicant household has exhibited a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol which interfered with the health, safety, or right to peaceful enjoyment of the premises by other residents. Acceptable landlord references and court and police record reports showing that no household

member has exhibited these patterns shall constitute adequate evidence that the household meets this criteria.

In evaluating applicant families under this criteria, BHA will consider information which demonstrates to the satisfaction of the Housing Authority that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:

- has successfully completed an 18 month supervised drug or alcohol rehabilitation program, and can present proof of such treatment;
 - has otherwise been rehabilitated successfully; or
 - is participating in a supervised drug or alcohol rehabilitation program.
- h. The applicant or any member of the applicant household is not a former tenant of BHA who had a record of lease violations or whose tenancy was terminated by the Housing Authority. No previous tenant may be readmitted unless all previous amounts owed have been paid; but payment of such debt does not necessarily entitle an applicant to eligibility under this section unless BHA has agreed in writing to grant eligibility upon payment of amounts due.
- i. The household is willing to accept and comply with the terms of the lease agreement and other related documents. Acceptable landlord references or a satisfactory Home Visit, if warranted, shall constitute adequate evidence that the household meets this test. In the absence of acceptable landlord references or Home Visit rating, a credible reference from the current housing provider, stating that the household is capable of complying with the terms of the lease agreement is acceptable.
- j. Members of the household are related by blood, marriage or operation of law and/or have evidenced a stable family relationship for a period of two years or more. Legal custody of a minor child is required.

- k. The household has not misrepresented or falsified any information related to eligibility, preference status, selection criteria or income and has provided all information requested and required by BHA. If at any time during the resident selection process it is determined that the household has provided information which is false or misleading, or has failed to supply BHA with any information or documentation required, the applicant household will be considered to have failed this criteria.
 - l. There is no evidence relating to previous habits and practices that indicated that the applicant or any member of the applicant household would likely have a detrimental effect on the public housing community if admitted.
4. Sources of Information. Sources of information that BHA may use include but are not limited to:
- a. Members of the applicant household.
 - b. Present and prior landlords or housing providers.
 - c. Present and former employers.
 - d. Credit reporting services and/or bureaus.
 - e. Landlord Record services, where applicable.
 - f. Social workers, drug and alcohol treatment centers, clinics, health care providers and clergy.
 - g. CORI, NCIC, police departments, parole officers and court records.
 - h. HUD, DHCD, Internal Revenue Service, or other government agency.
5. References from Landlords and Prior Landlords. BHA will obtain references from current and prior landlords over, at minimum, the past five years, if any are available. The BHA places great importance on the information obtained from these references as prior landlords have relationships with prospective residents that are similar to the relationship to be established with BHA.

If the applicant household has insufficient landlord references or if the landlord references are not credible or contain insufficient information, BHA may

attempt to check court records for evidence of evictions or judgments against members of the household. In addition, BHA may schedule and perform a Home

Visit based on adverse information about the applicant and/or attempt to interview the current housing provider and others who are familiar with the behavior and abilities of household members.

6. Home Visits. BHA staff reserves the right to perform a Home Visit for eligible applicants whose landlord references are not available and/or if a problem is suspected. The purpose of the Home Visit is to obtain information to be used in determining whether the applicant household meets certain of BHA's tenant selection criteria and will consider the following:

- a. Condition of entrance ways, halls and yards.
- b. Cleanliness in each room used by the household, including rooms shared with other households, if applicable.
- c. General care of furniture, appliances, fixtures, windows, doors and cabinets.
- d. Evidence of destruction of property.
- e. Evidence of unauthorized occupants.
- f. Evidence of criminal activity.
- g. Conditions inconsistent with the information supplied in any application or other document submitted by the household.

If the results of the Home Visit indicate tenant-caused health or safety hazards, tenant-caused damages, or housekeeping practices leading to infestation by pests, the applicant household will be considered to have failed BHA's tenant selection criteria.

7. Credit Reports. BHA may obtain credit reports on all adult family members to determine the household's history of meeting financial obligations, especially rent and utilities. Lack of credit history will not, in itself, cause an applicant to fail this criteria.

8. Police and Court Records Check. BHA may check police (CORI and NCIC) and court records for all adult members of the applicant family for evidence of behavior which is relevant to the tenant selection criteria outlined herein. The BHA CORI Policy is incorporated into this plan by reference.
9. BHA staff will be the final judge of what constitutes adequate and credible information. If there are sufficient doubts with respect to the veracity, credibility, or reliability of any information received, BHA retains the right to pursue alternative sources of information until satisfied that the information received is the best available.
10. In the event that BHA receives adverse and unfavorable information regarding an applicant household, consideration will be given to the time, nature and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct and that certain undesirable behavior will not be repeated.
11. Applicants who fail any of the resident selection criteria will be sent a Notice of Rejection in accordance with BHA policy. These applicants will be considered ineligible for housing at the BHA for a period of two (2) years from the Notice of Rejection. After this period, these applicants may reapply for housing, subject to all conditions outlined herein.
12. The Housing Authority shall maintain a record of all applicants determined ineligible as a result of the failure to meet its Resident Selection Criteria with an indication of the specific reason(s) for the determination of ineligibility and will send the applicant a notice of any such determination.

III. APPLICATION FOR ADMISSION

A. Application Intake

Application intake will occur only during publicly announced time periods during which all interested persons may apply for admission to BHA housing. When the number of applicants who can be served within a reasonable period of time is reached, the Board of Commissioners may determine that the waiting list will be closed by unit size and/or program. Notice of opening of applications shall be made in a newspaper of general circulation as well as other suitable means. When the waiting lists for one or more programs or unit sizes are to be reopened, the Housing Authority will clearly state in the public announcement the procedure to be employed to determine the position of each applicant on the waiting list. Applications will be accepted in person or by mail at:

BHA Central Office
90 Longwood Avenue
Brookline, MA 02446

Assistance will be provided to applicants in completing applications. If additional information or verification is required (by either the applicant or BHA), the BHA will explain to the applicant the sources which must be contacted and/or the method to be used to obtain such information and/or verification. If the application was received by mail, the applicant will be contacted and similar assistance provided. The BHA will withdraw the application of applicants that fail to submit all required documents in a timely manner.

B. Criteria for Placement on Waiting List

An applicant will be assigned to the waiting list according to the date and time that an application, complete with all required documentation, was initially provided. It will be referenced according to any priorities or preferences and by the size of unit required. The applicant will be informed of their assigned control number, their preference and/or priority (if applicable) and their estimated wait for an offer of a unit.

C. Organization of the Waiting List

Applicants will be assigned to the waiting list based on preference points and the date and time of application and bedroom size and type.

D. Responsibility to Report Changes

Applicants on the waiting list must also report to the Housing Authority any changes in income, preference status, family composition or address as they occur. Any such changes could affect the applicant's status or eligibility for housing. Any applicant knowingly providing false information or fraudulent statements affecting the applicant's status or eligibility for housing will be removed from the waiting list.

E. Removal from the Waiting List

An applicant may withdraw an application at any time. A withdrawn application cannot be reactivated and the applicant who has withdrawn an application shall be required to reapply. Any applicant removed from the waiting list by BHA will be notified in writing of the reason(s) for which they are being removed. Applicants have twenty (20) calendar days to respond to a written notice of removal. If the applicant has not responded within the twenty (20) days, the applicant's name will be deleted from the waiting list. This applies to both requests for information and during annual waiting list purging.

F. Record Keeping

The Housing Authority will keep a copy of each completed application received. For each applicant, the Housing Authority will document its determination that the applicant is eligible and meets admission standards, or is ineligible and does not meet admission standards, or is removed from the waiting list for any other reason. The Housing Authority will also maintain a record of the dwelling unit offered to an eligible applicant, including the location, date, and circumstances of the offer and its acceptance or rejection. A copy of each application will become a part of a resident's file during their participation in the program. Inactive files will be maintained for a minimum of three years from the date of final action. Waiting list information will contain race or ethnic designation of head of household.

