

**NEW BEDFORD HOUSING AUTHORITY**  
**ADMISSIONS AND CONTINUED**  
**OCCUPANCY PLAN**  
**(ACOP)**  
**January 2020**

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## CHAPTER 1: INTRODUCTION AND POLICY

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### 1. INTRODUCTION AND MISSION STATEMENT

New Bedford Housing Authority Mission Statement: The New Bedford Housing Authority (“NBHA” or “NBHA”) NBHA is committed to providing quality, affordable housing, that is decent and safe, to eligible families in this community. We strive to make the best use of all available resources so that our residents may live in an environment that is clean, well maintained and attractive. Our goal is to manage our public housing units in a manner that is consistent with good, financially sound property management practices. By taking advantage of available community and government resources, we intend to provide our residents with as many opportunities for economic self-sufficiency as we can identify. We endeavor to instill pride and a desire for an enhanced quality of life for our residents and their families. We are committed to serving our residents and this entire community in a manner that demonstrates professional courtesy, respect and caring.

This Admissions and Continued Occupancy Policy (ACOP) describes the admission, occupancy and transfer policies by which the NBHA determines eligibility for admission, selects prospective residents, assigns apartments, admits applicants, and processes transfers, in a fair and nondiscriminatory manner.

These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and the NBHA.

### 2. FAIR HOUSING POLICY

#### A. Compliance with Federal and State Laws

It is the policy of the Housing Authority to comply fully with all Federal and State laws listed below protecting the individual rights of applicants, residents or staff and any laws subsequently enacted.

Title VI of the Civil Rights Act of 1964 and the implementing regulations at 24 CFR Part 1; Title VIII of the Civil Rights Act of 1968 (as amended by the Fair Housing Amendment Act of 1988); Executive Order 11063 on Equal Opportunity in Housing and the implementing regulations at 24 CFR Part 107; Section 504 of the Rehabilitation Act of 1973 and the implementing regulations at 24 CFR Part 8; the Age Discrimination Act of 1975 and the implementing regulations at 24 CFR Part 146; and the implementing regulations at 24 CFR Parts 100,108,110, and 121. Title II of the Americans with Disabilities Act and the implementing regulations at 28 CFR Part 35 and M.G.L. Chapter 151B. For NBHA’s state-aided housing, applicable regulations are found at 760 CMR 4.00, 5.00 and 6.00 covering housing developed under the Chapter 200, Chapter 667 and Chapter 705 programs.

#### B. Civil Rights and Fair Housing

The NBHA shall not discriminate because of race, color, sex, religion, familial status, disability, national origin, **actual or perceived gender identity, sexual orientation or marital status** in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the NBHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

The NBHA shall not, on account of race, color, sex, religion, age, sexual orientation, disability, handicap, national origin, ethnicity, marital status or familial status:

- a) Deny to any Household the opportunity to apply for housing, or deny to any qualified Applicant the opportunity to lease housing suitable to his/her needs;
- b) Provide housing which is different from that provided others except as required or permitted by law and in accordance with this Policy;
- c) Subject any person to segregation or disparate treatment;
- d) Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- e) Treat a person differently in determining eligibility or other requirements for admission;
- f) Deny a person access to the same level of services available to other similarly situated individuals; or
- g) Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

#### **C. Fair Admissions**

The NBHA shall not automatically deny admission to a particular group or category of otherwise eligible Applicants (e.g., Households with children born to unmarried parents or Households whose Head of Household or Co-Head of Household is a student).

Each Applicant in a particular group or category must be treated on an individual basis in the normal processing routine.

#### **D. Reasonable Accommodation Policy**

The NBHA shall make reasonable accommodations in policies and procedures and, if necessary and reasonable, make certain structural modifications for persons with disabilities (Applicants or residents) in accordance with the NBHA's **Reasonable Accommodation in Housing Policy**.

The NBHA cannot refuse to make a Reasonable Accommodation in rules, policies, practices or services when such accommodation may be necessary to afford a person with a physical or mental impairment equal opportunity to use and enjoy a NBHA apartment, including public and common use areas.

The NBHA must make a modification to existing premises, when requested by a Disabled person, if the modification is reasonable and necessary to afford equal opportunity to use and enjoy NBHA premises.

An accommodation or structural modification is not reasonable if it would impose an undue administrative and financial burden on the NBHA, or fundamentally alter the nature of the public housing program. The burden of demonstrating that a requested accommodation is unreasonable and imposes an undue administrative and financial burden, or fundamentally alters the nature of the public housing program is on the NBHA. If granting the requested accommodation would create an undue administrative and financial burden, the NBHA shall approve the request to the

extent that it can do so without undergoing the undue burden or fundamental program alteration as described above.

Requests for accommodation with respect to documents be obtained at the NBHA main office or at any site office.

### **3. RECORDS OF APPLICATIONS FOR ADMISSIONS AND TRANSFERS**

NBHA records with respect to applications for admission and transfer shall indicate the following for each application:

- a) Date and time of receipt;
- b) The Applicant's choice(s) of development(s).
- c) The determination of the NBHA as to eligibility or non-eligibility of the applicant or resident;
- d) Where eligible, the apartment size for which eligible.
- e) Where eligible the Priority and/or Preference category granted, if any and the date such eligibility is granted.
- f) Nature of the transfer
- g) Race of Household Members (for statistical purposes only)
- h) Status as a Disabled Household or Household Member
- i) Name(s) of Household Member(s)
- j) Address of Household including mailing address
- k) Control, client or customer number

### **4. RECORDS OF APARTMENTS OFFERED**

The NBHA will maintain a record of apartments offered and to whom offered, including the date, location, apartment identification, client number, circumstances of each offer, each acceptance or rejection, and the reason for any rejection.

### **5. ACCESSIBILITY AND PLAIN LANGUAGE**

#### **A. Accessible Facilities and Programs**

Facilities and programs used by Applicants and residents shall be made accessible. Application and management offices, hearing rooms, community centers, laundry facilities, craft and game rooms and other public spaces will be available for use by residents with disabilities. If these facilities are not already accessible (and located on accessible routes), they will be made accessible so long as this does not impose an undue financial and administrative burden on the Authority.

#### **B. Plain Language Paperwork**

Documents intended for use by Applicants and residents will be presented in accessible formats for those with vision or hearing impairments and they will be written simply and clearly to enable Applicants and residents with learning or cognitive disabilities to understand as much as possible. Requests for accommodation with respect to documents used by the NBHA should be made to the Authority's TDD phone number (508- 997-4874), or Occupancy Department.

#### **C. Forms of Communication other than Plain Language Paperwork**

At the point of initial contact NBHA staff shall ask all Applicants whether they need some form of communication other than plain language paperwork. Some alternatives might include sign

language interpretation, having materials explained orally by staff, either in person or by phone, large type materials, information on tape, and having someone (friend, relative or advocate) accompany the Applicant to receive, interpret and explain housing materials. The NBHA will pay for sign language interpreters for the hearing impaired.

#### **D. English Language Ability**

Some Applicants will not be able to read (or to read English), so staff must be prepared to read and explain documents that they would normally hand to an Applicant to be read or filled out. Applicants who read or understand little English may need to be provided with an interpreter who can explain what is occurring. The NBHA will make an effort to have its written materials translated into those languages frequently spoken by Applicants and to provide oral interpretation, upon request, in accordance with its Limited English Proficiency Policy (LEP).

#### **E. Family Outreach**

The NBHA will publicize and disseminate information to make known the availability of housing units and housing-related services for very low-income families on a regular basis.

The NBHA will communicate the status of housing availability to other service providers in the community. The NBHA will advise them of housing eligibility factors and guidelines in order that they can make proper referrals for those who seek housing.

#### **F. Privacy Rights**

Applicants and participants, including all adults in their households, are required to sign the form HUD-9886, "Authorization for Release of Information and Privacy Act Notice." This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The NBHA's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.

Any and all information that would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential." The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the staff person designated by the **Executive Director**.

**\*The NBHA's practices and procedures are designed to safeguard the privacy of applicants and tenants.**

### **6. POSTING OF REQUIRED INFORMATION**

The NBHA will maintain a bulletin board in a conspicuous area of the **NBHA's main office** that will contain:

- Statement of policies and procedures governing Admissions and Continued Occupancy Policy (ACOP) or a notice of where the policy is available
- Information on application taking
- Directory of the NBHA's housing sites including names, address of offices and office hours at each facility.

- Income limits for Admission
- Current schedule of routine maintenance charges
- A copy of the lease
- The NBHA's grievance procedures
- A Fair Housing Poster
- An Equal Opportunity in Employment poster
- Current Resident Notices
- Required public notices

**Site developments will maintain a bulletin board in a conspicuous place which will contain:**

- Tenant Selection policies (960.202 and 960.203) Information on application taking
- Income limits for admission
- Current schedule of maintenance charges
- Copy of lease
- NBHA's grievance procedures
- Fair Housing poster
- Equal Opportunity in Employment poster
- Current Resident Notices

END

## CHAPTER 2: DETERMINATION OF ELIGIBILITY

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### 1. PRELIMINARY ELIGIBILITY

#### A. Eligibility

Eligibility is determined differently under federal and state regulations. Applicants shall receive a Notice of Preliminary Eligibility for all programs which they applied to and met the Threshold Requirements. This notice shall contain:

- a. A listing of the programs to which they applied
- b. The size and type of apartment they qualify for
- c. Any approved Priority and/or Preference(s)

The Notice shall further inform Applicants that they are responsible for notifying the NBHA in writing of any change to their household including any approved priority status or change of address and that all information will be verified as part of a final eligibility process.

#### B. Threshold Requirements

##### a. Family Program

In order to be preliminarily Eligible for the Family Program a Household must meet two threshold requirements:

- i. The Household must qualify as a "**Family**".
- ii. The Household must have an **Annual Income at or below program guidelines**, as defined below.

##### b. Elderly and Disabled Program

In order to be preliminarily eligible for the Elderly and Disabled Program a Household must meet three threshold requirements:

- i. The Household must qualify as a "**family**".
- ii. The Head of Household, Co-Head of Household or Sole Member must be 62 years of age or older (60 years of age or older for State-Aided Housing) or handicapped or Disabled.
- iii. The Household must have an **Annual Income at or below program guidelines**, as defined below.

### **C. Family**

Applicants must qualify as a “Family”, which is defined as:

- i. Two or more persons regularly living together, related by blood, marriage, adoption, guardianship or operation of law; or who are not so related, but share income and resources and intend to live together in NBHA housing;
- ii. This definition includes single persons.
  - (a). Single persons include: a single woman who is pregnant at the time of admission, a single person who has secured, or is in the process of securing the custody of any individual(s) below the age of 18, an Elderly person, a Person with a Disability or Handicap, a Displaced Person, or a Single Person who is not elderly, disabled, handicapped or displaced.
- iii. Other persons, including foster children, Personal Care Attendants<sup>[4]</sup>, and members temporarily absent (including children temporarily assigned to foster care<sup>[5]</sup>), may be considered a part of the household if they are living or will live regularly with the household.

### **D. Income Qualifications**

Persons meeting NBHA income qualifications are those whose Annual Income at the time of admission, does not exceed the income limits for occupancy established by the U.S. Department of Housing and Urban Development (HUD), or Massachusetts Department of Housing and Community Development (DHCD), as applicable. Income limits are posted separately in NBHA offices.

### **E. Applicant Owing a Balance to the NBHA or Other Publicly Assisted Housing Program**

The NBHA will check for past balances upon receipt of the **Preliminary Application**. An Applicant who applies owing a balance consisting of uncollected rent and/or miscellaneous charges (for any program administered by the NBHA or Other Publicly Assisted Housing Program) will be entered into the NBHA database as Preliminary Eligible and the Applicant shall be notified in writing regarding the past debt and the need to pay the balance in full. The notice of preliminary eligibility shall advise the Applicant of the opportunity to dispute the past debt or to establish any mitigating circumstances and/or reasonable accommodation and of the right to seek a review of the determination on mitigating circumstances and reasonable accommodation. The Authority will consider mitigating circumstances and/or reasonable accommodation such as health problems, incidents of domestic or dating violence or stalking, or other applicable circumstances in evaluating whether the applicant shall be deemed responsible of payment of the past debt or deemed ineligible for the NBHA public housing programs. All applicants will be required to have paid in full any amount owed prior to entering the final eligibility process unless the applicant has established mitigating circumstances or qualifies for a reasonable accommodation.



## 2. FINAL ELIGIBILITY

### A. Eligibility Determination

In order to be determined eligible, the Applicant, and other members of the Applicant's household must demonstrate through verified information of past and present conduct, the ability, either alone or with a reasonable accommodation, if the Applicant household member is a Disabled Person, to meet the resident selection criteria found in this policy, including compliance with the terms of NBHA's lease, and any other NBHA rules governing tenancy. In determining final eligibility, the NBHA will, in all cases, consider Mitigating Circumstances including and not limited to incidents of domestic or dating violence or stalking, and, any request for a reasonable accommodation on account of a Disability.

### B. Qualified and Unqualified Applicants

To determine final eligibility, verified information will be secured by the NBHA and the Applicant and evaluated and a determination will be made by the NBHA with respect to:

- a. Eligibility of the Applicant household as a Family;
- b. Eligibility of the Applicant Household as an Elderly Household or Disabled Person;
- c. Eligibility of the Applicant household with respect to income limits for admission;
- d. Apartment size and design and whether an accessible or modified apartment is required for the household;
- e. Priority and/or Preference category (if any) to which the household belongs;
- f. Qualification of the Applicant household with respect to the Applicant Screening Criteria.
- g. The Applicant head of household must have verifiable identification with photograph of that Applicant.
- h. **Each** household member must have a Social Security number or certify that he/she has no number. In addition, for Applicants for federally assisted housing only, **each** household member must document that s/he is a citizen of United States or has eligible Non-Citizen status, or who is otherwise eligible for continued assistance or prorated assistance under applicable regulations.
- i. **The calculated pro-rated rent for admission shall not exceed 50% of the household's total gross income (federally funded programs only).**

Factors that determine that an Applicant household is Eligible and Qualified can be found in the sections below.

## 3. SCREENING

### A. General Verification Requirements

- a. **What must be verified**

All information concerning an Applicant household's composition, income, Priority status, Preferences, request Good Cause or reasonable accommodation such as the need for special apartment features, and ability to reside in public housing under the terms of the NBHA's Lease (Screening) must be verified and documented. Except for determination of Priority status, which is completed prior to the Personal Interview and Screening, all information shall be verified during Screening.

**b. Documentation**

All documents related to verification shall be maintained in the Applicant's file folder. Documentation used as part of the verification process may include:

- i. Copies of documents that will be retained in the applicant's file folder, where the original is not otherwise required by law or regulation.
- ii. Checklists completed as part of the interview process and signed by the Applicant and/or the Occupancy Specialist.
- iii. Verification forms completed and signed by third parties and/or Applicant.
- iv. Reports of all interviews, telephone conversations or personal contact with or regarding the Applicant household including date of the conversation, source of the information, name and position of the individual contacted, name and position of staff member receiving information and a written summary of the information received.
- v. All correspondence received for or on behalf of the applicant.
- vi. Applicant Background Check and Eviction Reports.

**c. Misrepresentation or Falsification of information**

An Applicant knowingly falsifying, misrepresenting, or concealing information will be considered grounds for denying admission to NBHA housing.

In the event that the Occupancy Staff person believes that false and/or inaccurate information was or may have been submitted intentionally the Applicant Folder will be reviewed by the Tenant Selection Coordinator who will make the determination. In this case, the intentional submission of false and/or inaccurate information may be used to disqualify the Applicant.

Unintentional errors, or errors that do not secure an advantage with regard to eligibility for admission, Priority status and/or Preferences, or amount of rent, will not be used as a basis for applicant rejection.

**d. The NBHA will accept verification of screening information in the following order of preference:**

- i. **Written Third Party Verification** – Written verification by a third party is the most acceptable form of verification.
- ii. **Oral Third-Party Verification** - Staff documented verification from a third party by telephone will be accepted where written verification is impractical, or the third party is unresponsive to NBHA's written requests within ten (10) business days of mailing. Staff shall utilize the same form that would have been mailed to the third party. All the

information required by the written verification form should be requested during the telephone contact. NBHA staff will complete the form on the basis of such information. The contact person, date and time of conversation will be noted and the NBHA staff person who made the telephone call will sign the form.

- iii. **Verification by Applicant-supplied documents** – NBHA will review documents submitted by the Applicant household when: (a) the information requested does not require third-party verification (for example rent receipts, canceled checks for rental payments, lease agreements and monthly utility bills) or (b) third-party fax or telephone verification is impossible. NBHA may copy documents into the Applicant's file. Applicant supplied documents must be dated within sixty (60) days of receipt by the NBHA.
  - iv. **Verification by Applicant certification** – With the approval from the Tenant Selection Coordinator, the NBHA may choose to accept an affidavit from an Applicant regarding housing and employment history only when verification by a third party written or oral, and verification by documents is impossible to obtain.
- e. General procedures applicable to screening information are as follows:**
- i. **Information subject to change** – Verifications are valid for ninety (90) days from the date received by the NBHA. Information may be updated by telephone or fax for an additional thirty (30) days. After one hundred and twenty (120) days, the Applicant must obtain new verification documentation.
  - ii. **Information not subject to change** – NBHA will verify this information (e.g. verification of age or place of birth) only once during the screening process.
  - iii. Each Applicant folder will include a checklist documenting verification effort and tracking progress. The checklist will record the forms sent, date sent and the date the information is received by the NBHA by mail, telephone or fax. Upon receipt of all requested verifications, the NBHA staff person will sign the checklist and certify as to the completeness of the file.
  - iv. Each NBHA verification form sent to a third party will include the following: (a) an explanation of why the information is being requested; and (b) authorization from the Applicant to release the information on the NBHA's **General Release Form** or **Income Verification Form**.

NBHA will send third party verifications directly to the third party, not through Applicants. The third-party verifications shall include a self-addressed stamped envelope for return to NBHA. Verifications may also be faxed to a third party with a request for a return fax to the NBHA. NBHA's fax transmission to the third party shall be confirmed by printed receipt at the time of transmission or verified by telephone. Annotation or copy of the receipt shall be kept in the Applicant's file.

## **B. Interviews and Verification Process**

As Applicant households approach the top of the NBHA waiting list, they shall be scheduled for a personal interview with a NBHA staff member trained to conduct interviews. Applicants at this point will not be allowed to change any of the developments/AMPs of choice. During the personal interview the NBHA will require Applicants to identify and provide documentation of

“Good Cause” or Reasonable Accommodation that may affect their ability to accept an offered apartment due to special circumstances that may be applicable for their Household.

The following information must be obtained for all Household Members as applicable:

- a. **Photo identification** for Head of Household and Co-Head of Household (one of the following forms of photo identification:
  - i. Driver’s license
  - ii. Registry of Motor Vehicles picture ID
  - iii. Passport
  - iv. Student or employer ID
  - v. Other photo ID acceptable to the NBHA
  
- b. **Proof of Birth – all Household Members** (One of the following proof of birth documents in order of preferred documentation):
  - i. Original copies of Birth Certificates
  - ii. Passports
  - iii. Original Baptismal Records
  - iv. Original INS documents for eligible Non-Citizens (Federal only)
  - v. Other records as deemed appropriate (Marriage certificate, DDG214, Statement from Social Security Administration)
  
- \*\*\*A letter documenting pregnancy as well as anticipated date of birth will be required for all unborn children listed on application.
  
- c. **Proof of Relationships** - applies to minor children or the care of adults in guardianship situations. The following types of documents will be accepted:
  - i. Birth certificates
  - i. Court records of adoption
  - i. Court records of guardianship
  - i. Other written and sworn documentation under pains and penalty for perjury such as a written designation from the minor child’s parent.
  
- d. **Social Security Numbers** Federal regulations require that the social security numbers of all Applicant household members must be provided and verified except for those individuals who do not contend to have eligible immigration status. One of the following types of documents may be accepted:
  - i. Original of the Applicant household members social security card (NBHA will make a copy for the file)
  
  - ii. Original Report from the Social Security Administration documenting the unavailability/non-assignment of a social security number for that Applicant household member (NBHA will make a copy for the file)
  
  - iii. A written statement from the Social Security Administration documenting the social security number assigned for that Applicant household member.

Family members under the age of 6 years old do not need to provide a SSN. No SSN or verification needs to be provided for individuals who certify that they have not been assigned a SSN. However, proof must be provided to show that no SSN was assigned.

e. **Status of a Full-time Student) for Applicant household members over 17 years of Age)** Statement on the letterhead of an accredited educational institution stating that the Applicant household member is enrolled as a full-time student at that institution.

f. **Status as an Elderly Household** Proof of Birth (see above) of Head and/or Co-Head of Household indicating an age of at least sixty years (State aided housing) or 62 years (Federally assisted housing)

**g. Status as a Disabled Household or Disabled Person**

i. In general, the NBHA shall not inquire as to the existence or nature of a disability or ask for information related to a disability or the medical history of residents, Applicants, or their Household Members. However, when a Resident, Applicant or Household Member requests a Reasonable Accommodation or Reasonable Structural Modification on account of a disability, the NBHA may require documentation as to the disability and the needs to be served by an accommodation or modification. A Resident, Applicant or Household Member may choose not to disclose the fact of a disability and request an accommodation or modification; however, in this case, the NBHA is not obligated to provide any such accommodation or modification.

ii. If the Head or Co-Head of Household is claiming status as a Disabled Person, in order to qualify as a Disabled Household for purposes of Preference status or other reasons, such as eligibility for Elderly & Disabled Housing, proof that the individual is a Disabled Person must be obtained. In addition, certain benefits may accrue to a household with a Disabled Person, such as the need to move into a specially adapted apartment. Verification of the status of the household member as a Disabled Person must also be obtained in this case.

iii. For purposes of determining whether or not the Disabled Applicant requires a particular location or an Apartment with special features, NBHA Staff may inquire as to the effect of the Disability on the Applicant or Applicant household member.

iv. The following documentation will be accepted for the purposes of verifying the status of a household member as a Disabled Person:

(a). The household member's sole source of income is SSI benefits, SSDI benefits, or disability retirement income (see income verification below);

(b). A certification from a Qualified Health Care Provider verifying that the household member meets the criteria of a Disabled Person for the state and federal housing programs. (See Definitions for eligibility of Disabled Persons)

h. **U.S. Citizenship or Eligible Non-Citizenship Status (Federal Program ONLY)** Each Household Member's status as a U.S. citizen, Eligible Non-Citizen or ineligible Non-Citizen must be verified except as indicated below. Determination of eligibility or partial eligibility

for public housing benefits (federal program only) is affected by citizen or Non-Citizen status. At least one household member must be a citizen or Eligible Non-Citizen.

**What Evidence Will Be Required?** Evidence of U.S. Citizenship or "Eligible Immigration Status" will be required to be submitted for all household members regardless of their age, except as indicated below:

- **If you are a U.S. Citizen:**  
A signed Declaration of U.S. Citizenship.
- **If you are a Non-Citizen who is age 62 or over:**  
A signed Declaration of "Eligible Immigration Status." You will also need to provide a "proof of age" document.
- **If you choose not to contend that you are a citizen or have eligible immigration status:**  
A completed form electing not to contend to such status
- **If you are a Non-Citizen who does not fall into one of the categories above:**  
A signed Declaration of "Eligible Immigration Status," a signed Verification Consent Form **and** you must provide **the original** of one of the documents listed below:
  1. Registered Alien Card (U.S. Immigration and Naturalization Service (INS) I-551 Form)
  2. Arrival /Departure Record (U.S. Immigration and Naturalization Service (INS) I-94 Form); with one of the following annotations:
    - a. "Admitted as Refugee pursuant to Section 207";
    - b. "Section 208" or "Asylum";
    - c. "Section 243(h)" or "Deportation stayed by Attorney General";
    - d. "Paroled pursuant to Section 2112(d)(5) of the INAA";
  3. Arrival /Departure Record (U.S. Immigration and Naturalization Service (INS) I-94 Form) not annotated, accompanied by one of the following documents:
    - a. A final court decision granting asylum to which no appeal was taken.
    - b. A letter from a U.S. Immigration and Naturalization Service (INS) Asylum Officer granting asylum (if application was filed on or after October 1, 1990) or from a U.S. Immigration and Naturalization Service (INS) District Director (if application filed before October 1, 1990).
    - c. A court decision granting the withholding of deportation.
    - d. A letter from a U.S. Immigration and Naturalization Service (INS) Asylum Officer granting withholding of deportation (if application was filed on or after October 1, 1990).

4. Temporary Resident Card (U.S. Immigration and Naturalization Service (INS) I-688 Form or also known/replaced by the I-766 Form which must be annotated with the notation either: "Section 245A" or "Section 210")
5. Employment Authorization Card (U.S. Immigration and Naturalization Service (INS) Employment Authorization Card I-688B Form which must be annotated with the notation either: "Provision of Law 274a.12(11)" or "Provision of Law 274a.12")
6. Receipt from the U.S. Immigration and Naturalization Service (INS) Indicating Application for Issuance of a Replacement Document

*For Applicants for Federal Program only, eligible Immigration Status for all Non-Citizen household members must be verified through the U.S. Department of Immigration and Naturalization Service Unless There is an Election Not to Contend or all household members are 62 years of age or older and have submitted proof of age and a declaration of eligible non-citizen status*

**i. Verification of Income, Assets, Income Deductions and Income Exclusions**

During the screening process, verification must be provided for all income, assets, income deductions and income exclusions pertaining to an Applicant household as outlined in this procedure. These items are verified for purposes of determination of income eligibility and determination of monthly rent.

Income, assets, deductions and exclusions shall be verified at Screening and the initial monthly rent shall be calculated by Occupancy Department Staff. The monthly rent is determined by adding together gross income from all sources for all Household Members, including income from assets, and reducing that income by allowable deductions and income exclusions, in accordance with Federal (HUD) and State (DHCD) laws and regulations. In Federal developments/AMPs, residents have the choice of paying either an Income Based Rent or a Flat Rent.

In the event that the information used to calculate rent is more than ninety (90) days old at the time of signing the lease, the information shall be updated and re-verified and the rent recalculated by the Housing Manager.

Projections of annual income shall be based on the best available information, with due consideration to the past year's income of all household members, current income rate and effective date; and shall include projections for each income recipient in the household.

In order to ensure that all sources of income, assets, deductions and exclusions are considered in calculating annual income, Occupancy Staff shall interview all applicants during the screening process using the Occupancy Department's Final Screening Checklist.

In addition, in the case that the documentation provided by the applicant is not complete or is otherwise doubtful, the NBHA may require the Household Member to sign a release allowing the NBHA to obtain the information directly from the third party.

The following forms of verification of income, deductions, exclusions and assets will be accepted:

**i. Income from Employment**

A statement from the Employer stating the gross wages of the employee, including history or anticipated amounts of overtime or bonus to be earned by the employee, or Pay stubs showing gross income for each pay period and all deductions taken for four consecutive weeks;

The income of workers employed on an irregular basis will be estimated based on the verification of the best information available, with due consideration to earning ability and work history.

**ii. Income from governmental agencies**

A statement from the appropriate agency (Social Security, Department of Transitional Assistance, Employment Security, etc.), stating the amount of annual or monthly income provided, including the gross amount and any deductions taken.

**iii. Income from Retirement Accounts**

A statement from the source stating the amount of annual or monthly income provided, including the gross amount and any deductions taken

**iv. Income from the operation of a business or profession**

- (a) Most recent audited financial statement of income and loss;
- (b) Most recent tax return showing income and loss from the operation of a business or profession.

**v. Zero Income**

When an adult Applicant household member reports zero income, the NBHA will require the Applicant household to complete a budget or statement of financial responsibility. An investigation shall include the information on the Applicant Background Check and Eviction Reports that are ordered on the Applicant household members. If the applicant household member owns a motor vehicle, a telephone, or has other evidence of some form of expenditures reflecting income, the applicant household member will be asked to explain the source of funds supporting such cash expenditures.