G. Eligibility Determinations

1. Applicants will be placed on the waiting list based on information provided on the application form. When staff estimate that a unit will be available within the next several months, the next applicant on the list that matches the unit's size will commence the final review process.
2. Applicants placed on the waiting list will be notified by the BHA of the approximate length of wait for a possible offer of housing, insofar as it can be reasonably determined. Every effort will be made to provide an accurate estimate, however, availability of a suitable unit is contingent on factors not controlled by the BHA.
3. Verification of Eligibility, Qualification, and Preference Status: Each applicant household shall be required to provide all information and authorizations necessary to enable staff to verify the applicant's eligibility for preference status, income eligibility, household composition and qualification as it pertains to the Housing Authority's Resident Selection Criteria.
 - a. Information may be required of any or all household members. Verification shall be from third party sources whenever possible. However, the applicant shall not be penalized either by denial of admission or by unreasonable delay of placement solely because

third party sources have failed to respond to requests for information. When the applicant and the BHA have made all reasonable efforts to obtain information and the third party source has failed to respond, BHA shall proceed with the processing of the application using the best available information.

- b. Each applicant's household member, 18 years of age and older, may be required to participate in an interview with a Applications Coordinator. Every member of the applicant household should be present at the office visit except when there are extenuating circumstances.
4. BHA shall require the applicant to:
 - Sign all forms necessary to determine eligibility and suitability;
 - Provide verification of income, assets, exclusions and deductions from income;
 - Provide verification of family size, age and relationship;
 - Disclose the Social Security Numbers of all family members;
 - Provide citizenship information;
 - Provide the names and addresses of the applicant's current and former landlord from, at minimum, five years past;
 - Provide the most recent six (6) month rent receipts where appropriate;
 - Provide any other information BHA determines is necessary to determine eligibility for housing at BHA.
5. All verifications and documentation received by BHA for use in the determination of eligibility for housing at BHA will be analyzed by staff and a determination made with respect to:
 - Eligibility of the applicant family based on the requirements outlined in Section II of this Policy.
 - Unit size requirements.
 - Qualification of the applicant family with respect to the Resident Selection Criteria outlined in Section IIE.
6. Applicants determined to be ineligible for housing at BHA will be

promptly notified and will receive a Notice of Rejection from the Housing

Authority stating the basis for this determination of ineligibility. BHA will provide such applicants with the opportunity for informal review of the decision in accordance with HUD and DHCD regulations and the procedure for informal review contained in Appendix B of this Policy.

7. Applicants determined to be qualified for housing at BHA will be notified by the Housing Authority of the approximate date of occupancy insofar as that date can be reasonably determined.
8. Disabled applicants who have been determined to be eligible but who fail the Resident Selection Criteria may have their cases examined by BHA to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the selection criteria outlined herein.
9. Changes in Unit Size Determination: If, during the final eligibility determination, or at any other time prior to placement, it is determined that the family composition has changed making the family eligible for a different size unit, the family's application shall be placed on the waiting list for the new unit size based on the original date of the family's pre-application.
10. Mitigating Factors and Rehabilitation: In the event the BHA receives information which would indicate that rejection of an applicant is the appropriate action, it will consider:
 - a. Any information which indicates that the future conduct of the applicant or other members of applicant's household is likely to be significantly less detrimental, such as change in composition of household or age of household members and evidence of rehabilitation.
 - b. Participation of the applicant or member of the applicant's household in social service or other counseling service programs.
 - c. Any information which indicates that the applicant is more likely to meet future rent obligations, such as alleviation of the problem which caused the rent arrearage, new employment, or third party assurances.
 - d. Evidence of successful rehabilitation for a period of at least eighteen months.
 - e. Evidence of modification of previously disqualifying behavior.

- f. Applicants who are known to have a disability or handicap and have been determined eligible but who have failed to meet Tenant Selection Criteria will be given an opportunity to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.

IV. SELECTION FROM THE WAITING LIST

All otherwise eligible applicants will be assigned to the waiting list according to date and time of application and preference status.

A. Preferences For Federally Funded Public Housing

Otherwise eligible BHA applicants whose circumstances are verified at the time of the BHA final certification and verification will be selected from the waiting list based on the preference categories listed in this section.

The value of preferences are in descending order with a higher value going to those in the first preference category.

The preferences for federally funded public housing are as follows:

1. Victim of Natural Forces;
2. Standard applicant (all other applicants)
 - a. Within the 2nd preference category, 50% of placements will be made to households with incomes at or less than 40% of Area Median Income (AMI) as defined by and periodically updated by HUD.
 - b. The remaining 50% of placements in the 2nd preference category, will be made to households with incomes at or exceeding 40% of Area Median Income (AMI) as defined by and periodically updated by HUD.

Within the two preference categories listed above, an additional preference will be granted to applicants who qualify as a Local Resident.

The Brookline Housing Authority has adopted the following procedure to carry out the Federal Preference Rule:

There is a two step process for certification and verification of preferences for federally funded public housing. Each Applicant is given a preliminary application form at the

time of initial Application. Once completed, the applicant returns the preliminary application form to the BHA.

No supporting documentation is required of the applicant at this time. The BHA then performs a preliminary review of the application to determine which categories of preference the applicant is eligible for. The applicant is then given a place on the waiting list according to this preliminary determination of preference status.

The second step in the certification and verification of preference begins when an applicant's name approaches the top of the list and the BHA believes that the applicant will be considered for housing assistance within the next 6 months. At this point, the applicant will need to provide documentation for final verification of any preference. The BHA will also determine qualification of the applicant household with respect to the Resident Selection Criteria outlined in Section II E.

If it is determined that the applicant still has a preference and is qualified, based on the documentation received, the applicant's file will be referred to a housing manager for consideration when an appropriate unit available.

If it is determined that the applicant does not have a 1st preference, the applicant will remain on the waiting list in the 2nd preference category.

If an applicant disagrees with the decision of the BHA not to grant preference, the applicant shall have the right to request an informal review before the Executive Director or his designee (See Appendix B). Requests must be made in writing within 20 days of being notified that preference status has been denied.

If the Executive Director or his designee reverses the previous decision and authorizes the contested preference status, the applicant's file will be referred to a housing manager for consideration when an appropriate unit becomes available.

If the Executive Director or his designee upholds the decision that the contested preference does not exist, the person shall remain on the waiting list in the 2nd preference category.

The first preference is limited to involuntary displacement resulting from Natural Forces. To receive a federal preference for Homeless due to Displacement by Natural Forces, an applicant must demonstrate that they are homeless due to displacement by Natural Forces. Below is a listing of what an applicant will need to document in order to remain eligible for a 1st preference.

The documentation that an applicant must furnish for involuntary displacement due to Natural Forces is:

1. Proof of primary tenancy in the building/unit;
2. Copy of a fire report indicating that the fire was not due to negligence or intentional act of the applicant or a household member; or
3. Certification of disaster from a government agency;

4. Proof of application to local housing authority;
5. Proof that applicant has not found permanent replacement housing and/or has not refused an offer of permanent housing; and
6. Any other documentation deemed relevant by the BHA.

The documentation that an applicant must furnish to receive a Fleeing Domestic Violence preference is:

1. If available, copy of police reports, medical reports, and current restraining order;
2. If available, a letter to be completed by a physician, licensed social worker, a domestic violence shelter advocate, court of law, government or law enforcement agency;
3. Proof of residency when the domestic violence occurred;
4. Proof that the Applicant is still homeless as a result of domestic violence;
5. Proof of application to local housing authority;
6. Proof that applicant has not found permanent replacement housing and/or has not refused an offer of permanent housing; and
7. Any other documentation deemed relevant by the BHA.

Such verification will not be considered valid unless it:

1. Supplies the name of the abuser;
2. Describes the incident(s), including date, time, and location;
3. Describes how the situation came to the attention of the individual providing verification; and
4. Indicates that the Applicant has been displaced because of domestic violence or indicates the basis for a determination that the Applicant is in imminent danger where he/she now resides.

It is the policy of the Brookline Housing Authority that any applicant who has refused an appropriate offer of permanent replacement housing will be considered to have substantially contributed to their housing difficulty and will not be eligible for priority/preference consideration.

If an applicant has refused an offer of housing from the Brookline Housing Authority and the applicant qualifies as a local resident regardless of priority/preference consideration, the applicant will not receive a preference for a period of 3 years in the event that they reapply by filing a new application.