In addition, the Applicant household member will be required to sign releases allowing the NBHA to obtain verification of no-income from sources such as Dept. of Transitional Assistance, Internal Revenue Service, Department of Revenue, Social Security Administration, Employment Security and Veterans Affairs.

**vi. Child Support, alimony, regular gifts and gambling proceeds**

- (a) A statement from the individual, business or agency providing the income and the frequency and amount of income provided; and/or
- (b) Signed release form allowing the NBHA to obtain information from the State Division of Child Support.



**vii. Income from Assets**

Income from assets shall be based on either the actual income received, or imputed income based upon current passbook savings rates in accordance with federal and state regulations as applicable. For instance, actual interest received shall be used for interest bearing bank accounts, money market funds, rented property, etc. Imputed income will be used for real property, which is not rented, jewelry, coin collections, works of art and other non-income bearing assets. If the value of the asset is more than \$5,000 the higher of imputed income or actual income received will be used.

All assets will be verified at move-in and every three years regardless of the value of the asset. In the intervening reexamination years, the NBHA will accept a family's declaration that it has total net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration.

Common household items such as furniture, clothing, and vehicles used for day-to-day transportation shall not be considered assets for the purposes of calculating income. Types of verification which will be accepted for purposes of determining the value and income received from an asset include:

- (a) Three most recent statements for statement accounts, including bank accounts, money market funds, mutual funds, or other assets for which regular statements are issued;
- (b) Original passbook for passbook savings accounts;
- (c) Most recent (no older than one year) appraised value of real property owned provided it's reflective of fair market value, in the form of property tax bill or appraisal from a Real Estate Appraiser; and
- (d) Appraised valuations of any non-essential personal assets such as jewelry, coin collections, antiques or classic cars.

**viii. Verification of childcare expenses, child support payments made or care of disabled household member deductions**

Statement from the provider of childcare or care of Disabled Person who is a household member of the amount of payment made on a periodic basis by the Applicant household.

The NBHA Child support paid deductions applies because of a court order paid to someone not living in the household. A copy of the court order is required along with proof of payment.

**ix. Verification of Medical Deductions**

Applicants must submit evidence of the following medical expenses for all household members paid within the last twelve months:

- (a) Statement of the cost of medical insurance and the frequency of cost from the provider or in the form of deductions indicated on pay stubs or Social Security statements accompanied by proof of payment;
- (b) Receipts for payment of prescriptions and other health care needs. Non-prescription health care needs must be documented by both receipts and a statement from a Qualified Health Care Provider of the need for such items (including non-prescription medications, wheelchairs or other disability related aids, etc.);

- (c) Signed printout of prescription costs from a pharmacy accompanied by proof of payment
- (d) Medical or dental bills for a household member paid by a household member.
- (e) Un-reimbursed reasonable attendant care and auxiliary apparatus expenses.

**a) Verification of Income Exclusions**

Various sources of income are excluded by the NBHA in accordance with Federal and State regulations. A list of currently allowable income exclusions will be given to the Applicant at the beginning of the Final Screening Process in preparation of the determination of rent. In each case where the Applicant claims that income should be excluded a determination must be made as to whether or not the information provided needs to be verified. For instance, if an Applicant acknowledges receipt of a one-time gift of cash, that income does not need to be verified prior to its exclusion. On the other hand, if the Applicant claims to have a welfare-to-work income exclusion, that exclusion must be verified with the appropriate agencies.

**b) Verification of need for particular apartment features**

At the time of Preliminary Application, or during the Screening Process, all Applicants will be asked to complete an Apartment Requirements Questionnaire. This questionnaire will identify any special features that the applicant may require, and whether or not they consider themselves to be, or are, a Disabled Person. Such features will include first floor apartments, inability to live in a townhouse unit, need for accessible features such as wheelchair accessibility, and other factors.

Any special apartment requirements identified by the Applicant as needed for his/her Household shall be verified using the process included in this Policy for Good Cause and/or Reasonable Accommodation verifications, Disability status and in compliance with all applicable laws and regulations.

**c) Verification of Applicants Ability to Live in Accordance with the Lease**

During the screening process, an Applicant shall be required to verify that all household members are capable of living in compliance with the NBHA lease. A number of verification sources will be used to determine this as listed below. Applicants must provide to the NBHA required information, including at least the last five years of housing history. These questions are asked on the **Final Application Form** and must be as fully and completely answered. Refusal to answer questions or inability to respond to requests for information may lead to a determination of ineligibility or withdrawal of an Application for Applicant's failure to respond.

The NBHA will not offer housing to an Applicant who can provide no documentation of ability of all household members to comply with the essential obligations of the Lease

**d) Applicant Rent Payment History**

The following sources may be used to verify whether or not the applicant is likely to pay rent in a timely manner:

- i. Landlord references (preferred method);
- ii. Bank references in the case of homeowners paying mortgages;
- iii. Tax and utility payment records in the case of a homeowner not paying a mortgage;
- iv. Credit Bureau Reports;
- v. Other records of payment histories in the case of an Applicant who has neither rented before as tenant of record or owned a home, including records of payment on credit cards or other independently verifiable regular or periodic payments.

**e) Applicant History of Care of Property**

- i. Landlord references (preferred method);
- ii. Statement from a Qualified Health Care Provider, other social services worker or other independent individual who has been in the home of the Applicant and has knowledge of the Applicant's care of property within his/her care;
- iii. Neighbor references in the case of an Applicant who is or was not a tenant of record and for whom a landlord reference cannot be obtained;
- iv. Statement from a shelter worker, a worker in residential care settings, or a worker from other alternative housing institutions who has knowledge of the Applicant's care of property within his/her care.

**f) Applicant History of Not Disturbing neighbors or otherwise violating lease conditions, including violating the civil rights of other residents, their guests, neighbors, and employees**

- i. Landlord references;
- ii. Neighbor References in the case of an Applicant who is or was not a tenant of record and a landlord reference cannot be obtained;
- iii. Statement from shelter workers, workers in Residential Care settings, or workers from other alternative housing institutions who can testify to the Applicant's record of living in such a way as not to interfere with the peaceful enjoyment of neighbors;
- iv. Other references from independent individuals or agencies, which can testify to the Applicant's record of living in such a way as not to interfere with the peaceful enjoyment of neighbors

**g) Criminal History**

Each adult Applicant or adult household member 17 years of age or older is required to sign a release to allow the NBHA to obtain criminal offender record information (CORI). Each Applicant household member 14-16 years of age shall be required to sign a release to allow the NBHA to obtain youthful offender record information from the Massachusetts Criminal

History Systems Board, or other youthful offender record information as it may lawfully receive from other jurisdictions. Discussion of the review and determination based upon the information that is received is included in the Applicant Screening Criteria.

#### **h) Verification of Mitigating Circumstances**

In the event that negative information about any household member is found in the process of reviewing the above verifications during the screening process, the Applicant may request that Mitigating Circumstances including the history of incidents of sexual assault, domestic or dating violence or stalking be considered in making a determination whether the Applicant is Qualified for housing. For example, the Applicant is a victim of domestic or dating violence or stalking and has had certain unusual expenses that prevented the Applicant from paying rent in a timely fashion. Mitigating Circumstances claimed by an Applicant must be verified and be related to the negative impact of an unsuitable housing history or unsuitable behavior and which may overcome or outweigh negative information gathered in the screening process about an Applicant. In addition to the Mitigating Circumstances verification, the Applicant may submit when applicable the HUD Domestic Violence self-certification form which must identify the alleged abuser and the his/her relationship to the Applicant.

### **C. The Screening Policy**

Information to be considered in completing Applicant screening shall be reasonably related to assessing the conduct of the Applicant and other household members listed on the application, in present and/or prior housing. The NBHA shall reject an Applicant if it finds any of the following conditions are present and there is reason to believe the future behavior of the Applicant or Applicant household members will exhibit the same behavior, unless there are acceptable Mitigating Circumstances as provided below. The history of the Applicant household's conduct must demonstrate that the Applicant household can reasonably be expected not to:

- a. Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises or to adversely affect their health, safety, or welfare or the security of their property;
- b. Violate the civil rights of any person, while on NBHA property, in accordance with the NBHA's Zero Tolerance policy.
- c. Cause damage to the property or fail to pay rent in full and on time;
- d. Violate the terms and conditions of the NBHA lease;
- e. Require services from NBHA staff that would alter the fundamental nature of the NBHA's program.
- f. Illegally use, possess or distribute a controlled substance; or
- g. Give the NBHA reasonable cause to believe that the illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

The Applicant household's ability and willingness to comply with the above requirements in current and former housing will be checked and documented. NBHA may review the Credit Bureau Report of the household member(s) who will be responsible for paying rent in order to determine Applicant's credit history in meeting rent and housing-related utility charges, if any, and to verify Applicant's

prior housing history. The Applicant's prior credit history in meeting non-housing-related financial obligations will not be a basis for determining an Applicant ineligible except in cases where the Applicant has no prior rent payment or housing history.

Relevant information respecting habits or practices may also be considered including, but not limited to:

- a. An Applicant household's past and present performance in meeting financial obligations, especially in rent; provided that if the Applicant paid at least fifty percent of his/her household's monthly income for rent each month during a tenancy but was unable to pay the full rent, an eviction for non-payment of the balance of the rent shall not disqualify such individual from NBHA housing.
- b. The most recent five-year housing history, and whether there is a record of disturbance of neighbors, destruction of property, or housekeeping habits at present or prior residences which, if repeated, may adversely affect the health, safety, or welfare of other residents or neighbors or NBHA employees or the security of their property during such time.
- c. Involvement in criminal activity on the part of any Applicant household member in a crime of physical violence to persons or property or other criminal activity, which if repeated, would threaten the health, welfare and safety or the right to quiet enjoyment, of other NBHA tenants, or other criminal activity involving the illegal use of a controlled substance, or if the NBHA determines that it has reasonable cause to believe that the illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (The NBHA will utilize the Massachusetts Criminal History Systems Board's Criminal Offender Records Information or "CORI" data as a reference.)
- d. A record of eviction from housing or termination from residential programs.
- e. An Applicant household's ability and willingness to comply with the terms of the NBHA lease. Applicant households must be able to demonstrate the ability and willingness to comply with the terms of the NBHA's lease.
- f. Information related to an Applicant's knowing misrepresentation of any information related to Priority and/or Preference eligibility, household composition, Household income and/or assets, rent or use of the apartment. Failure to provide consent for verification of information can be considered grounds for ineligibility.
- g. Information related to an Applicant's or a member of an Applicant's household treatment by a substance abuse treatment facility. The NBHA requires any Applicant or member of Applicant's household to sign a consent form authorizing inquiry to a substance abuse treatment facility where the NBHA:
  - i. Receives CORI information that indicates evidence of a prior arrest or conviction for criminal activity which would be a basis for denial due to reasonably current illegal drug use, OR
  - ii. Receives information from records from a prior tenancy of the Applicant or household member that demonstrate he or she was:
    - (a). Engaged in the destruction of property;

- (b). Engaged in violent activity against another person;
  - (c). Interfered with the right to peaceful enjoyment of the premises by another tenant.
- h. Home Visits. Home visits at the current dwelling of the Applicant household shall be required of Applicants in the circumstances listed below. Housekeeping inspections are part of the home visit.
- i. *Criteria for home visits:* NBHA will make a Home Visit when the following conditions exist:
    - (a). One bad housekeeping reference from the present or a prior landlord or housing provider, including residential programs and shelters; or
    - (b). Information contained in a reference or verification form that demonstrates a marked difference among references of the Applicant as to housekeeping; or
    - (c). The Applicant is unable to provide documentation from an independent source to support a positive assessment of housekeeping; or
    - (d). Evidence of poor personal hygiene habits, as observed by NBHA staff during a personal interview or other visit to NBHA offices and/or during a home visit, such as would affect the livability of a NBHA apartment occupied by the Applicant Household, a neighbor's apartment, or other premises or such as not to be conducive to decent, safe, and sanitary conditions as required by NBHA's lease.
  - i. Housekeeping observations shall include, but are not limited to:
    - i. Conditions in the living room, kitchen, bathroom, bedrooms and other spaces in the unit.
    - ii. Conditions of entranceways, stairways, halls, and yard if under the control of the Applicant
    - iii. Cleanliness in each room, for example, dirt, grease, grime or infestation
    - iv. Clutter that might create a health or safety problem
    - v. General care of furniture, appliances, fixtures, windows, doors and cabinets
  - j. Other conditions which would constitute a violation of NBHA lease terms, such as:
    - i. Evidence of destruction of property;
    - ii. Evidence of criminal activity, for example, presence of drugs or drug paraphernalia; dangerous weapons; or
    - iii. Conditions inconsistent with application information, i.e., evidence of unauthorized occupants.

All Applicants shall have at least two calendar days' advance written notice of Home Visits.

The purpose of the Home Visit is to obtain information to be used in determining the Applicant's compliance with the screening criteria described in this chapter.

#### 4. THE FINAL APPLICATION PACKAGE AND SCREENING REQUIREMENTS

##### A. The Final Application

Various questions relating to the Applicant household's eligibility, Priority status and/or Preferences and tenant history will be asked as part of the Final Application. Included will be the Social Security Numbers (SSNs) of all household members (or certification that an Application for a SSN is submitted or that no SSN has been assigned)- the federal regulations require that the social security numbers of all Applicant household members must be provided and verified except for those individuals who do not contend to have eligible immigration status- and the name, address and telephone numbers of current and former landlords or current and former housing providers. Failure to answer the questions and provide the requested information will result in withdrawal of the Application. NBHA staff will be available to guide Applicants, as needed, in understanding the Application process and completing NBHA forms. For Federal Programs, verification of U.S. Citizenship or Eligible Non-Citizen status for each household member will also be required at this time.

All sections of the Final Application must be completed by the Applicant and must be signed by the Household Head and Co-Head, where appropriate.

##### B. Applicant Releases of Information and other required documents

All adult household members will be required to execute the following releases of information or sign information forms as appropriate:

- a. The single standard **Release of Information** form that is to be signed by the Applicant and each adult household member;
- b. Non-Citizen Rule (Federal Housing only) – Verification of Consent for all household members.
- c. One copy of the **CORI Release of Information** form advising the household member that CORI will be used; and
- d. The **Privacy Act Notice**.

Refusal to sign these forms or other documents required to process the Application or conduct screening will result in the withdrawal of the Application.

The NBHA has discretion to determine what constitutes adequate and credible documentation. If staff has doubts about the veracity or reliability of information received, they may examine alternative methods of verification with the Applicant or third parties until they are satisfied that the documentation is reliable or that reliable documentation is unattainable. The NBHA will not offer housing to an Applicant household who has failed to provide requested documentation or to identify sources who can provide documentation which demonstrates the ability of the household to comply with the essential obligations of the Lease or meet other eligibility requirements.

##### C. Applicant Screening Criteria

Applicants including all household members for public housing will be screened. The screening criteria in this Admission and Occupancy Policy, are based on those set forth in the HUD and DHCD Regulations (24 CFR Part 960.205 and 760 CMR 5.00 respectively), and require an

assessment of the conduct of each Applicant household member age fourteen (14) or older with respect to all the factors listed below:

**a. An Applicant household's performance in meeting financial obligations, especially rent, as required by terms of the NBHA Lease**

**i. Primary indicators for meeting financial obligations, especially rent are:**

No more than one (1) rent delinquency in any 12 month tenancy period under review except in cases of acceptable Mitigating Circumstances including incidents of documented domestic or dating violence or stalking which prevented the applicant from meeting his/her financial obligations; payment of rent in full and on time for the period under review, payment of gas, electric, and heating fuel bills in full and on time (no shut-offs or termination of service). Prompt payment of repairs for damage caused by the Applicant, household members and/or guests. Compliance with repayment plans (if any) will also be considered.

**ii. Secondary indicators for meeting financial obligations, especially rent. One or more of the following secondary indicators may demonstrate acceptable history under this criterion:**

- (a). Applicants may present evidence of a recovery from a delinquency, such as sweat equity to pay off a debt and meeting the requirements of payment contracts for rent in arrears. All such evidence must be adequately verified;
- (b). Self-employment work histories that show positive performance and habits with respect to the monthly payment of bills or creditors (as verified by vendors or creditors);
- (c). Record of payment of consumer loans, credit cards, or lay-a-way accounts (monthly payment in full and on time). Evidence of recovery from a delinquency shall be deemed a Mitigating Circumstance;
- (d). Record of monthly payment for utilities in full and on time (other than gas or electric) such as water and sewer, telephone. Evidence of recovery from a utility payment delinquency shall be deemed a Mitigating Circumstance;
- (e). Record of cable TV payments (monthly payment in full and on time). Evidence of recovery from a delinquency shall be deemed a Mitigating Circumstance;
- (f). Record of making any kind of regular payments (i.e., monthly payment of a storage bill for household possessions);
- (g). No liens, defaults or other types of poor payment history;
- (h). Record of regular on time payments for alimony and/or child support;
- (i). Ability to secure a vendor payment agreement with payments made directly to the NBHA for a period of not less than 24 months or shorter period if agreed to by NBHA.

**iii. Acceptable documentation in support of an Applicant's history of meeting financial obligations includes the following:**



- (a). Credit Bureau Applicant Background Check and Eviction Report information reflecting no negative indicators relative to the ability to pay rent or similar shelter costs. The information on the Credit Bureau report must be consistent with other documentation or statements made by the Applicant;
- (b). Completed Landlord Verification Form for all prior landlords for the past three years reflects no more than one (1) delinquency in any 12-month tenancy period in payment of rent;
- (c). Account records (computer printouts) provided by utility companies for any period of tenancy under review reflecting no delinquencies in payment for utilities;
- (d). Where a landlord verification is not available, a completed Third-Party Verification form: **Ability to Comply with Lease Terms** from a knowledgeable third-party source reflecting an ability to meet Lease terms, including the obligation to pay rent;
- (e). No record of an eviction for non-payment, or failure to pay for damages or other charges due a landlord (If the Applicant has a record of eviction for nonpayment, the applicant must document that s/he was paying at least fifty percent of the total household income towards rent)
- (f). Other documentation accepted as reliable and credible by the NBHA, which is sufficient to support a determination that the Applicant will pay rent and other charges as permitted by the NBHA lease on time.

iv. **Method of Verifying an Applicant's history of meeting financial obligations:**

- (a). If the Applicant household has or has no landlord references (e.g. because of living with friends or family or in an institution or shelter) the NBHA shall order a Credit Bureau Report Applicant Background Check and Eviction Report on all adult members of the applicant household. NBHA will conduct a careful examination of the information contained in the Credit Bureau Report. The report will be checked to determine if there are inconsistencies in the Applicant's housing history as reported to NBHA on the Final Application form or other documents or a history of evictions filed against the Applicant. NBHA staff will consider negative credit information with respect to the Applicant's rent and utility payment history. In cases where the Applicant has no prior housing payment history, the NBHA will utilize the payment history for other consumer credit obligations.

If NBHA rejects an applicant in whole or in part because of a poor credit history reflected in a Credit Bureau Report, NBHA will advise the Applicant in writing of:

- (i) his/her right to examine the Credit Bureau Report; and
- (ii) his/her right under applicable law to dispute and correct inaccurate credit information.

Should the Applicant obtain correction of the report, NBHA will reconsider the Application and if the applicant is not determined ineligible again, s/he will be reinstated to each previously selected waiting list using the original date and time of application and any applicable priority and/or preferences.

NBHA will consider a poor credit history in light of any Mitigating Circumstances that

can be documented by the applicant (for example loss of employment, illness, medical problems, or incidents of domestic or dating violence or stalking that limited the household's financial resources). NBHA will also consider whether non-payment or poor payment of rent and other charges is likely to reoccur once the Applicant obtains housing where the rent is based on a percentage of the household income.

- (b). If an applicant has filed bankruptcy and this is reflected in the Credit Bureau Report, NBHA will determine if the bankruptcy included debts that were related to tenancy and shelter costs and which would be a basis for rejecting the applicant if they had not been discharged. Applicants will not be rejected solely on the basis of the bankruptcy filing.
- (c). Performance in meeting financial obligations will be checked by contacting current and prior landlords, (and utility suppliers if applicable). The NBHA **Landlord Verification Form** will be used to gather information about present and past performance in meeting rental obligations. The form will be mailed to the landlords identified by the Applicant or otherwise, along with a release of information form signed by the Applicant.

Where any adult member of the Applicant household has had past responsibility for utility payments, the NBHA may consider account records provided by utility companies (excluding those providing telephone and cable TV service).

In lieu of the form referenced above, NBHA will accept credible evidence of rent payment or utility payments in the form of canceled rent checks, or money orders for any period of tenancy under review. Situations may arise where an adult member of an Applicant household has not paid rent but has responsibility for utility payments. Their payment of utilities can be an indicator of ability to pay a shelter-related cost.

- (d). Information from landlords of any adult Applicant household member may be discounted if it appears that the landlord may have misrepresented information about the Applicant Household. Contacts with all prior landlords for the past three-(3) years will be pursued by NBHA staff.
- (e). NBHA will examine tenancy history over a longer period of time when the information obtained from the three-(3) year period is incomplete or conflicting. When examining an Applicant's housing history NBHA will focus on any periods when any adult Applicant household member made or should have sustained periodic payments in support of housing-related costs.
- (f). If a current or previous landlord is a relative of the Applicant household, the NBHA will give more weight to references provided by unrelated landlords.
- (g). If verifications of timely rental payments (and utility payments, where applicable) are received from landlords and utility suppliers, no further documentation of past performance of meeting financial obligations, especially rent, need be collected.
- (h). Payment of funds owed to the NBHA or other subsidized housing provider will be considered as some evidence that an Applicant Household is willing to meet financial obligations.

- (i). The NBHA differentiates between Applicants who are/were tenants named in a Lease or tenants at will whose landlord NBHA cannot reach and Applicants who have lived in a dwelling without the landlord's knowledge, thus making it impossible for the landlord to verify the Applicant's residency or ability to meet financial obligations although the landlord may verify residency information, including rent-paying ability, of the tenant occupying the dwelling.

The NBHA will attempt to verify that the landlord of a prior dwelling knows the Applicant. The NBHA may accept other credible verification that can establish the address and occupancy status for the period under review. Failure to establish the Applicant's claimed residency in a dwelling will constitute cause for the NBHA to withdraw the Applicant's Application.

- (j). In the absence of credible landlord references with respect to past performance of meeting Lease or tenancy obligations, the NBHA may contact someone with knowledge of the Applicant household's or members' behavior and abilities to complete the NBHA form, **Third Party Verification: Ability to Comply with Lease Terms**.
- (k). If the current housing provider is a relative, additional information on the Applicant's ability to comply with the Lease terms may be collected by the NBHA. If NBHA personnel have questions about information received, they may contact the source of the information in order to ask such questions.

**b. A record of disturbance of neighbors, destruction of property, or housekeeping habits at present or prior residences which may adversely affect the health, safety or welfare of other residents or staff, or cause damage to the Apartment or development/AMP on the part of any household member, as prohibited by terms of the NBHA Lease**

**i. Primary indicators that the Applicant household will not cause disturbances, destruction of property, damage or will not have unacceptable housekeeping habits are:**

- (a). No record of activity or behavior that would disturb other residents' or neighbors' peaceful enjoyment of their accommodations; no record of activity or behavior that resulted in damage to an Apartment or residential facility of any kind including grounds or common areas associated with such Apartment or facility; no record of activity or behavior that results in damage to the real or personal property of neighbors;
- (b). No record of activity or behavior (including housekeeping) that resulted in safety violations, unsanitary or unhealthy conditions in an Apartment or dwelling or the common areas associated with such Apartment or dwelling;
- (c). Evidence that the Applicant reported maintenance problems to the landlord in a timely manner is a positive indicator.
- (d). The Authority will consider Mitigating Circumstances such as incidents due to a disability, sexual assault, domestic violence, dating violence, or stalking which are related to a history of unsanitary, unhealthy, and/or poor maintenance conditions, or destruction of property in the unit.

ii. **Secondary indicators that the Applicant household will not cause disturbances, destruction of property, damage, or will not have unacceptable housekeeping habits are:**

One or more of the secondary indicators may demonstrate acceptable history under the following criteria:

- (a). Proper care of one's room or space (especially for a person living with someone else or in a shelter or group home);
- (b). Proper maintenance of other physical space (for example a workspace)
- (c). Use of chore service or other assistance in caring properly for an Apartment or living area;
- (d). The presence of a Personal Care Attendant who will assist in the proper care of the dwelling.

In attempting to determine if the Applicant household will respect the rights of others, the NBHA may also consider:

- (e). treatment of others with whom the Applicant household lives;
- (f). treatment of NBHA staff with whom the Applicant household comes in contact;
- (g). treatment of administrators, staff or other participants in programs in which the Applicant household is or has been a participant;
- (h). recent school and employment relationships.

iii. **Acceptable documentation that an Applicant and/or household member will not cause disturbances, destruction of property, damages or will not have unacceptable housekeeping habits includes:**

- (a). Credit Bureau Applicant Background Check and Eviction Report reflecting the absence of eviction proceeding for such activity or behavior.
- (b). Completed Landlord Verification Form for all previous tenancies reflecting the absence of such activity or behavior and reflecting the ability to care for a dwelling and to comply with essential Lease terms;
- (c). If no landlord verification is possible, a completed **Third-Party Verification: Ability to Comply with Lease Terms** reflecting the absence of such activity or behavior and reflecting the ability to care for the dwelling and to comply with essential Lease terms;
- (d). Criminal Offender Record Information (CORI) reflecting no criminal offenses arising from physical or other abuse of persons or property, disturbances, destruction or damage to property or similar types of activities. Examples of criminal offenses that will be considered under this screening criterion include but are not limited to: threats or harassment, especially civil rights violations, domestic violence, including sexual assault, actual or threatened violence toward members of an applicant's household or other individuals who are not household members, assaults,

assaults and batteries, destruction of property, vandalism, situations where children, the elderly or disabled are neglected or abused, criminal conduct which may not in and of itself be considered violent but may lead to violence, reported or other evidence that may constitute a health or sanitation problem;

- (e). Where disqualifying behavior has occurred, evidence of Mitigating Circumstances shall include evidence that the Applicant household has ceased the behavior or activity and that the behavior and activity is unlikely to re-occur or the individual engaged in such behavior will not be part of the household composition. The evidence must be provided by a Qualified Health Care Provider or other individual qualified to provide such evidence;
- (f). Where disqualifying damage to property has occurred, evidence of Mitigating Circumstances would require a showing that the applicant and/or household members ceased the behavior or activity resulting in the damage and that the behavior and activity is unlikely to re-occur or the individual engaged in such behavior will not be part of the household composition. An Applicant household member should show that s/he has paid for the damage or, if s/he didn't make such payment, establish a valid reason why payment for the damage was not made.

**iv. How a Record of disturbance, destruction of property, damages, unsatisfactory or unacceptable housekeeping habits will be determined:**

- (a). Staff will check for current or past problems in the above areas with the current and former landlord(s) using the **NBHA Landlord Verification Form**. NBHA staff may utilize information from a Credit Bureau Report on the Applicant household.
- (b). In addition to checking with landlords, the NBHA will make a Home Visit when the following conditions exist:
  - (c). NBHA staff will routinely check the NBHA's former Resident files to determine whether the Applicant and/or any household member have been residents of the NBHA and have vacated in bad standing from the NBHA either by threat of eviction, eviction, termination from its rental assistance programs or vacating without notice to the NBHA. They also can order a check of court records to determine whether the Applicant or household members have been evicted from other housing.
    - (i) One unsatisfactory housekeeping reference from a present or prior landlord or housing provider, who may include a provider at a residential program, or a shelter has been received;
    - (ii) Reference or verification forms show a marked difference or discrepancies in the housekeeping assessment of the Applicant;
    - (iii) The lack of adequate documentation from an independent source to support a positive assessment of housekeeping habits as required by this screening criteria;
    - (iv) Evidence of poor personal hygiene habits, observed by the Occupancy Specialist at the interview or by other NBHA staff, which may be an indication that such habits could disturb the peaceful enjoyment or health of other NBHA Residents or affect the habitability of an Apartment.