B. Priority For State Funded Public Housing

Otherwise eligible BHA applicants whose circumstances are verified at the time of BHA final

certification and verification will be selected from the waiting list based on the preference categories listed in this section in accordance with DHCD regulations.

The value of priorities are in descending order with the highest value going to priority #1.

The priorities for state funded public housing are as follows:

1. Homeless due to Displacement by Natural Forces;
2. Homeless due to Displacement by Public Action (Urban Renewal)
3. Homeless due to Displacement by Public Action (Sanitary Code Violations)
- 4a. Homeless due to Displacement by No Fault Eviction
- 4b. Homeless due to Displacement from Fleeing Domestic Violence
- 4c. Homeless due to Displacement caused by Severe Medical Emergency
5. Alternative Housing Voucher Program Participant (AHVP)
6. Internal Transfer – 1:5 ratio
7. Standard Applicant

Apart from the affirmative action preference to be applied pursuant to 760 CMR 5.10(3) the BHA shall apply the following preferences in descending order within each of the priority categories in determining the order of tenant selection:

- a. Veteran - Any veteran applying for state funded elderly/handicapped housing receives this preference if the applicant resides in the community. A veteran applying for family housing receives this preference in all c.200 units. The order of preference is as follows:
 1. veterans with service-connected disability;
 2. families of deceased veterans whose death was service-connected;
and
 3. other veterans.
- b. Local Resident - Any local resident applying for state funded public housing receives this preference.

The BHA has adopted the following procedure to implement the state funded priority regulations.

There is a two step process for certification and verification of a state priority. Each applicant is given a preliminary application form at the time of initial application. Once completed, the applicant returns the preliminary application form to the BHA. No supporting documentation is required of the applicant at this time.

The BHA then performs a preliminary review of the application to determine which categories of priority or preference the applicant is eligible for.

The second step in the certification and verification of priority and preference begins when an applicant's name approaches the top of the list and the BHA believes that the applicant will be considered for housing assistance within the next 6 months. The applicant will need to provide documentation for final verification of any state priority or preference. At this time, the BHA will also determine qualification of the applicant household with respect to the resident selection criteria outlined in Section II E.

If it is determined that the applicant still has a state priority or preference, based on the documentation received, and is qualified, the applicant's file will be referred to a housing manager for consideration when an appropriate unit is available.

If it is determined that the applicant does not have a state priority or preference, the applicant will remain on the standard waiting list.

If an applicant disagrees with the decision of the BHA not to grant an applicant a state priority or preference, the applicant shall have the right to request an informal review before the Executive Director or his/her designee. (See Appendix B) Requests must be made in writing within 20 days of being notified that state priority status has been denied.

If the Executive Director or his/her designee reverses the previous decision and authorizes the state priority or preference status, the applicant's file will be referred to a housing manager for consideration when an appropriate unit becomes available.

If the Executive Director or his/her designee upholds the decision that no state priority or preference exists, the person shall remain on the standard waiting list.

A state priority of Displacement due to Natural Forces must be documented to have occurred within 6 months of BHA final certification and verification or that the applicant continues to be displaced due to Natural Forces having occurred prior to 6 months of the final certification and verification. In addition, the applicant must furnish the following documentation:

1. Proof of primary tenancy in the building/unit;
2. Copy of a fire report indicating that the fire was not due to the negligence or intentional act of the applicant or a household member;
3. Certification of disaster from a government agency;
4. Proof of application to local housing authority;
5. Proof that applicant has not found permanent replacement housing

- and/or has not refused an offer of permanent housing; and
6. Any other documentation deemed relevant by the BHA.

Homeless due to Displacement by Public Action (Urban Renewal) is an available priority for an applicant who will be displaced within 90 days of their application date, or has been displaced within the three years prior to their application date due to Urban Renewal.

In addition, the applicant must furnish the following documentation:

1. Proof of primary tenancy in the building/unit;
2. Certification from the appropriate governing agency;
3. Proof of application to local housing authority;
4. Proof that applicant has not found permanent replacement housing and/or have not refused an offer of permanent housing;
5. Any other documentation deemed relevant by the BHA.

Homeless due to Displacement by Public Action (Sanitary Code Violations) is an available priority for an applicant who is being displaced, or has been displaced within 90 days prior to application date, by enforcement of minimum standards of fitness for human habitation established by the State Sanitary Code (105 CMR 410.000) or local ordinances. In addition, the applicant must furnish the following documentation:

1. Proof of primary tenancy in the building/unit;
2. Certification from the appropriate governing agency;
3. Proof of application to local housing authority;
4. Proof that they have not found permanent replacement housing and/or have not refused an offer of permanent housing;
5. Any other documentation deemed relevant by the BHA.

A state priority for Homeless due to Displacement caused by No Fault Eviction, Fleeing Domestic Violence, or Severe Medical Emergency must be documented to have occurred within 6 months of BHA final certification and verification or that the applicant continues to be Homeless due to Displacement by No Fault Eviction, Fleeing Domestic Violence, or Severe Medical Emergency that occurred prior to 6 months of the final certification and verification.

In addition, the documentation that an applicant must furnish for Displacement due to No Fault Eviction is:

1. Notice To Quit, Summary Process Summons, and Judgment for Possession; or
2. Certification from the owner deemed appropriate by the BHA
3. Proof of application to local housing authority
4. Proof that applicant has not found permanent replacement housing and/or has not refused an offer of permanent housing
5. Any other documentation deemed relevant by the BHA

The documentation that an applicant must furnish to receive a Fleeing Domestic Violence priority is:

1. If available, copy of police reports, medical reports, and current restraining order;

2. If available, a letter to completed by a physician, licensed social worker, a domestic violence shelter advocate, court of law, government or law enforcement agency;
3. Proof of residency when the domestic violence occurred;
4. Proof that the Applicant is still homeless as a result of domestic violence;
5. Proof of application to a local housing authority;
6. Proof that applicant has not found permanent replacement housing and/or has not refused an offer of permanent housing;
7. Any other documentation deemed relevant by the BHA.

Such verification will not be considered valid unless it:

1. Supplies the name of the abuser;
2. Describes the incident(s), including date, time, and location;
3. Describes how the situation came to the attention of the individual providing verification; and
4. Indicates that the Applicant has been displaced because of domestic violence or indicates the basis for a determination that the Applicant is in imminent danger where he/she now resides.

The documentation that an applicant must furnish to receive a Homeless due to Displacement by Severe Medical Emergency priority is:

1. Proof of primary residency in the unit;
2. Medical statement from your physician;
3. Documentation of current housing situation;
4. Proof of application to local housing authority;
5. Proof that they have not found permanent replacement housing and/or have not refused an offer of permanent housing; and
6. Any other documentation deemed relevant by the BHA.

No applicant shall receive this priority unless it can be demonstrated that displacement was due to a severe medical emergency suffered by applicant or a member of applicant's household.

For an Alternative Housing Voucher Program Participant (AHVP) priority, the applicant must furnish the following documentation:

1. Proof of current residence in non-permanent, transitional housing subsidized by AHVP;
2. Proof of application to local housing authority;
3. Proof that applicant has not found permanent replacement housing and/or has not refused an offer of permanent housing; and
4. Any other documentation deemed relevant by the BHA

It is the policy of the BHA that any applicant who has refused an appropriate offer of permanent replacement housing will be considered to have substantially contributed to their housing difficulty and will not be eligible for priority/preference consideration.

If an applicant has refused an offer of housing from the BHA and the applicant qualifies

as a local resident regardless of priority/preference consideration, the applicant will not receive Local Preference for a period of three years in the event that they reapply by filling out a new application.