The home visit will be documented on the **NBHA Home Visit Form**. Where the Applicant is living in a shelter, or other transient housing facilities, NBHA staff may visit the site and may confirm compliance with facility rules using the **Third-Party Verification: Ability to Comply with Lease Terms**.

Applicants who fail a home visit will be determined Ineligible.

- (d). An Applicant's behavior toward NBHA staff may be considered as a reflection of future behavior toward neighbors and/or NBHA staff. Physical abuse or threats by an Applicant toward NBHA staff will be noted in the file and included in the Screening evaluation. NBHA staff will also note health or hygiene habits when such habits, in the opinion of the NBHA staff, are serious enough to interfere with the ability of staff to conduct the interview and/or to disturb future neighbors. Where personal hygiene is a question, a final determination will be made based on available information which may include a home visit, and which will be made after consultation with the Tenant Selection Coordinator for Screening.
  - (e). If the applicant is not currently living under a lease with a landlord, or is living as a tenant at will, the housing provider will be asked to verify the Applicant's ability to comply with NBHA Lease terms related to this screening criterion. Any area for which the Applicant has responsibility may be inspected.
- c. A record of involvement in criminal activity on the part of any applicant household member in crimes of physical violence to persons or property, crimes of fraud, prostitution or larceny and other criminal acts including the use and/or distribution of an illegal drug, or the illegal use (or pattern of illegal use) and distribution of any illegal drug, or abuse (or pattern of abuse) of alcohol which may interfere with the health, safety, or right to peaceful enjoyment of the premises by other Residents, as prohibited by the NBHA Lease**
- i. Persons convicted of sexual offenses and subject to a lifetime sexual offender registration requirement are permanently prohibited from admission to Federally assisted developments/AMPs and they are only eligible for admission to State aided developments upon establishing acceptable Mitigating Circumstances. The NBHA will conduct criminal history background checks sufficient to determine whether any household member is subject to such a registration requirement.
  - ii. Persons that have been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of Federally assisted housing are permanently prohibited from admission to Federally assisted developments Amps and are only eligible for admission to State aided developments upon establishing acceptable Mitigating Circumstances.
  - iii. **Examples of primary indicators that an Applicant and/or household member has not engaged in criminal activity:** The absence of CORI or other evidence of criminal activity or behavior, excluding minor offenses
  - iv. **Criminal activity/drug related criminal activity, other factors and considerations:**
    - (a). **Rehabilitation and Mitigating Circumstances** – With respect to potentially disqualifying criminal behavior, evidence of Mitigating Circumstances or rehabilitation must be substantial and commensurate with the seriousness of the crime.

NBHA will consider the particular circumstances of the offense, the seriousness of the offense, the degree of damage, disruption and inconvenience caused by the offense, the passage of time since the offense, and whether the offender has been a good citizen and remained free of trouble since the offense.

NBHA may consider evidence of the Applicant's or household member's behavior and reputation in the community both before and after the offense, and any other evidence indicating a likelihood that the offender will not engage in any future criminal activity.

**Example of rehabilitation:** If an applicant or household member has an isolated incident of criminal activity which is neither violent nor drug related in the past, then clear and verifiable evidence of good citizenship sustained over a significant period of time may establish that the applicant or household member has been rehabilitated.

- (b). In general, NBHA will consider criminal activity to be outweighed solely by the passage of time when the criminal record has been or may be sealed pursuant to G.L. c. 276, §100A. A record may be sealed in most circumstances if the applicant or household member's last court appearance and court disposition records, including any period of incarceration or custody, occurred not less than 5 years before the application was filed in the case of a misdemeanor and not less than ten years before the application was filed in the case of a felony.
- (c). NBHA will not admit a current user of illegal drugs. The Fair Housing Act explicitly states that current users of illegal drugs are not a protected class. NBHA will not exclude former users of illegal drugs solely because of their former illegal drug use. Evidence of use within the past year (12 months) creates a rebuttable presumption that the individual is a current user.
- (d). The fact that an Applicant or household member may have been an illegal drug user in the past does not automatically excuse any disqualifying behavior that the Applicant or household member may have engaged in while an illegal drug user. If the NBHA has cause to believe a former illegal drug user is still using illegal drugs, NBHA has cause to reject the Applicant because of his/her current illegal drug use.
- (e). Documentation that a former illegal drug user is not currently using illegal drugs could include:
  - (i) The NBHA will pay for all costs associated with drug testing unless the costs are otherwise reimbursed.
  - (ii) The test must screen for illegal drugs only and the Applicant's use of prescription drugs that contain controlled substances must be considered; and
  - (iii) The drug test must be conducted at facilities that use the National Institute of Drug Abuse Guidelines (implementing EO 12564 and Pub. L. 100-71; these guidelines were published April 11, 1988 in the Federal Register);
  - (iv) Voluntary drug testing. An Applicant or household member cannot be required to undergo drug testing as a condition of eligibility. However, if s/he chooses to be tested, testing shall meet the following requirements:

1. Verification from a probation or parole officer stating that the former illegal drug user has met or is meeting the terms of probation or parole **and** that periodic screens have not revealed the presence of illegal drugs;
2. Verification from a self-help program (for example, Narcotics Anonymous) stating that the former illegal drug user has been or is participating in their program, that there is a reasonable probability that the Applicant will be successful in refraining from use of illegal drugs, and is not currently using an illegal drug;
3. Verification from a Qualified Health Care Provider stating that the former illegal drug user has been or is currently in treatment, that there is a reasonable probability that the Applicant will be successful in refraining from use of illegal drugs, that the Applicant is complying with the requirements of the treatment program, and is not currently using an illegal drug;

- (f). If an Applicant or household member is currently in treatment for illegal drug use (as opposed to successfully completed treatment) or if an Applicant or household member has a history of drug treatment followed by further illegal drug use, the Applicant or household member must convincingly demonstrate (by providing additional verifiable information) in what way the current situation and claim of non-drug use is different from the previously unsuccessful efforts to stop using drugs. NBHA must have an acceptable demonstration that the likelihood of a change in behavior is significantly greater than in the past.

In such cases, an Applicant or household member should successfully complete the current treatment program and maintain acceptable behavior in the community for a reasonable period established by the NBHA.

- (g). Where an Applicant or household member has committed one or more crimes and establishes a direct causal link between the crimes and former illegal drug use, NBHA will consider the evidence of rehabilitation from the illegal drug use. Rehabilitation does not mean that the NBHA will ignore the criminal behavior if other factors apart from illegal drug use may have had a causal effect on the criminal acts. A demonstration that a former illegal drug user is not a current user does not necessarily excuse crimes committed while s/he was using illegal drugs. S/he must reliably establish that drug use caused the crimes, that s/he is rehabilitated, **and** that there is a likelihood of no further criminal behavior.

- d. **Alcohol Abuse and Screening** – Alcohol is a legal drug. Use of alcohol is not a basis for rejecting an Applicant. An Applicant or household member who is an alcoholic may qualify as a person with a disability under State and Federal anti-discrimination laws and be entitled to certain protections afforded to Disabled Persons.

It is NBHA's policy that an Applicant or household member who is an alcoholic must meet the same screening criteria and standards as any other person. If an Applicant's (including household members) housing history demonstrates unacceptable behavior that is grounds for disqualification and there are inadequate Mitigating Circumstances, screening staff will have grounds to reject the Application, even if the behavior is claimed to be alcohol related. NBHA's screening is directed at the Applicant's (and household members) behavior, not their condition.



- e. **How criminal activity including drug related criminal activity or activity under the “One-Strike” Policy on the part of the Applicant or a household member will be checked:**
- i. Possible involvement in criminal activity by the Applicant and/or any member of an Applicant’s household that, if repeated by the Applicant or a household member as a Resident, would adversely affect the health, safety or welfare or physical security of property of other Residents, NBHA staff or guests, will be checked by use of Criminal Offender Record Information (CORI) provided by the Massachusetts Criminal History Systems Board, criminal histories provided by other states/jurisdictions, Federal authorities, court records, and other evidence of criminal activity. In addition, the current or former landlord will be asked about criminal activity during the residence of any member of an Applicant household.
  - ii. The NBHA will use CORI or **youthful offender record information from the Massachusetts Criminal History Systems Board, or other youthful offender record information as it may lawfully receive from other jurisdictions** to check all adult household members and non-adult household members, 14 years of age or older, of the Applicant household for any evidence of:
    - (a). criminal convictions, both felonies and misdemeanors, regardless of when the conviction occurred;
    - (b). any criminal charges which are currently pending before the courts of the Commonwealth or any jurisdiction, including the Federal courts.
  - iii. Criminal record information shall be used in accordance with procedures established by the Massachusetts Department of Housing and Community Development (DHCD) memorandum dated December 11, 1991 as it may be amended, and 803 CMR 5.00 or equivalent requirements of any other jurisdiction.
  - iv. If the Criminal record information shows that a case is continued without a finding (CWOFF) or “placed on file” it cannot be used as a determination that the Applicant or household member, in fact, engaged in criminal activity without other independent evidence of the criminal activity charged. Independent evidence might include police reports documenting criminal activity, statements from the arresting officer or other reliable information that the Applicant and/or a household member committed the crime charged.
  - v.
    - (a). If the Criminal record information indicates that an Applicant and/or household member has a record that would establish a basis for an Ineligibility finding, the Applicant will be notified of the negative information received, provided with an opportunity to review the information and to offer any information as a Mitigating Circumstance before a final determination of Ineligibility is made by the NBHA.
    - (b). If the applicant believes that the Criminal record information is inaccurate, he/she must submit to NBHA a written notice to this effect. The notice must be provided to NBHA within the time specified in NBHA’s notice to the Applicant.
    - (c). Upon receipt of the applicant’s written notice disputing the accuracy of Criminal record information, NBHA will provide the Applicant a reasonable amount of time to provide credible evidence of the report’s inaccuracy.

- vi. Applicants shall be advised at the time of both Preliminary and Final Application intake that past and future criminal behavior by the Applicant and or a household member will jeopardize admission to NBHA's public housing program.
- vii. Depending on the circumstances, any of the following crimes committed by the Applicant or a household member may, alone or in conjunction with other crimes, result in the rejection of an Applicant household:
  - (a). use, possession or distribution of illegal drugs;
  - (b). a property-related crime such as burglary, larceny, fraud, automobile theft, receipt of stolen goods, and attempts at such crimes;
  - (c). a crime against another person such as murder, manslaughter, assault and battery, assault and battery with a dangerous weapon, robbery, kidnapping, mayhem, rape, spouse or child abuse or any similar type crimes, and attempts at such crimes;
  - (d). a crime that endangers or threatens the health, welfare or safety of others such as lewd conduct, indecent exposure, prostitution, disorderly conduct, public drunkenness, assault, harassment, reckless driving, leaving the scene of an accident, motor vehicle homicide, failure to stop for a police officer and attempts at such crimes.
- viii. NBHA will consider the likely impact of a recurrence of past criminal conduct in a NBHA community. NBHA will consider the danger that such activity creates and its potential effect on the health, welfare or safety of Residents and staff and the security of their property. In evaluating criminal activity, NBHA will consider each offense, its seriousness, its age, its potential impact on other persons including the victim, any possible recidivism, any Mitigating Circumstances and/or Reasonable Accommodation including any criminal activity which was a direct result of incidents of domestic or dating violence or stalking, and any rehabilitation or efforts at rehabilitation which make a recurrence unlikely.

**d. A record of eviction from housing, involuntary termination from rental assistance programs or involuntary termination from residential programs**

**ii. Examples of primary indicators that an Applicant and/or household member has not been evicted from housing or involuntarily terminated from residential programs are:**

- (a). No record of eviction or termination from any apartment, dwelling, shelter, other housing, rental assistance program or a residential program;
- (b). No negative information received from a present or former landlord or housing provider;
- (c). The Applicant household member is currently in a residential program and is meeting all requirements of the program;
- (d). No record of summary process proceedings having been commenced in a District Court or Housing Court which resulted in a judgment against the Applicant or household member or in which the Applicant or household member voluntarily agreed to vacate due to the fault of the tenant.

- (e). The Authority will consider Mitigating Circumstances such as incidents due to a disability, sexual assault, domestic violence, dating violence or stalking which are related to a history of eviction or termination from any apartment or other housing program(s).
- ii. Secondary indicators that an Applicant and/or household member(s) have not been evicted from housing, or involuntarily terminated from residential programs or from rental assistance programs are:**
- (a). The Applicant (or a household member) was asked to leave the program for a rule violation that is not related to NBHA Lease compliance;
  - (b). The Applicant or household member leaves a program but returns and is accepted for continued participation;
  - (c). No references from current or past landlords or the Credit Bureau Applicant Background or Eviction Report indicating that the Applicant or a household member was ever served with a Notice to Quit or Notice of Termination when the reason for termination is due to the fault of the tenant;
- iii. Acceptable documentation that an Applicant or household member has not been evicted from housing, terminated from a rental assistance program or involuntarily terminated from a residential program is:**
- (a). A completed **Landlord Verification Form** for the current tenancy and all prior tenancies and the Credit Bureau Applicant Background Check or Eviction Report reflecting no evictions due to the fault of any Applicant household member.
  - (b). If a landlord verification is not possible, a completed **Third-Party Verification: Ability to Comply with Lease Terms** showing no “fault” evictions or terminations.
- iv. How a record of eviction from housing, termination from a rental assistance program or involuntary termination from a residential program will be checked:**
- (a). Staff will consider the date and circumstances of any past eviction or program termination in determining its relevance to a NBHA tenancy. Staff will consider if the eviction or program termination resulted from an Applicant’s (or household member’s) violation of rules and if a similar violation would violate the NBHA Lease. Thus, infractions of rules in a residential program that have relevance to the NBHA’s Lease will be given greater weight than violations of rules that are specific to the residential program and have little or no relevancy to those requirements.
  - (b). Any household member who signed a previous Lease will be considered responsible for the actions occurring during the former tenancy.
  - (c). Conditions of former tenancy may not be attributable to an Applicant or household member where the Applicant or household member was not the responsible tenant in the former housing. If the responsible tenant was not the Applicant or a household member, the Applicant will not be held accountable by the NBHA for the rental delinquency or other problems of the former tenant unless it can be demonstrated that the Applicant or household member contributed to the cause of the involuntary termination.

- (d). A record of involuntary termination from a residential program will be checked with police, service agencies and with the provider.
- (e). Staff will check NBHA's records, landlord records and court records to determine whether the Applicant and/or a household member has been evicted from the NBHA, any Other Publicly Assisted Housing Programs, or any other property in the past. NBHA may also use Credit or Eviction Service information to check for a record of eviction.

**e. Ability and willingness to comply with the NBHA Lease and other program requirements** *(This screening criteria will be applied ONLY in the absence of satisfactory landlord documentation.)*

**i. Examples of primary indicators of ability and willingness to comply with the lease terms are:**

- (a). The Applicant household can meet this criterion on its own or with assistance;
- (b). Through a home visit (if required) the dwelling or living area is clean and no destruction of property is evident;
- (c). The Applicant household has the ability to manage regular monthly payments of some kind; the Applicant household responds to mail and appears promptly for appointments;
- (d). The Applicant household observes applicable lease terms or rules in his/her current housing or shelter situation;
- (e). There is no record of disturbing neighbors; and
- (f). The Applicant and/or household members have avoided criminal activity.

**ii. Secondary indicators of ability and willingness to comply with the lease terms are:**

- (a). Evidence of rule compliance in any residential program (shelters, transitional facilities, group homes) or other program in which the Applicant or household member is participating (for example drug or alcohol treatment);
- (b). Job or school references showing compliance with applicable rules.

**iii. Acceptable documentation that an Applicant and/or household member have not been evicted from housing or involuntarily terminated from a residential program is:**

- (a). Verification from the current and all previous tenancies and Eviction Report reflecting no evictions. If no traditional landlord verification is possible, NBHA may require a completed **Third-Party Verification: Ability to Comply with Lease Terms** showing no "fault" evictions or terminations. Any discrepancies in the information on these forms must be resolved to the NBHA's satisfaction.
- (b). Other documentation accepted as reliable and credible by the NBHA, which is sufficient to support the Applicant household's claim of no "fault" evictions or program terminations.

- (c). The Authority will consider Mitigating Circumstances such as incidents due to a disability, sexual assault, domestic violence, dating violence or stalking which are related to a history of eviction or termination from any apartment or other housing program(s).

**iv. How ability and willingness to comply with the Lease terms will be checked:**

- (a). If each member of an Applicant household is able to document that s/he is both willing and able to comply with NBHA Lease terms at current and former residences through a combination of third party references, landlord references and a home visit (if required), this criterion will be considered to have been satisfied.
- (b). Ability to comply with NBHA Lease terms will be checked when the Applicant household is currently living in a setting that does not require compliance with Lease terms or is “doubled-up” with another household. An Applicant household is considered “doubled-up” when living with another household and is not the tenant household of record.
- (c). Staff will send the **Third-Party Verification: Ability to Comply with Lease Terms** form to the housing provider, i.e., landlord or other parties that may be able to provide information related to the tenancy. When the Applicant household is doubled-up, the form will be sent to the provider as distinguished from the host household with whom the Applicant household is living. Staff will also complete the **Applicant checklist: Ability to Comply with Lease Terms** in an interview with the Applicant.

If the housing provider (the provider may have no knowledge that the dwelling is housing two households) is unable or unwilling to complete the **Third-Party Verification: Ability to Comply with Lease Terms**, NBHA will send the form to other third parties or persons who have or should have knowledge of the Applicant household’s current living arrangements and to the head of the host household. NBHA will assess the credibility of the information in the completed form in light of any family ties between the host household and the Applicant household and any other pertinent circumstances.

**D. Outcome of Screening Process**

Households determined to be Eligible and Qualified after screening will be notified by the NBHA of the approximate date of occupancy insofar as that date can be reasonably determined. The NBHA will make reasonable effort to estimate accurately an approximate date of occupancy. However, the date given by the NBHA is not a guarantee that Applicants will be housed by that date. The availability of a suitable apartment to offer a Household is contingent upon factors not directly controlled by the Authority, such as turnover rates, and availability of apartments of the appropriate size and/or with special features.

**Rehabilitation and Mitigating Circumstances**

In the event of the receipt of unfavorable information with respect to an Applicant the NBHA will notify the Applicant in writing, and the NBHA shall permit the Applicant to show whether there are Mitigating Circumstances, which may include a showing of rehabilitation or rehabilitating efforts, sufficient so that when the potentially disqualifying conduct is weighed against the Mitigating Circumstances, the NBHA is reasonably certain that the Applicant will not engage in

any similar conduct in the future. In making this determination, the NBHA shall consider all relevant circumstances, including the severity of the potentially disqualifying conduct, the amount of time which has elapsed since the occurrence of such conduct, the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the housing development/AMP and its common areas if the conduct recurred, the disruption and inconvenience which recurrence would cause the NBHA, and the likelihood that the Applicant's behavior in the future will be substantially improved. The greater the degree of danger, if any, to the health, safety and security of others or to the security of property of others or the physical condition of the housing, the greater must be the strength of the showing that a recurrence of behavior, which would have been disqualifying, will not occur in the future.

Applicants determined unqualified for admission will be promptly notified. These Applicants will receive a Notice of Ineligibility from the NBHA, stating the basis for such determination and advising them of the opportunity for an informal review of the determination. Rejected Applicants will also be informed that they have a right to request reconsideration if the reason for rejection is related to a disability and a reasonable accommodation on account of that disability may make it possible for them to be housed in accordance with the Screening Procedures.

## **5. CONFIDENTIALITY OF APPLICANTS' FILES**

The contents of Applicants' files at the NBHA are confidential and will not be misused or the information therein improperly disseminated. NBHA will not share the contents of an Applicant's file with persons not authorized to view the file.

## **6. PERSONAL CARE ATTENDANT (PCA) OR LIVE-IN AIDE**

### **A. Definition**

A Personal Care Attendant ("PCA")/Live-In Aide is defined as a person who:

- a. does not have his/her income included in Elderly or Disabled persons household for the purposes of determining total household income and rent.
- b. has no right to the apartment as a Residual Tenant.
- c. in the case of a live-in PCA/Live-In Aide, would not be living in the apartment except to provide the necessary supportive care; AND
- d. is not obligated to support the Elderly or Disabled person or persons; AND
- e. may or may not reside with the Elderly or Disabled person or persons; AND
- f. is determined by NBHA based upon medical documentation from a Qualified Healthcare Provider to be essential to the care and well-being of an Elderly or Disabled person or persons; AND

### **B. Policy on Addition of a PCA/Live-In Aide to the Household**

#### General Provisions

- a. Any PCA/Live-In Aide must meet the definition of a PCA/Live-In Aide as stated above.
- b. A PCA/Live-In Aide can be a single person or a person with a household.

- c. No addition of a PCA/Live-In Aide and his/her household, if applicable, shall result in **overcrowding** of the apartment.
- d. No PCA/Live-In Aide and his/her household, if applicable, has/have the right to the apartment as a Residual Tenant.
- e. Any PCA/Live-In Aide and his/her household, if applicable, must sign a waiver of residual residency status.
- f. Any PCA/Live-In Aide and his/her household, if applicable, must meet the criteria in the NBHA's Screening Policy.
- g. Any PCA/Live-In Aide and his/her household, if applicable, will be counted as a member of the resident's Household for the purposes of determining the appropriate apartment size **ONLY**
- h. An existing household member cannot become a live-in-aide.
- i. Screening of a live-in-aide should not include rental history as they are not responsible for the rent and are not lease holders.
- j. The need for a live-in-aide should be verified annually.
- k. A relative who satisfies the definition above will be notified in writing that s/he may be qualified as a PCA/Live-In Aide and can choose one of the following two options:
  - i. S/he can qualify as a PCA/Live-In Aide, choose not to include his/her income as part of the Total Household Income and sign a waiver of residual residency status. **OR**
  - ii. They can qualify as a PCA/Live-In Aide, have their income included as part of the total Household income and retain rights as a remaining member of the Household.

**7. Citizenship, Eligible Non-Citizen Status and Restrictions on Assistance to Non-Citizens (Federal Program Only)**

In federal developments/AMPs, NBHA will restrict assistance to citizens and to Non-Citizens with Eligible Non-Citizen status, in accordance with HUD's final rule, effective June 11, 1999. Each household member's status as a U.S. citizen, Eligible Non-Citizen or ineligible Non-Citizen must be verified unless there is an election not to contend. Determination of eligibility or partial eligibility for public housing benefits (Federal Program only) is affected by citizenship status. One household member must be a citizen or Eligible Non-Citizen.

*a. Evidence of Citizenship or Eligible Non-Citizen Status*

*b. Verification of Citizenship Status*

The NBHA will verify the citizenship or Eligible Non-Citizen status of at least one household member prior to a determination of eligibility. NBHA may verify citizenship or Eligible Non-Citizen status of other household members (other than those who elect not to contend) prior to a determination of eligibility but no later than the date of a Household's first or next annual re-examination after admission if the verification was not completed at the time of admission.

*c. Mixed Households*

An eligible mixed Household is defined as a Household containing members who are citizens or with Eligible Non-Citizen status, as well as members without such status, and that meets the criteria for eligibility for continued assistance.

Continued financial assistance may be provided to an eligible mixed Household, but it will be prorated based upon the percentage of Household Members that are eligible for assistance. If an Applicant Household elects to be placed on the waiting list for either Federal or State programs and to pay prorated rent in Federal Housing rather than waiting for assignment to a State-Aided Housing program, the Applicant will be obligated to accept an apartment offer in either program. Refusal of the offer shall be considered a rejection unless there has been a change in circumstances. (See Good Cause or Reasonable Accommodation)

*d. Financial Assistance*

The NBHA may provide financial assistance to an individual or Household prior to verifying the eligibility of the individual or one household member.

Assistance will be prorated based upon the number of individuals in the Household for whom eligibility has been affirmatively established.

*e. The NBHA will deny assistance to an Applicant or terminate assistance to a resident in the following situations:*

- i. The NBHA determines that a Household Member has knowingly permitted another individual who is not eligible for assistance to reside on a permanent basis in the public or assisted housing apartment of the Household Member. Such termination shall be for a period of not less than 24 months. This provision does not apply to a Household if the ineligibility of the ineligible individual was considered in calculating any proration of assistance provided for the Household.

(a). The INS appeal and informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the Household Member; **or**

(b). The Household does not pursue an INS appeal or informal hearing rights; **or**

- ii. Evidence of Eligible Non-Citizen status is submitted in a timely fashion, but INS primary and secondary verification does not verify Eligible Non-Citizen status of a household member; and
- iii. Evidence of citizenship or Eligible Non-Citizen status is not submitted by the date set by the NBHA or by the expiration of any extension granted by the NBHA;

*f. The NBHA will not delay, deny, reduce or terminate assistance to an Applicant or resident on the basis of ineligible Non-Citizen status of a household member if:*

- i. The primary and secondary verification of any immigration documents that were submitted in a timely manner has not been completed;
- ii. The household member for whom required evidence has not been submitted has moved from the assisted apartment;
- iii. The household member who is determined not to be in an Eligible Non-Citizen status following INS verification has moved from the assisted apartment;
- iv. The INS appeals process has not been concluded;
- v. For residents, following notification of the INS decision on appeal, or in lieu of a request of appeal to the INS, an informal NBHA hearing has been requested by the Household and said hearing process has not been completed (under the regulations, the NBHA may



delay but not deny assistance to an Applicant during the pendency of the informal hearing process);

- vi. Assistance is prorated in accordance with the applicable Federal requirement; or
  - vii. Assistance for a mixed Household is continued in accordance with applicable Federal requirements; or
  - viii. Deferral of termination of assistance is granted.
- g. Preservation of Assistance for Resident Households*
- i. Prorated Assistance
    - (a). Available for a mixed Household that qualifies other than a Household who requests and receives Temporary deferral of Termination Assistance.
    - (b). Proration is calculated in accordance with Federal requirements.
  - ii. Temporary Deferral of Termination of Assistance
    - (a). A mixed Household that qualifies for prorated assistance but decides not to accept prorated assistance may be granted a Temporary Deferral of Termination of Assistance.
    - (b). The NBHA will notify a resident Household in writing at least 60 calendar days in advance of the expiration of a deferral period if termination will no longer be deferred.
    - (c). An applicant for refugee or asylum status may receive a Temporary Deferral of Termination of Assistance pending a determination of status.

END

## **CHAPTER 3: APPLYING FOR ADMISSION**

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### **1. INTRODUCTION**

The policy of the NBHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the NBHA will also utilize this process to provide information to the family so that an accurate and timely decision of preliminary eligibility can be made. A preliminary application will be accepted from anyone who wishes to apply provided that the waiting list is open. Applicants will be placed on the waiting list in accordance with this Policy.

### **2. HOW TO APPLY**

Preliminary applications are available as follows:

#### **A. Federal Housing Programs**

- a) can be downloaded and printed from our website located at [newbedfordhousingauthority.org](http://newbedfordhousingauthority.org) and mailed to 128 Union Street, 4<sup>th</sup> floor, New Bedford, MA 02740
- b) can be mailed to you upon request by calling us at 508-997-4800
- c) can be completed with a Data Specialist at our Central Office located at 128 Union Street, 4<sup>th</sup> floor, New Bedford, MA Monday – Wednesday 8:30am – 3:00pm

#### **B. State Public Housing Program**

- a) can be completed on line at the Massachusetts Department of Housing and Community Development (DHCD) website at [www.mass.gov/orgs/housing-and-community-development](http://www.mass.gov/orgs/housing-and-community-development)
- b) can be downloaded and printed from the Massachusetts Department of Housing and Community Development (DHCD) website at [www.mass.gov/orgs/housing-and-community-development](http://www.mass.gov/orgs/housing-and-community-development) and mailed to us at 128 Union Street, 4<sup>th</sup> floor, New Bedford, MA 02740
- c) Can be completed with a Data Specialist at our Central Office located at 128 Union Street, 4<sup>th</sup> floor, New Bedford, MA Monday – Wednesday 8:30am – 3:00pm

#### **The application process will involve two phases.**

The first is the "initial" application for admission (referred to as a preapplication). This first phase is to determine the family's eligibility for, and placement on, the waiting list.