C. Offer of a Unit

1. One Offer Plan will be used for tenant selection. Applicants will be offered a suitable unit in the area in which a vacancy first occurs. If the offer is rejected, the applicant's name is dropped from the waiting list. If the applicant is on more than one waiting list, this will not affect placement on other lists. An applicant must respond to accept or reject the offer within seven (7) days from the date the offer is made. If an applicant does not respond within seven (7) days following verbal or written notification, the application shall be deemed withdrawn and the applicant shall be required to reapply.
2. For purposes of this policy, the applicant will not be considered to have been offered a unit if he/she provides clear evidence to the satisfaction of BHA that one of the following circumstances apply:
 - a. The unit is not of the proper size and type, and the applicant would be able to reside there only temporarily.
 - b. The applicant is unable to move at the time of the offer because of serious and unusual circumstances that are beyond the applicant's control, and the applicant presents clear evidence that substantiates this to BHA's satisfaction. Examples:
 - A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;
 - A court verifies that the applicant is serving on a jury that has been sequestered.
 - c. Accepting the offer would result in undue hardship to the applicant not related to consideration of race, creed, color, national origin or language, such as making employment or day care facilities inaccessible, and the applicant presents clear evidence which substantiates this undue hardship to BHA's satisfaction.
 - d. If an applicant fails to keep a scheduled appointment to view a unit offered for occupancy or fails to respond to written correspondence from the Housing Authority, for other than a justifiable reason, such failure shall result in removal from the waiting list. The person may reapply at a time that applications are being accepted.

3. Any accessible or modified unit will be offered to an applicant whose household includes a person, regardless of age, who has a physical handicap that necessitates one or more of the special design features of the unit.
4. In state funded housing only, placements are made in elderly/handicapped housing to achieve a mixed population of elderly households (60 years of age or older) in 86.5% of the units, and handicapped households in 13.5% of the units. The BHA will place applicants in accordance with state regulations in order to attain or sustain these percentages. Such placements will also be made in accordance with any applicable priority and preference categories and the affirmative action preference, if applicable.
5. In federally funded housing with a Federal Designated Housing Plan Allocation Waiver only, placements are made in elderly/handicapped housing to achieve a mixed population of elderly households (62 years of age or older) in 80% of the units, and handicapped households in 20% of the units. The BHA will place applicants in accordance with federal regulations in order to attain or sustain these percentages. Such placements will also be made in accordance with any applicable priority and preference categories and the affirmative action preference, if applicable.
6. Except as provided in (3), (4) and (5) above and subject to any applicable affirmative action preference (state only), when a unit becomes available, it will be offered to the applicant for the applicable program with the appropriate household size who has the lowest control number in the highest preference and/or priority category.

V. UNIT SIZE AND OCCUPANCY STANDARDS

A. Appropriate Unit Size

It is the policy of BHA to ensure that the dwelling units are occupied by families of appropriate size. The following chart outlines the allowable number of occupants per bedroom based on HUD guidelines:

No. of Bedrooms	No. of Persons	
	Min.	Max.
1 (or 1 single)	1	1
1 (or 1 double)	1	2
2	2	4
3	3	6
4	5	8
5	7	10

B. Reasonable Exceptions in Emergency Situations

The criteria and standards prescribed above apply to all families applying for housing at BHA; however, reasonable exceptions to the standards listed above may be made in emergency situations or in other extenuating circumstances as determined by BHA.

C. Additional factors for assignments

Dwelling units will be assigned so that it will not be necessary for persons of different generations or opposite sex (other than married or cohabitating couples) to share a bedroom. Two children of the same sex of any age are required to share a bedroom. Children shall generally not be required to share a bedroom with a parent. Foster children are not considered in determining dwelling unit size. No unit assignments will be made which require use of the living room for sleeping.

In elderly buildings with both single and double-occupancy one-bedroom apartments, single persons are required to occupy single-occupancy one-bedroom apartments. Double-occupancy one-bedroom apartments are reserved for couples. For reasons of health (elderly, disabled) separate bedrooms may be provided for individual family members at the discretion of the BHA when there is a compelling and verifiable medical impairment requiring additional unit space to accommodate medical equipment.

D. Requirements for a Live-In Aide or Personal Care Attendant (PCA)

Any applicant or resident who requires a Live-In Aide or PCA, who will be responsible for the essential care and well-being of a family member on a daily basis may be assigned a bedroom to accommodate this aide, provided that the applicant or resident can show documentation to support the fact that the Live-In Aide or PCA would not be living in the unit except to provide necessary supportive services. These Live-In Aides or PCA's will not be listed on the lease and do not have rights to the unit in regard to continued occupancy as a remaining family member. A Live-In Aide or PCA agreement stating these requirements must be signed by the head of household and the Aide.

E. Accessible Units

When an accessible unit becomes available, the BHA shall offer the unit in the following order:

1. To current BHA tenants who have a disability or handicap who would benefit from the unit's accessible feature(s), but whose current unit does not have such features. If there is more than one current tenant requiring the accessibility features of the available unit, the family with the earliest written request for a transfer shall be selected for the unit.
2. To eligible and qualified households on the waiting list who have a disability or handicap who would benefit from the unit's accessibility features: (a) An accessible unit shall be offered first to households who

qualify for a preference and who need the specific features of the available unit. (b) Thereafter, an accessible unit shall be offered to households on the waiting list who need the specific accessibility features, in order of application date, but who do not have a preference despite the presence on the waiting list of households with preferences and/or earlier application dates who do not require the specific accessibility features of the available unit.

3. To other eligible and qualified households on the waiting list (without disabilities). In this case, the household must agree, in writing, to transfer to a non-accessible unit at the request of the Housing Authority.

F. Continued Occupancy Considerations

For purposes of continued occupancy only, an infant up to two years of age may occupy the same bedroom with parent(s).

VI. LEASE

A. Lease Execution

At admission, a lease is to be entered into between the Housing Authority and each tenant family. The dwelling lease is to be kept current at all times and is to reflect rent being charged, and the conditions governing occupancy. Any changes to the lease, including changes in rent, must be accomplished by written amendment to the lease signed by both parties.

1. If, for any reason, any signer of the lease ceases to be a member of the tenant family, the lease will be canceled, and a new lease and Pet Agreement, if applicable, will be executed and signed by a remaining member of the family who qualifies and is determined to be eligible for continued occupancy by BHA.
2. If a tenant family transfers to a different unit operated by the Housing Authority, the existing lease is to be canceled and a new lease and Pet Agreement, if applicable, will be executed by the head of household and co-head, if one, for the dwelling unit into which the family is to move.
3. If at any time during the life of the lease and Pet Agreement, if applicable, a change in the tenant's status results in the need for changing or amending any provision of the lease, or if the Housing Authority desires to waive any provisions with respect to the tenant, either:
 - The existing lease is to be canceled and a new lease agreement executed; or
 - An appropriate amendment is to be prepared and made a part of the existing lease and executed by the head of household. The new lease

amendment is to be made a part of the permanent tenant file. A lease amendment is to be attached to the existing lease, and must be signed by both the tenant and a Housing Authority representative.

B. Security Deposits

1. The Brookline Housing Authority reserves the right to adopt a security deposit for families assigned to BHA units. If adopted, a security deposit of one month's rent shall be required. Any security deposit held by management for a period of one year or longer from the commencement of the term of the tenancy, shall, beginning with the first day of the tenancy, pay interest at the rate provided for by law per year, payable to the tenant at the end of each year of the tenancy provided, however, that in the event that the tenancy is terminated before the anniversary date of the tenancy, the tenant shall receive all accrued interest within thirty days of such

termination. At the termination of the occupancy of the tenant, such deposit shall be applied against any damage resulting from occupancy of the Resident, ordinary wear and tear excepted, and/or any delinquent rent; it being understood that such amount and interest shall be refunded to the tenant.

2. The security deposit, if applicable, is to be paid in full immediately upon execution of the lease, unless extenuating circumstance exist that prevents the applicant from paying the full amount of the security deposit. In this event, the property manager has the discretion to enter into an agreement with the applicant to pay the security deposit in installments. Security deposits will be held on account by the Housing Authority, accruing interest at the rate provided by law, and will be returned to the tenant after move-out if the following conditions are met:

- The tenant gave notice of intent to vacate as required by the lease;
- There is no unpaid rent or other charges for which the tenant is liable under the lease;
- The apartment and all equipment are left clean, and all trash and debris have been removed by the family;
- There is no breakage or damage beyond that expected from normal wear and tear; and
- There was proper notice given under the lease and all keys issued have been returned to the Housing Authority when the family vacates the unit.

3. If tenant charges are assessed, they will be deducted from the security

deposit and the balance, if any, shall be returned to the tenant.