The preapplication will be dated, time-stamped, and referred to the NBHA's office where tenant selection and assignment is processed.

The second phase is the "final determination of eligibility for admission" (referred as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the NBHA ensures that verification of all HUD and NBHA eligibility factors is current in order to determine the family's eligibility for an offer of a suitable unit.

**Applicants are responsible to inform the NBHA in writing or in person of changes in family composition, income, and address, as well as any changes in their Preference status. Applicants are also required to respond to requests from the NBHA to update information on their application, or to determine their continued interest in assistance.**

**Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list.**

### **C. Notification of Applicant Status**

If after a review of the preapplication the family is determined to be preliminarily eligible, they will be notified in writing (in an accessible format upon request, as a reasonable accommodation).

This written notification of preliminary eligibility will be **mailed to the applicant by first class mail**.

If the family is determined to be ineligible based on the information provided in the preapplication, the NBHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation.

### **D. Processing of a Full Application**

As the applicant reaches the top of the waiting list and the NBHA is ready to select applicants, the NBHA will call the applicant or send the applicant a letter notifying him/her that they are required to attend a pre-occupancy interview. At this time, a trained interviewer will verify that all preferences still exist and conduct a full interview during which the applicant will be required to furnish complete and accurate information verbally as requested by the interviewer. The NBHA interviewer will complete the full application form with the answers supplied by the applicant.

### **E. Requirement to Attend Interview**

The NBHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information that has been provided by the family, and to ensure that the information is complete. At that time, the interview will acquire signatures on all necessary and required documents in order to complete the verification process. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other NBHA services or programs which may be available.

Although all adult household members are not required to attend the interview, all adult household members will be required to sign all necessary documents in person at the NBHS's main office located at 128 Union Street within 48 hours of the scheduled interview.

### **F. Scheduling the Interview**

If an applicant fails to appear for their scheduled appointment the NBHA will automatically schedule a second appoint.

If the applicant fails to appear for the second scheduled appointment without prior approval of the NBHA, their application will be denied unless they can provide acceptable documentation to the NBHA that an emergency prevented them from calling.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal hearing.

If the NBHA determines at or after the interview that additional information or document(s) are needed, the NBHA will request the document(s) or information in writing. The family will be given 5 working days to supply the information.

If the information is not supplied in this time period, the NBHA will provide the family a notification of denial for assistance.

### **G. Processing the Final Application**

To determine final eligibility, verified information will be secured by the NBHA and the Applicant and evaluated and a determination will be made by the NBHA with respect to:

- a) Eligibility of the Applicant household as a Family;
- b) Eligibility of the Applicant Household as an Elderly Household or Disabled Person;
- c) Eligibility of the Applicant household with respect to income limits for admission;
- d) Apartment size and design and whether an accessible or modified apartment is required for the household;
- e) Priority and/or Preference category (if any) to which the household belongs;
- f) Qualification of the Applicant household with respect to the Applicant Screening Criteria.
- g) The Applicant head of household must have verifiable identification with photograph of that Applicant.
- h) **Each** household member must have a Social Security number or certify that he/she has no number. In addition, for Applicants for federally assisted housing only, **each** household member must document that s/he is a citizen of United States or has eligible Non-Citizen status, or who is otherwise eligible for continued assistance or prorated assistance under applicable regulations.

**The calculated pro-rated rent for admission shall not exceed 50% of the household's total gross income (federally funded programs only).**

**If a preference cannot be verified, said applicant will be returned to their proper place on the waiting list and preference removed.**

**The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the waiting list because the preference is based on current status.**

Factors and Criteria that determine that an Applicant household is Eligible and Qualified can be found in Chapter 2.

#### **H. Final Determination and Notification Eligibility**

After the verification process is completed, the NBHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the NBHA, and the tenant suitability determination.

Because HUD can make changes in rules or regulations and family circumstances may have changed during the review process that affect an applicant's eligibility, it is necessary to make final eligibility determination based on the verifications received. The household is not actually eligible for a unit offer until this final determination has been made even though they may have been preliminarily determined eligible and may have been listed on the waiting list.

END

## CHAPTER 4: TENANT SELECTION AND ASSIGNMENT

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### 1. MANAGEMENT OF THE WAITING LIST

It is the NBHA's policy to have one city-wide waiting list for the Federal Program and another for the State Program. Applicants for both programs will be placed on the waiting list based upon date and time the application is received, the size and type of unit they require, and factors of preference and priority. In filling an actual or expected vacancy, the NBHA will offer the dwelling unit to an applicant in the appropriate sequence, **with the goal of accomplishing deconcentration of poverty and income-mixing objectives**. The NBHA will offer the unit until it is accepted.

By maintaining an accurate waiting list, the NBHA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the NBHA's turnover and the availability of appropriately sized units, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verification.

NBHA policies will be followed consistently and will affirmatively further HUD's fair housing goals. It is the NBHA's objective to ensure that families are placed in the proper order on the waiting list so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. When appropriate units are available, families will be selected from the waiting list in their preference-determined sequence.

It is the policy of the NBHA to administer its waiting lists as required by the U.S. Department of Housing and Urban Development (HUD) and the Massachusetts Department of Housing and Community Development (DHCD) regulations and any approved waivers to said regulations.

#### A. Opening and Closing the Waiting Lists

The NBHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of the NBHA to house an applicant in an appropriate unit within a reasonable period of time.

When the NBHA opens the waiting list, the NBHA will advertise through public notice in the following newspapers, minority publications and media entities, location(s), and program(s) for which applications are being accepted in the local paper of record, "minority" newspapers, and other media.

To reach persons with disabilities, the NBHA will provide separate notice to local organizations representing the interests and needs of the disabled.

The notice will contain:

- a) The dates, times, and the locations where families may apply. The programs for which applications will be taken.
- b) A brief description of the program.

c) A statement that Section 8 participants must submit a separate application if they want to apply for Public Housing.

d) Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the NBHA address and telephone number, how to submit an application, information on eligibility requirements.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

## **B. When Application Taking is Suspended**

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

During the period when the waiting list is closed, the NBHA **will not** maintain a list of individuals who wish to be notified when the waiting list is open.

**The NBHA will give at least 10 working days' notice prior to closing the list.**

The NBHA will update the waiting list **at least annually** by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or telephone. At the time of initial intake, the NBHA will advise families of their responsibility to notify the NBHA when mailing address or telephone numbers change.

**Even though there are enough applicants on the waiting list to fill the turnover within the next 18 months, if there are not enough applicants who claim a local preference, the NBHA may elect to accept applications from applicants who claim a local preference ONLY, and continue to keep the waiting list closed.**

## **C. Reopening the List**

If the waiting list is closed and the NBHA decides to open the waiting list, the NBHA will publicly announce the opening. The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next **18** months

Any reopening of the list is done in accordance with the HUD requirements.

## **2. WAITING LIST PREFERENCES**

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Preference points are cumulative and are used to determine an Applicant's position on the waiting list. An applicant may qualify for more than one Preference at a time.

The NBHA will provide to each potential Applicant a description of each Preference available to Applicants. The NBHA will verify the Preference(s) during the application process as part of both the preliminary and final eligibility processes.

Although the NBHA has adopted specific ranking categories, the order in which they are ranked is different in the NBHA's State and Federal Public Housing Programs.

**Note: Approved Administrative Transfers will be offered housing before all ranking applicants. Approved Special Circumstances Transfers shall be offered every other 4<sup>th</sup> unit by waiting list by bedroom size and appropriate unit type. Under or Over Housed transfers shall be offered every 8<sup>th</sup> unit by bedroom size and appropriate unit type.**

Among applicants with equal preference status, the waiting list will be organized by **date and time**.

#### **A. Preferences**

- a) **Working preference:** for families where the head, spouse or sole member has been employed for at least six months and working at least 20 hours per week. This preference is automatically extended to elderly families or families whose head or spouse meets the HUD/Social Security definition of disability.
- b) **Residency preference:** for families who live, work, or have been hired to work in the jurisdiction.
- c) **VAWA:** Families who have a member who has been the victim of domestic violence, dating violence, sexual assault or stalking as defined in VAWA 2013.
- d) **Veterans Preference:** A "veteran", as used in this ACOP shall include the spouse, surviving spouse, dependent, parent or child of a Veteran and the divorced spouse of a Veteran who is the legal guardian of a child of a Veteran.

Verification requirements:

Applicants claiming a Veteran's Preference must provide a copy of the discharge documents of the Veteran for whom the preference is claimed. The veteran's preference is only applicable to veterans and/or immediate families of veterans who were discharged under circumstances other than dishonorable.

### **3. ORDER OF SELECTION FOR GENERAL OCCUPANCY (FAMILY) DEVELOPMENTS**

#### **A. Ranking by Preference Points**

Applicants will be ranked on the waiting list by Preference points. Date Preference points are granted, and original Application date will further rank each Applicant

The NBHA has established the following admissions preferences for general occupancy (family) developments:

**Each preference is assigned points as listed below. The more preference points an applicant has, the higher the applicant's place on the waiting list.**

- a) **Working Preference: 5 points**
- b) **Residency Preference: 3 point**
- c) **VAWA Preference: 1 point**



*d) Veteran's Preference: 1 point*

**4. VERIFICATION OF PREFERENCE QUALIFICATION**

The NBHA will verify all preferences during the Final determination and notification of eligibility. If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Preference.

**A. Change in Circumstances**

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the NBHA in writing when their circumstances change. When an applicant claims an additional preference, she/he will be placed on the waiting list in the proper order of their newly claimed preference.

**5. PREFERENCE DENIAL**

If the NBHA denies a preference, the applicant will be placed on the waiting list without benefit of the preference.

The NBHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for **an informal meeting**. The applicant will have **10** working days to request the meeting **in writing**. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

**Any applicant who falsifies documents or makes false statements in order to qualify for any preference will be removed from the waiting list with notification to the family.**

**6. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS**

NBHA's Deconcentration of Poverty and Income Mixing Policy will first be applied prior to applying the NBHA's established preference system.

Before applying its preference system, the NBHA will first match the characteristics of the available unit to the applicants available on the waiting lists. Factors such as unit size, accessible features, deconcentration or income mixing, income targeting or units in housing designated for the elderly limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

The NBHA's Deconcentration Policy, as described in the NBHA Plan, may include skipping of families on the waiting list in order to bring families above the established income range into developments below the established income range, and to bring families below the established income range into developments above the established income range

**7. INCOME TARGETING**

The NBHA will monitor its admissions to ensure that at least 40 percent of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of the NBHA's jurisdiction.

***Extremely low-income family.* A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.**

The NBHA shall have the discretion, at least annually, to exercise the “fungibility” provision of the QHWRRA by admitting less than 40 percent of “extremely low-income families” to public housing in a fiscal year, to the extent that admissions of extremely low-income families to the NBHA's voucher program during a NBHA fiscal year exceeds the 75 percent minimum targeting requirement for the NBHA's Section 8 Voucher Program. This fungibility provision discretion by the NBHA is also reflected in the NBHA's Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40 percent of admissions to public housing for extremely low-income families by the lowest of the following amounts:

- a) The number of units equal to 10 percent of the number of newly available vouchers in the fiscal year; or
- b) The number of public housing units that 1) are in public housing projects located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and actually occupied in that year by, families other than extremely low- income families.

The Fungibility Floor: Regardless of the above two amounts, in a fiscal year, at least 30% of the NBHA's admissions to public housing will be to extremely low-income families. The fungibility floor is the number of units that cause the NBHA's overall requirement for housing extremely low- income families to drop to 30% of its newly available units.

**Fungibility shall only be utilized if the NBHA is anticipated to fall short of its 40% goal for new admissions to public housing.**

The NBHA will admit only families whose incomes do not exceed 80% of the HUD approved area median income.

## **8. UNITS DESIGNATED FOR THE ELDERLY**

In accordance with the 1992 Housing Act, elderly families with a head, spouse or sole member at least 62 years of age will receive a preference for admission to such units or buildings covered by a HUD-approved Allocation Plan.

The NBHA will take the following action when processing families for developments designated for the elderly:

- a) When there are insufficient elderly families who wish to reside in a development, near-elderly families (head or spouse ages 50-61) receive a preference for this type of unit.
- b) When there are insufficient elderly or near-elderly families who wish to reside in a development, and units are ready for leasing more than 60 days, all other family types are eligible for such units.
- c) Families with members who require a unit with accessible features will receive preference for such units over families who do not require such features.

## **9. DECONCENTRATION OF POVERTY AND INCOME-MIXING**

The NBHA's admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects.

Nothing in the deconcentration policy relieves the NBHA of the obligation to meet the income targeting requirement.

Gross annual income is used for income limits at admission and for income-mixing purposes.

### **A. Deconcentration and Income-Mixing Goals**

The NBHA's deconcentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families", will be to admit families above the NBHA's Established Income Range (EIR) to developments below the EIR, and families below the NBHA's EIR to developments above the EIR.

Deconcentration applies to transfer families as well as applicant families. Deconcentration Applicability

The NBHA has covered family developments subject to the deconcentration requirement. These covered developments are described in the NBHA Plan.

### **B. Project Designation Methodology**

Annually, the NBHA will determine the average income of all families residing in general occupancy developments

The NBHA will then determine the average income of all families residing in each general occupancy development.

The NBHA will then determine whether each general occupancy development falls above, within or below the Established Income Range (EIR).

The EIR is 85 percent to 115 percent (inclusive of 85 percent and 115 percent) of the NBHA-wide average income for general occupancy developments.

If a covered development is both below the 30 percent area-wide median and above the 115 percent income average for NBHA-wide covered developments, it will be considered to be within the EIR.

The NBHA will then determine whether or not developments outside the EIR are consistent with local goals and strategies in the NBHA Plan.

### **C. Deconcentration Policy**

If, at annual review, there are found to be development(s) with average income above or below the EIR, and where the income profile for a general occupancy development above or below the

EIR is not explained or justified in the NHA Plan, the NBHA shall list these covered developments in the NBHA Annual Plan.