4. The security deposit may not be used to pay charges during occupancy.
5. Pet security deposits shall be paid in accordance with the Housing Authority's Pet Policy.

C. Resident Orientation

Eligible applicants selected for admission will be required to participate in an pre-occupancy orientation program conducted by BHA to acquaint new resident families with the following policies and procedures: the Lease Agreement; Drug-Free Housing Addendum; maintenance procedures; services provided by BHA; grievance procedures; resident rights, responsibilities and obligations, rent collection policy, and the operation of heating, cooling, plumbing equipment in the units, and any other policies and procedures that affect occupancy.

D. Dwelling Unit Inspection Policy

1. Preoccupancy: Prior to occupancy, a BHA representative and the tenant, or his/her representative, will inspect the premises. BHA will furnish the tenant a written statement of the condition of the premises and the appliances provided in the dwelling unit. The statement will be signed by the BHA representative and the tenant, or representative, and a copy will be kept in the tenant's file.
2. New Tenant Inspection: After a tenant has occupied the unit for a period of two weeks, they are asked to return an apartment condition form to their manager. This document is used to determine if any conditions were overlooked at the pre-occupancy inspection and if any conditions or need for repairs have occurred since occupancy.
3. Annual: An inspection of all dwelling units will be conducted on an annual basis with a written statement of condition signed by a BHA representative and the Tenant or his/her representative.
4. Move-Out: Just prior to a tenant moving out, a BHA representative will inspect the dwelling unit. The tenant is encouraged to participate in the move-out inspection, but must contact the management office prior to move-out to schedule a joint inspection. A written statement of the unit condition, and the provided appliances will be signed.
 - A statement of repair/replacement charges for tenant caused damages and charges for cleaning of the unit and appliances, if necessary will be furnished to the tenant and payment will be expected within 30 days. If the tenant is transferring, payment will be required before the transfer takes place.

5. A copy of the move-in and/or move-out and housekeeping inspection reports will be kept in the tenant files.
 6. Annual Housing Quality Standards (HQS) forms will be kept in the unit maintenance file.
 7. BHA, in its sole discretion, may conduct follow-up inspections if there is reason to believe that the housekeeping practices of the resident family is a matter of concern.
- E. Rent, Flat Rents, Minimum Rents, Disallowance of Increase in Annual Income, Utility Allowances, Other Charges, and Rent Adjustments
1. Rent: Rent will be calculated using the method and income as determined by HUD or DHCD regulations.
 2. Minimum Rents: For federally funded programs, BHA has established, pursuant to and in compliance with HUD regulations, a minimum rent of \$50.00. Residents of the BHA are charged the greater of \$50.00 or 30% of their adjusted gross income.
 3. Flat Rents: For federally funded programs, BHA has established, pursuant to and in compliance with all HUD regulations, a flat rent. The flat rent for BHA residents is set at the Brookline Section 8 Payment Standard as established and periodically updated in accordance with HUD regulations.

Once per year, the BHA shall give each family the opportunity to choose between paying a flat rent or an income-based rent. Except for financial hardship cases, the family shall not be offered this choice more than once a year.

For families who choose flat rents, the BHA shall conduct a reexamination of family composition at least annually, and shall conduct a reexamination of family income at least once every three years.

If the family chooses to pay a flat rent, the BHA will not pay any utility reimbursement.
 4. Disallowance of Increase in Annual Income: For federally funded programs, a disallowance of increase in annual income is granted a family in certain circumstances as a self-sufficiency incentive, per HUD regulations.

A qualified family includes those where a family member's income increases: after being unemployed for one or more years; as a result of increased earnings from participation in an economic self-sufficiency or other job training program; or as a result of new employment or increased earnings during or within six months after receiving assistance, benefits or services under temporary assistance for needy families (TANF) and Welfare-to Work (WTW) programs.

During the cumulative twelve month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the BHA will exclude from annual income any increase in income of the

family member as a result of employment over prior income of that family member.

During the second cumulative twelve month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the BHA will exclude from annual income fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

The disallowance of increased income of an individual family member is limited to a lifetime 48 month period in which a maximum 12 month full disallowance is given and a maximum 12 month fifty percent disallowance is given.

5. Utility Allowance: BHA has adopted the BHA Section 8 Program's utility allowance schedule as annually updated in accordance with HUD regulations for BHA federal developments where tenants pay utilities.
6. Other Charges: In addition to rent, tenants are required to pay for reasonable charges as established by the BHA. Such charges include, but are not limited to BHA costs associated with the following: repairs of tenant-caused damages to BHA property; replacement or duplication of keys; access to a unit when keys have been lost; charges for excess utility consumption (air conditioner); and certain fees associated with legal eviction proceedings.
7. Rent Adjustments: Retroactive rent adjustments are made when it is verified that tenants have been under-paying or over-paying their rent.

VII. REEXAMINATION/REDETERMINATION OF INCOME,
ADJUSTMENTS AND FAMILY COMPOSITION

A. Annual Reexamination (federal)/Redetermination (state) Procedures

1. The income, allowances and family composition of each household shall be reexamined within 12 months of the family's move-in date and no less than once each year thereafter on a rotating schedule as determined by BHA. Reexaminations/redeterminations determine the tenant's monthly rent, eligibility for continued occupancy and the required unit size. The Housing Authority follows all pertinent HUD or DHCD regulations in its completion of reexaminations/redeterminations.

For residents of federal public housing who choose flat rents, the BHA shall conduct a reexamination of family composition at least annually and a reexamination of family income at least once every three years.

2. At least 90 days in advance of the scheduled annual reexamination/redetermination effective date, the head of the household shall be notified by mail that they are required to complete and sign an application for continued occupancy, provide all specified information, and sign the required Certification forms, the Authorization for Release of Information form.

In the event that a tenant fails to keep the scheduled reexamination/redetermination appointment or promptly submit all necessary information, he/she shall be given ten (10) days from the date of written notification to provide BHA with the required information.

3. Employment and income data, assets, full-time student status, medical expenses (elderly families only), child care expense, and handicapped assistance expenses will be verified, documented and placed in the tenant's folder.

Third party written verifications are preferred. Oral third party verifications are acceptable, if properly documented. Obtaining documents from the tenant and photocopying is an acceptable form of verification when not prohibited by law. When such documents cannot be photocopied, Housing Authority staff will sign a statement confirming that the verification documents were viewed by recording the document source, date, time, amount, etc. All verifications will be maintained in the tenant's folder.

Verified information will be analyzed and a determination of rent and of the appropriate unit size made.

4. **Temporary Rent Determinations and Special Reexaminations/Redeterminations:** When it is not possible to determine the anticipated annual income with any reasonable degree of accuracy at the time of admission or reexamination/redetermination, a temporary determination of income and rent will be established, giving due consideration to the tenant's past income and other available information. Examples of undeterminable annual income include temporary and seasonal work, day labor, and "0" income.

An interim reexamination/redetermination will be scheduled to take place within 30 to 90 days, depending on the family's circumstances. The tenant is to be notified in writing of the date of the special reexamination/redetermination.

Special reexaminations/redeterminations will continue to be scheduled until a reasonable estimate of the Adjusted Income or Net Household Income can be made. Rents determined at special reexaminations shall be made effective the first of the second month following the final rent

determinations. Until the final rent determination can be made, the family will pay rent based upon the existing Adjusted Income or Net Household Income.

If the Total Family Income can be reasonably estimated at the time scheduled, the reexamination/redetermination is to be completed and actions taken as appropriate to adjust the Tenant Rent amount.

5. **Changes in Rent**
 - a. Increases in rent shall be effective on the scheduled reexamination/redetermination effective date, with reasonable advance notice, provided the tenant has complied with all reporting requirements. When the tenant has failed to do so, the Housing Authority may increase the rent retroactive to the reexamination/redetermination effective date, and the balance of such a retroactive rent adjustment must be paid within ten (10) days of notification. Retroactive charges shall not be made when delays are solely the fault of BHA or a verification source.
 - b. Decreases in rent shall take effect on the first of the month after the month in which the change was reported.

B. Eligibility for Continuing Occupancy

Only those residents meeting all of the following requirements will be considered eligible for continued occupancy:

1. Those who qualify as a family or the remaining member of a resident family;
2. Those who have exhibited conduct since residing in public housing that shows that they:
 - Have not interfered with other residents in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare;
 - Have not adversely affected the physical environment of the community;
 - Have not adversely affected the financial stability of the development;
 - Have not illegally used a controlled substance or engaged in drug-related criminal activities on or off the premises; and
 - Have not interfered with the health, safety, or right to peaceful enjoyment of the premises by other residents because of the abuse of alcohol.

- Are lifetime registered sex offenders.
3. Who have abided by the terms and conditions of the Lease.
4. Any tenant whose unit is found to be in unsatisfactory condition during his/her annual inspection may be required to meet with a social worker from the Brookline Center for possible assistance in bringing the unit up to minimum standards. Failure to do so after receiving written notice of the requirement will be deemed a cause for eviction.
5. Tenant and each other household member must physically occupy the leased premises as his or her principal place of residence for at least nine (9) months during any twelve (12) month period unless good cause is shown for a longer absence, such as involuntary absence attributable to illness or absence of a household member who is a full-time student. If Tenant or a household member without such cause shall fail to occupy the leased premises for the minimum of nine (9) months during any twelve (12) month period, Tenant shall delete such person from the lease within thirty (30) days of the failure.

C. Interim Reexaminations/Redeterminations

1. Reasons for Interims: Any of the changes listed below must be reported to Management within ten (10) days of their occurrence. Complete verification of circumstances in such cases will be documented. Failure to report these changes may result in a retroactive rent charge and/or eviction action against the tenant. tenants must report the following:

- a. Any change in household composition.
 - b. Increases of monthly gross household income of 10% or more (state only).
2. Tenants may report the following changes that would result in a decrease in the family's rent:
 - a. Decrease in income expected to last at least 30 days; and
 - b. Increase in allowances or deductions.
3. Effective Dates: For interim reexams/redeterminations, increases in rent shall become effective on the first day of the second month following the month the change was reported, provided the change was reported within ten days of its occurrence and the family complies with the verification requirements and completes reexam/redetermination. Decreases in rent shall take place on the first day of the month following the month in which the change is reported. The effective dates of changes that are not reported in a timely manner are covered in #4 below.
4. Errors/Omissions, Misrepresentations/Failure or Delay in Reporting Changes: (In the interest of brevity, the word "error" is used in this section to represent errors, omissions, misrepresentations, and failure to report changes.) If an error in rent is revealed at any time, proper adjustment will be made to correct the error as follows:
 - a. Errors which are the fault of the tenant:
 - Increased rent shall be retroactive to the first day of the month following the date the change occurred.
 - Decreased rent shall be effective on the first day of the month following the month the change was reported.
 - b. Errors not the fault of the tenant:
 - Increased rent shall be made effective the first day of the second month following the date the error was discovered.
 - Decreased rent shall be made retroactive to the date of the rent adjustment in which the error occurred.

D. Changes in Household Composition

1. The tenant is required to report in writing any change in household composition within 10 days of the change.

2. No new household member, except in the case of a new born child, may be added to the tenant's lease unless and until that person has provided the required information to the Housing Authority and been determined eligible for admission according to the guidelines specified in Section II of this policy. The Housing Authority has the right to deny admission to any person found to be ineligible.
3. A tenant must provide documentation as required by BHA when reporting that a family member has vacated the household. In the case of an income producing household member, BHA will require at least two documents verifying the new address or other evidence deemed acceptable by BHA. Utility bills, a driver's license, an automobile registration, an employer's verification, or a lease or a rent receipt bearing the family member's name, new address and a date are examples of acceptable evidence. Court papers indicating that a family member has left the household such as a Petition for Dissolution of Marriage, a Petition for an Order of Protection from Abuse, or a Petition for Legal Separation may also be acceptable.
4. A tenant eligible for a transfer to a larger or smaller unit as the result of approved changes in household composition may request a transfer and be placed on the master transfer list effective the date the transfer request is approved (see Section VIII). A tenant reporting a decrease in household size which changes the unit size for which the family is eligible will not be required to be placed on the transfer list until the effective date of the family's next annual reexamination/redetermination.

E. Guests

Each tenant household will be allowed to have guests for a total not to exceed 21 days per unit per year in any given twelve-month period. A guest shall not remain in the tenant's unit beyond the 21 days without the prior written authorization of the BHA. An extension of guest privileges will only be considered if there is a compelling reason, such as a household member requiring care during illness; as certified by a physician. A review of the guest's criminal record will be undertaken prior to the BHA authorizing any extension of the guest stay.

F. Adding New Family Member(s)

Before any other person, including foster children, will be allowed to move in with a tenant family, the Housing Authority must be notified and the additional person must meet the same screening and processing requirements which apply to all families who seek admission to BHA housing.

When a resident wishes to add a new household member to their lease, the BHA will adhere to the following policy:

1. The head of household may apply to add a new member to their lease by requesting an application for addition to lease from their Housing Manager.
2. The Applications Department shall screen the person requested to be added to the lease using a similar eligibility and qualification process to that of applicants for public housing. This process shall include Criminal Offender Record Information (CORI) checks for all adults, landlord references, citizenship or eligible immigrant status (if the tenancy is in federally-funded public housing).
3. At the conclusion of the screening process, a written notification of the decision of the Management Department will be mailed to the head of household.
4. Upon approval, the tenant and the BHA shall add the new member to the lease.
5. The BHA will not approve the addition of the new household member if:
 - a. The new household member does not meet the criteria for admissions under this policy; or
 - b. The addition of the new household member would cause overcrowding in violation of the State Sanitary Code, and the increase in family size is not the result of birth, court ordered custody of minor children, adoption, marriage or marital reconciliation; or reasonable accommodation; or
 - c. The increase in family size is the result of a return of tenant's children or parents who had previously been listed on the lease more than twelve months prior to the application to be added to the household.
6. Only households in good standing are permitted to add members to their household.
 - a. Exceptions are permitted in instances of birth, court ordered custody of minor children, adoption, marriage or marital reconciliation and to meet Reasonable Accommodation requests.
7. Households requesting to add a household member must provide documentation that the member they are requesting to add was not living with them at least thirty (30) days prior to the day the request is submitted to BHA.
8. Over-housed households in position one (1) through five (5) on the

transfer list can only add a new household member under the following circumstances:

- a. Instances of birth, court ordered custody of minor children, adoption, marriage or marital reconciliation and to meet Reasonable Accommodation requests; or
- b. The addition does not result in the household requiring an additional bedroom.

Households adding a member under these circumstances agree that they will never be considered over housed and will not be transferred to a larger unit to accommodate the household member they are adding.

- 9. Households may not add a new household member if they have been notified that they are at the top of the transfer list for a smaller apartment, unless the addition of the new household member would not result in a change in bedroom size.
 - a. Exceptions are permitted to meet Reasonable Accommodations requests.
- 10. Households may not add a new household member within twelve (12) months of initial lease-up.
 - a. Exceptions are permitted in instances of birth, court ordered custody of minor children, adoption, marriage and to meet Reasonable Accommodation requests.
- 11. Households cannot add a new household member if the addition results in the household exceeding the Maximum Occupancy Standard.
 - a. Exceptions are permitted in instances of birth, court ordered custody of minor children, adoption, marriage or marital reconciliation birth and to meet Reasonable Accommodation requests.
- 12. If the request to add the new member is denied, the head of household may grieve the decision of the BHA under the grievance procedure.

G. Foster Children

Tenants are required to report foster children as a new household member and notify the site management office that the unit will become a foster home.

- 1. A tenant desiring to become a foster parent must sign a release form authorizing the Brookline Area Office of the Department of Social Services to obtain information about the tenant from the BHA Property Manager.

2. If the tenant's unit is approved as a foster home, to DSS Family Resource Worker will notify the BHA Property Manager of the approval, the number of foster children that will be placed, their sex(es) and age(s), and the expected length of time of placement insofar as can be determined.
3. Tenants are required to sign an agreement with BHA stating that use of the dwelling unit as a foster home will not violate BHA occupancy standards and that the foster children residing in the unit must comply with eligibility guidelines.
4. Tenants are required to notify BHA when foster children leave the home. DSS Family Resource Worker will also notify the property manager of the number and status of the foster children remaining in the home, if any.

H. Removal of Household Member(s)

1. Heads of household wishing to remove a household member must provide documentation of the new address of the household member being removed. Acceptable documentation includes:

Court order or affidavit; or

A utility bill (excluding cellular telephone) in the name of the household member leaving, addressed to their new address.

At the BHA manager's discretion, BHA may accept reasonable evidence that a household member has left without providing the remaining members any way of contacting them.

2. Households who permit unauthorized individuals to occupy their apartments are subject to lease termination and eviction.

I. Remaining Member(s) of Tenant's Household

1. In the event that Tenant ceases to occupy the leased premises, one or more remaining members of Tenant's household may be given permission for continued occupancy, provided that: (1) Tenant is not relocating to public or assisted housing elsewhere and is current in his or her financial obligations to BHA and is not subject to eviction proceedings; (2) the remaining members of the household are eligible and qualified for public housing and (excepting a newborn of a household member) have resided in the leased premises for at least one year, and; (3) at least one adult member (or emancipated minor member) of the household applies for and signs a new lease with BHA. In the event that any such remaining

members of Tenant's household are approved for continued occupancy, if the size of the leased premises is no longer appropriate for the household, such remaining members shall transfer to a smaller unit if and when offered by BHA.

2. The following factors may be considered when a remaining adult or emancipated minor applies to become the head of household:
 - a. Whether all screening and eligibility requirements are met by the proposed head of household;
 - b. The proposed head of household reports the departure of the head within ten (10) days of the occurrence;
 - c. The proposed head of household has reported all income as required by BHA policy;
 - d. The proposed head of household has not committed any violation of the lease agreement during their tenancy;
 - e. Those under eighteen (18) must provide proof of emancipation, including but not limited to: Marriage license; Divorce decree; emancipation; or Military enlistment or discharge papers;
 - f. Agrees to occupy apartment of appropriate size based on BHA Occupancy Standards;
 - g. At the discretion of the BHA is offered and agrees to a written payback agreement with BHA for any rent owed by the previous Head of Household; and
 - h. BHA may deny tenancy if an action to terminate the former head of household's tenancy began prior to the former head of household's departure or incapacitation.
3. In order for the remaining adult or emancipated minor to become the head of household the household member seeking to become head of household must meet the requirements of BHA's tenant selection and screening criteria.
4. An adult who becomes the guardian or other caretaker of remaining household member(s) who are minors, may apply to become head of household and must meet the requirements of BHA's tenant selection and screening criteria.

VIII. UNIT TRANSFERS

A. Priority Transfer Types

BHA may authorize and approve Priority Transfers of tenants from one unit to another unit either in the same development or in another development in the BHA portfolio including federal and state-assisted developments under any of the following circumstances:

1. As needed to relocate tenants to facilitate the planned redevelopment, demolition and/or disposition of a BHA public housing development;
2. To address emergency situations including but not limited to units or buildings in a BHA development that become uninhabitable due to fires, floods or other disasters as authorized by the Executive Director;
3. For accessible units, transfers of tenants in a BHA development who need the features of an accessible unit into an appropriate accessible unit;
4. For accessible units, transfers of tenants occupying accessible units in a BHA development who no longer need the features of the accessible unit into a non-accessible unit; or,
5. Tenants who are eligible for an emergency transfer pursuant to BHA's Violence Against Women policy.

The above Priority Transfer types shall take priority and precedence over new admissions and shall not be subject to the Transfer Ratio limitations described below.

Priority Transfer tenants are responsible for paying their own moving costs except for: a) transfers in connection with the redevelopment of a public housing development and/or the conversion of a public housing development to project-based assistance under the RAD program; b) management-initiated transfers related to physical emergencies; or, c) as approved by the Executive Director on a case-by-case basis.

B. Occupancy Standards and Elderly Transfers

Except for the Priority Transfers described in VIII.A above, transfers of tenants from one unit to another will be approved solely to assure consistency with BHA's occupancy standards or to allow an elderly or disabled tenant living in a BHA family development to move to a BHA senior development.

Transfers between developments under this section shall only be made for families requiring large size units

that do not exist within the tenant's current development or for an elderly or disabled tenant living in a BHA family development who requests to move to a BHA elderly/disabled development. Transfers will not be made

where tenants are delinquent in rent, have poor housekeeping habits, have caused excessive damage to the current unit being occupied, are currently under legal eviction action, or have long standing charges remaining outstanding on their accounts.

Transfers to other dwelling units shall be made without regard to race, creed, color, gender, familial status, disability or national origin. Tenants shall not be transferred to a dwelling unit of equal size within a development except for alleviating hardships as determined by the Executive Director or designee.

A tenant family transferring from one apartment to another pursuant to this section VIII.B. is responsible for any costs associated with moving to the new apartment.

C. Initiation of Transfer Requests

Transfer requests may be initiated by:

1. BHA staff as needed for tenants eligible for Priority Transfer types 1, 2 or 4 per section VIII.A. or following an annual or interim reexamination or redetermination where a change in family composition is reported; or
2. Tenants who are eligible for Priority Transfer types 3 or 5 per section VIII.A. or when a change in household composition occurs or medical or disability reasons require a transfer.

Tenant-initiated transfer requests shall be placed on a Transfer List in the order of the date the request is approved, except that Priority Transfer requests shall take precedence over other applicants. All transfer requests shall be reviewed by the Director of Housing Management. A separate transfer list will be maintained by bedroom size and type for each development.

3. Tenants, when an elderly or disabled household in a family development requests relocation to an elderly/disabled development.
4. The Executive Director, when at his/her discretion, there is a compelling reason to transfer the household.

D. Transfers to Larger Units

Transfers to larger units may be approved only when the family size has increased through birth, marriage, legal adoption, award of custody, reconciliation of separated spouses, return of a minor to legal custody of the household, or for approved medical or disability purposes.

E. Transfers to Smaller Units

Transfers to smaller units are required at any time a decrease in family composition renders the family no longer eligible for the unit size it occupies.

F. Determination of Over- or Under-Housed Situation

BHA will determine if the family is over- or under-housed as set forth in the Lease, and will inform the Tenant in writing when a unit of proper size becomes available. The Tenant will then have to move.

G. Unit Offers

1. Tenants currently occupying a unit too large for the number of family members (see Occupancy Standards) are to be placed on the transfer list maintained by the Housing Authority. Transfer of over-housed families shall be at the discretion of the Executive Director or his/her designee when it has been determined in the best interest of BHA to do so. Failure to accept a transfer to an apartment of appropriate size is a lease violation and may lead to eviction.
2. Overcrowded tenant families are placed on a transfer request list maintained by BHA. Failure to accept a transfer to an apartment of appropriate size is a lease violation and may lead to eviction.
3. Priority for placement ahead of any other transfer or applicant may be given to administrative transfers including over-housed tenants transferring to smaller units or other tenants in instances when the Executive Director has determined that the Authority's obligations and interest require such a transfer.
4. A tenant that has received a formal transfer offer is given seven (7) calendar days to move personal belongings. If the transfer has not been completed and keys to the former unit are returned after seven (7) days, per diem rent for the former unit will be charged until the keys are returned to the appropriate project office. This provision may be superseded by federal, state or other relocation requirements applicable to tenants who are eligible for Priority Transfer type 1 per section VIII.A.
5. If the tenant refuses a unit offer, the tenant's lease may be terminated in accordance with the Lease, or at BHA's discretion, the tenant can be removed from the transfer list as of the date of refusal and the tenant will be notified in writing. During the entire proceedings, the tenant may avail themselves of his/her rights under the Grievance Procedure.

H. Extended Family

Members of an extended family living in an BHA unit may not be separated into two dwelling units through a transfer application. Specific family members may apply for a separate unit using the application procedures described in this Policy. Members of such a family will receive no preference on the standard waiting list as a result of occupancy in a BHA unit.

I. Transfer Ratio

Transfers are processed in a 1:5 ratio of tenant transfers to applicant waiting list placements except for Priority Transfers per section VIII.A.

J. Exceptions for Veterans in State Funded Public Housing

In state funded public housing only, the BHA cannot transfer any tenant from his/her current unit who:

- is a veteran, a widow or widower of a veteran, or is a Gold Star Mother; and
- lives in a one or two-bedroom unit; and
- has lived in that unit for at least 8 consecutive years; and
- is not more than 3 months in arrears in his/her rental payments

K. Revision or Suspension of Transfer Policy

The Housing Authority reserves the right to revise or suspend its Transfer Policy because of its efforts to decrease vacancies or any other management initiative. Transfer requests will then be treated on a case-by-case basis solely at the discretion of the Executive Director.

IX. TERMINATIONS

A. Termination Notices

1. The resident must give a written notice to the Housing Authority of at least thirty (30) days of intent to terminate the lease.
2. If the Housing Authority terminates the lease, written notice must be given to an adult member of the household as follows:
 - Fourteen (14) days in the case of failure to pay rent, which includes all payments due under the lease.
 - A reasonable time commensurate with the exigencies of the situation in the case of creation or maintenance of a threat to the health or safety of other tenants or employees of the Housing Authority. It is agreed that five (5) days is reasonable time. Drug related criminal activity constitutes a threat to the health and safety of other tenants and to the health and safety of employees of the Housing Authority.
 - At least thirty days prior to termination in all other cases.

3. Notice of termination to the tenant shall state reasons for the termination and shall inform the tenant of the right to make such reply as tenant may wish. The notice shall also inform the tenant of the right to examine, prior to hearing or trial, and copy at tenant's expense, Housing Authority's documents directly relevant to the termination. The notice shall inform tenant of the right to request a hearing in accordance with Housing Authority's Grievance Procedure (if the same is applicable to the dispute involved).

B. Reasons for Termination

The Housing Authority may not terminate or refuse to renew the lease except for serious or repeated violations of the terms of the lease including:

1. Non-payment of rent.
2. A pattern of late payment of rent (3 or more times in a twelve month period).
3. Failure to pay other service or maintenance charges.
4. Failure to fulfill tenant obligations set forth in the lease, Drug-Free Housing Addendum, or other rules and regulations.
5. Other good cause including, but not limited to:
 - a. Refusal of an offer of a new lease.
 - b. A family history of disturbance to neighbors, destruction of property, or habits that result in damage to the unit or complex.
 - c. Failure to maintain the unit in a decent, safe and sanitary condition.
 - d. Drug-related criminal activity.
 - e. Criminal activity by family members involving crimes of physical violence.
 - f. Violation of the BHA no trespass policy.
 - g. Abuse of alcohol.
 - h. Abandonment of the unit.
 - i. Failure to accept a transfer when currently residing in a unit that is too large or too small or otherwise inappropriate for the family based on BHA occupancy standards.

- j. Sexually related criminal activity;
- k. Lifetime sex offender registry for residents after 6/25/01 (Federal only)

C. Written Records

Written records documenting eviction actions shall be maintained by the Housing Authority in strict confidence and shall contain all of the following information:

- 1. Name of tenant and identification of unit occupied.
- 2. Copies of the Termination Notice and any subsequent correspondence or notices.
- 3. Specific reason(s) for eviction. For example, if a tenant is being evicted for drug-related criminal activity, the record shall detail the actions for which the eviction has been instituted.
- 4. Responses or answers, if any, received from the tenant.
- 5. Date and method of notifying tenant of reasons and showing a summary of any conference(s) with the tenant, including the names of conference participants.
- 6. Dated and signed records of the minutes of any hearing held.
- 7. Date and description of the final action taken.

D. Abandonment of the Unit

- 1. The Housing Authority will attempt to contact the resident or a reference or family member to determine if they intend to reclaim the unit. Residents have seven (7) days from the time of contact with the housing authority to respond.
- 2. If tenant does not reclaim the unit, the Housing Authority will take possession.

X. PET POLICY

The BHA has a pet policy conforming to HUD and DHCD regulations. To comply with this policy, a tenant must fully register their animal with the BHA before bringing it onto the premises. Tenants are given a copy of the written policy and registration form and must sign and acknowledge that failure to abide by any animal-related requirement or restriction constitutes a violation of a BHA tenant's lease and is grounds for lease termination.

The Pet Policy is attached hereto as Appendix D.

XI. SMOKING POLICY

The BHA Smoking Policy prohibits smoking in all BHA buildings and restricts smoking on BHA grounds. Failure to abide by the terms of this policy constitutes a violation of the BHA tenant lease and is grounds for lease termination.

The Smoking Policy is attached hereto as Appendix E.

XII. GRIEVANCE PROCEDURE

The Grievance Procedure sets forth the requirements, standards, and criteria established to assure the residents of BHA an opportunity for a Hearing if he or she disputes any Housing Authority action or failure to act involving the tenant's lease or Housing Authority regulations which adversely affect the individual resident's rights, duties, welfare or status.

Each tenant and resident organization shall be given a copy of the Grievance Procedure and it is incorporated into this Policy on Admissions and Continued Occupancy and the Lease by reference.

The Grievance Procedure is attached hereto as Appendix F.

XIII. LANGUAGE ASSISTANCE PLAN FOR NON-ENGLISH SPEAKING AND LIMITED ENGLISH-SPEAKING APPLICANTS AND TENANTS (LEP PLAN)

On December 19, 2003, HUD published guidance designed to assist housing authorities to comply with Title VI of the Civil Rights Act of 1964 ("Title VI") and implementing regulations. Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

Recipients of federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons and have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to

important government programs, services, and activities.

In compliance with federal guidelines, BHA shall make reasonable efforts to provide free language assistance for its LEP clients in its programs so as to ensure that these persons have meaningful access to BHA programs and activities.

The LEP Policy is attached hereto as Appendix G.

XIV. VIOLENCE AGAINST WOMEN'S ACT (VAWA)

The BHA has adopted the Violence Against Women's Act policy in compliance with the "Violence Against Women and Justice Department Reauthorization Act of 2005" ("VAWA" or "the Act", P.L. 109-162), a federal law that provides protections for victims of domestic violence, dating violence and stalking.

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control will not be the basis for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

Incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence.

Notwithstanding the foregoing, PHA may exercise its authority to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Further, PHA retains its authority to terminate the tenancy of any tenant if PHA concludes that there is an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance. VAWA does not limit PHA's authority to deny or terminate assistance to an individual or family that is not otherwise qualified or eligible for assistance.

The VAWA Policy is attached hereto as Appendix H.

XV. POSTING REQUIREMENTS/REVISIONS

A. Posting Requirements

This document must be publicly posted in a conspicuous location in the site offices and must be furnished to applicants and tenants upon request.

B. Revisions

This document may be modified by the Housing Authority provided that the Housing Authority shall give at least a 30-day written notice to each affected tenant setting forth the proposed modification, the reasons therefore, and providing the tenant an opportunity to present written comments which shall be taken into consideration by the Housing Authority prior to the proposed modification becoming effective. A copy of such notice shall be:

- a. Posted in a conspicuous place at the site offices or in a similar central business location within the site.

**XVI. REVISION OF OCCUPANCY POLICY RESULTING FROM CHANGES
IN LOCAL, STATE, OR FEDERAL LAW OR REGULATION**

The provisions of this plan are based upon local, state and Federal law and regulation. Should any applicable law or regulation change, this plan will be deemed to be automatically revised. To the extent that the change is mandatory (allowing no Housing Authority discretion), the text of the plan will be revised without requirement for administrative processing. By approving this provision, the Board of Commissioners understands that they are approving future automatic revisions responding to mandatory regulatory changes.

XVII. MISREPRESENTATION

The tenant shall be notified in writing if the Housing Authority finds evidence that the tenant or any adult member of the tenant family has misrepresented facts affecting the family's eligibility or rent. Willful misrepresentation of facts may result in retroactive rent charges, eviction action, and/or criminal prosecution

Section 1001 of Title 18 of the United States Code makes it a criminal offense to knowingly make a false statement to any department or agency of the United States as to any matter within its jurisdiction and establishes penalties or fines up to \$10,000 and/or imprisonment not to exceed five years.