The NBHA shall adhere to the following policies for deconcentration of poverty and income mixing in applicable developments:

Skipping a family on the waiting list or transfer list to reach another family in an effort to further the goals of the NBHA's deconcentration policy:

- a) If a unit becomes available at a development below the EIR, the first eligible family on the waiting list or transfer list with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list or transfer list with income above the EIR will be offered the unit. The process will continue in this order. For the available unit at the development below the EIR, if there is no family on the waiting list or transfer list with income above the EIR, or no family with income above the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list or transfer list in preference order regardless of income.
- b) If a unit becomes available at a development above the EIR, the first eligible family on the waiting list or transfer list with income below the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list or transfer list with income below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list or transfer list with income below the EIR, or no family with income below the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list or transfer list in preference order regardless of income.
- c) Skipping of families for deconcentration purposes will be applied uniformly to all families.

#### **D. Deconcentration Compliance**

If, at annual review, the average incomes at all general occupancy developments are within the Established Income Range, the NBHA will be considered to be in compliance with the deconcentration requirement.

### **10. PROMOTION OF INTEGRATION**

Beyond the basic requirement of nondiscrimination, NBHA shall affirmatively further fair housing to reduce racial and national origin concentrations.

The NBHA shall not require any specific income or racial quotas for any development or developments.

The NBHA shall not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations

### **11. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST**

The NBHA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the NBHA will offer to place the family on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, the NBHA will offer to place the family on the public housing waiting list.

## **12. REMOVAL FROM WAITING LIST AND PURGING**

The waiting list will be purged **at least annually** by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within **10 working** days, she/he will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply within the proscribed period or provide medical documentation why they were unable to respond.

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the purge notification will be considered as an accommodation if requested by a person with a disability.

The NBHA allows a grace period of 5 working days after completion of the purge. Applicants who respond during this grace period will be reinstated.

The NBHA will give written notification to all applicants who fail to respond at the required times. If they fail to respond to this notification within 5 working days, they will be removed from the waiting list.

## **13. OFFER OF ACCESSIBLE UNITS**

The NBHA has units designed for persons with mobility, sight and hearing impairments, referred to as accessible units.

No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Before offering a vacant accessible unit to a non-disabled applicant, the NBHA will offer such units:

- a) First, to a current occupant of another unit of the same development, or other public housing developments under the NBHA's control, who has a disability that requires the special features of the vacant unit.
- b) Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible/adaptable unit to a non-disabled applicant, the NBHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

## **14. PLAN FOR UNIT OFFERS**

The NBHA plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, or national origin is:

- a) Under this plan the first qualified applicant in sequence on the waiting list will be made one offer of a unit of the appropriate size.
- b) If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

The NBHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

## 15. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between removal from the waiting list and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable.

## 16. APPLICANT STATUS AFTER FINAL UNIT OFFER

When an applicant rejects the final unit offer the NBHA will:

- a) Place the applicant's name on the bottom of the waiting list. "Bottom of the waiting list" means that the applicant will be denied the benefits of any Preferences.

## 17. TIME-LIMIT FOR ACCEPTANCE OF UNIT

Applicants must accept a unit offer within **3** working days of the date the offer is made. Offers made over the telephone will be confirmed by letter. If unable to contact an applicant by telephone, the NBHA will send a **letter by first class mail**.

### A. Applicants Unable to Take Occupancy

If an applicant is willing to accept the unit offered but is unable to take occupancy at the time of the offer for "*good cause*," the applicant will not be **placed at the bottom of the waiting list**.

Examples of "*good cause*" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

- a) An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.
- b) Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;
- c) The family demonstrates to the NBHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family.
- d) A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.

e) The unit is inappropriate for the applicant's disabilities.

**Refusals due to the location of the unit alone is not considered to be good cause.**

**B. Applicants with a Change in Family Size or Status**

Changes in family composition, status, or income between the time of the interview and the offer of a unit will be processed. The NBHA shall not lease a unit to a family whose occupancy will overcrowd or underutilize the unit.

**The family will take the appropriate place on the waiting list according to the date they first applied.**

**18. REFUSAL OF OFFER**

If the unit offered is inappropriate for the applicant's disabilities, the family will retain their position on the waiting list.

If the unit offered is refused for other reasons, the NHA will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Final Offer" section.

END

## CHAPTER 5: OCCUPANCY GUIDELINES

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### 1. INTRODUCTION

The Occupancy Guidelines are established by the NBHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. This Chapter explains the Occupancy Guidelines used to determine minimum and maximum unit sizes for various sized families when they are selected from the waiting list, or when a family's size changes, or when a family requests an exception to the occupancy guidelines.

### 2. DETERMINING UNIT SIZE

It is the NBHA's policy that apartments will be occupied by Households of the appropriate size as determined by the Occupancy Standards. The NBHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The NBHA's Occupancy Guideline standards for determining unit size shall be applied in a manner consistent with Fair Housing guidelines.

The following table of maximum and minimum number of persons per apartment and assignment standards will govern the number of bedrooms required to accommodate a household of a given size and composition:

#### A. OCCUPANCY STANDARDS

3. Number of Bedrooms	4. Minimum Persons in Apartment	5. Maximum Persons in Apartment
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10
6	6	12

### 3. APARTMENT ASSIGNMENTS

All members of the family residing in the unit must be approved by the NBHA. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the NBHA within **5 working** days. In assigning apartments, the following guidelines will apply:

- a) The Head of Household and his/her spouse or partner shall be entitled to one bedroom.
- b) Household Members under the age of twenty-five (25) who are of the same sex shall share a bedroom, with the following exemptions:
  - i. Household Members more than ten years apart in age and regardless of gender may qualify for separate bedrooms, if the older Household Member is fourteen years of age or



older. For example, a fifteen-year-old Household Member may be eligible for a separate bedroom when living with a one-year old Household member of the same gender. HOWEVER, a thirteen-year-old Household Member can be required to share a bedroom with a five-year old Household Member of the same gender.

- ii. Persons of different generations or opposite sex, other than head and spouse or partner, are not required to occupy the same bedroom.
- c) An unborn child shall be counted as a person in determining apartment size for admission purposes only, not for qualification for transfer.
- d) Each applicant shall be listed for only one apartment size. However, if the Applicant's Household qualifies for two apartment sizes, the Applicant may choose to be list for either of these sizes.
- e) Applicants may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, (as long as the unit is not overcrowded according to local codes). The family must agree not to request a transfer until their family composition changes or they have occupied the unit for 2 years.
- f) Single person Household will be placed on the one-bedroom list. When a studio apartment becomes available, applicants on the one-bedroom (according to their placement on the list) will be offered the opportunity to accept the studio apartment. Applicants electing this option after housed may apply for a Special Circumstance Transfer to move to a one-bedroom if:
  - i. Has been a NBHA Resident for at least two years; and
  - ii. Is a Resident in good standing. No waiver of this requirement shall be approved.
- g) Spouses, partners and children who would otherwise be required to share a bedroom under the NBHA policies may be assigned separate bedrooms for substantial health-related or reasonable accommodation reason which are thoroughly documented by a Qualified Healthcare Provider.
- h) A living room will not be counted as a bedroom, except in NBHA's studio/efficiency apartments for the use of an overnight Personal Care Attendant (PCA).
- i) First floor apartments as they become available will be offered first to NHBA residents who are approved as reasonable accommodation transfers to such unit types. If there are no approved reasonable accommodation transfers for this type unit, they will be offered to a screened a qualified Applicant who is approved as a reasonable accommodation for a first-floor unit. If there are no approved applicant, such unit will be offered to the next highest ranked resident or applicant on the waiting list.
- j) Accessible units will be offered and accepted by non-mobility impaired applicants only with the understanding that such applicants must accept a transfer to a non-accessible unit at a later date if a person with a mobility impairment requiring the unit applies for housing and is determined eligible.
- k) The NBHA may offer a family a unit that is larger than required by the NBHA's occupancy standards, if the waiting list is short of families large enough to fill the vacancy or the NBHA determines that the common area for the project is insufficient for accommodating any additional large families.

#### 4. FAMILY MOVES

It is the policy of the NBHA that:

- a) Approved Administrative Transfers will be offered housing before all ranking applicants.
- b) Approved Special Circumstances Transfers shall be offered every other 4<sup>th</sup> unit by waiting list by bedroom size and appropriate unit type.
- c) On-site Under or Over Housed transfers shall be offered every 8<sup>th</sup> unit by development by bedroom size when the site is at 98% occupancy.

**See Chapter 6 for description of these three types of transfers.**

All approved Special Circumstances **OR** under or Over Housed Transfer Applicants shall be made only one housing offer to a unit of appropriate size and type. Failure to accept the housing offer will result in the withdrawal of the approved transfer and the resident may not re—apply for the same transfer type for a period of twelve months from the date the housing offer was rejected.

## **CHAPTER 6: TRANSFER POLICY**

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### **1. GENERAL TRANSFER POLICY**

A Transfer request may be initiated by a resident Head of Household occupying an apartment under a NBHA lease. A transfer may also be initiated by the NBHA. The NBHA will initiate transfers required as a result of a scheduled capital improvement or building maintenance program; required use of an Accessible Apartment or an Apartment with adapted features by another resident or Applicant with a disability; Over or Under Housed Households; apartment conditions which seriously endanger health or safety and cannot be repaired in a reasonable period of time or while the apartment is occupied.

Residents requesting a transfer to another unit are required to submit a Request for Transfer form to NBHA's Tenant Placement Coordinator.

To qualify for a Transfer, a Resident:

- a) Must have been in residence for at least one (1) year.
- b) Must be considered in "good standing" at the time of an Application for Transfer, at the time of determination of Transfer eligibility, and at the time of actual implementation. "Good standing" means the household is:
  - i. Current in its rental payments unless it is legally withholding rent pursuant to the provisions of the Lease or applicable law.
  - ii. Not currently under a Fourteen (14) Day or a Thirty (30) Day Notice to Quit, Summary Process Action or action pursuant to Mass. Gen. Laws, Chapter 139, section 19.3.2

Some or all of these requirements may be waived in certain situations pursuant to the provisions of this policy. For example, a resident in a situation which may constitute a life-threatening situation to the health, safety or well-being of the resident or a Household Member who does not meet all of the criteria may have some or all of these conditions waived. If the resident is a party to or under a Use and Occupancy Agreement, s/he may be transferred and any legal action against the resident will continue.

Residents seeking a transfer will be placed on the NBHA's agency wide Public Housing transfer list.

### **2. TRANSFER CATEGORIES**

The NBHA has the following three categories of transfers: Administrative, Special Circumstances, and Under or Over Housed. Transfers are placed in Priority order as described in Chapter 4 of this ACOP:

#### **A. Administrative Transfers**

Administrative transfers are transfers due to the following reasons and may or may not be a transfer within the same property the resident currently resides in:

- a) The current apartment has become uninhabitable and immediate relocation is required as a result of the following:

- i. Destruction by fire or other disaster; or
  - ii. The existence of a major maintenance problem that constitutes a substantial violation(s) of the state sanitary code and presents a serious danger to health and safety that cannot be repaired in a reasonable period of time or while the apartment is occupied.
- b) The apartment is located in a building or section of building scheduled for capital improvement pursuant to a funded capital improvement program or other major rehabilitation effort.
  - c) The transfer is required to permit occupancy of an accessible apartment or apartment with adapted features by another resident or an Applicant with a disability.
  - d) A temporary transfer is required to permit work required for a maintenance or repair problem that cannot be repaired while the apartment is occupied. The Resident will be returned to the same apartment if the apartment is of the appropriate size, following completion of the maintenance or repairs.
  - e) In Federal Housing, the Household is Over housed by two (2) or more bedrooms.
  - f) In State Housing, the Household is Over housed by two (2) or more bedrooms.
  - g) The relocation is necessary due to the household's current and on-going threat(s) as a result of domestic violence/sexual assault/dating violence/stalking which has been documented, investigated, and recommended by the NBHA's Tenant Placement Coordinator or such other person as may be designated by the NBHA Executive Director.

## **B. Special Circumstances**

Special Circumstances Transfers are transfers necessary to the health and/or safety of one or more Household members. Special Circumstances Transfers will be offered housing at the first available every other 4th unit of appropriate size and type at any of the NBHA sites. Residents will be required to document any special needs such as floor location, or bedroom size during the transfer application process. Approved Special Circumstances Transfers will receive one housing offer. Failure to accept a housing offer will result in the withdrawal of the approved Special Circumstances Transfer and the resident may not re-apply for the same transfer type for a period of one year. The following are criteria for Special Circumstances Transfers:

- a) A Household Member has a serious, medically determinable, physical or mental condition that is aggravated by the present housing such that the condition is life threatening or a condition not qualifying as life-threatening that can be alleviated and/or substantially improved **only** by relocation to another apartment; or
- b) The head or other Household Member is a victim of physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion which places them in imminent danger and that cannot be expeditiously remedied in any other way; or
- c) The Household needs to be relocated because of a Household Member's participation in a witness protection program or in order to avoid reprisal as a result of providing information to a law enforcement agency or participation in a witness protection program; or

- d) The transfer requested is for a person with a disability who requires reasonable accommodation to address dire circumstances posing serious and direct threat to health, life or safety which can only be alleviated by relocation to another apartment. The resident shall provide documentation of the disability and how the transfer will reasonably accommodate the disability.
- e) The Household is Under housed by three (3) or more bedrooms
- f) A Household with a Non-Elderly Disabled Head or Co-Head currently residing in the Elderly/ Disabled Federal Housing Program who wishes to transfer to the Federal Family Housing Program.
- g) A Household with an Elderly Head or Co-Head currently residing in the Family Federal Housing Program who wishes to transfer to the Federal Elderly/Disabled Housing Program.

**C. Under or Over Housed Transfers**

The NBHA maintains one transfer waiting for all developments. Under or Over housed Transfers will be offered housing at the first available every other 8th unit of appropriate size and type at any of the NBHA sites. These transfers will be ranked based on the unit size required and application date and time.

Under or over housed transfers are those transfers made for the following reasons:

- a) In Federal Housing, the Household is Over by one (1) bedroom or Under housed by either two (2) or one (1) bedroom(s). Over/Under housed residents shall be processed for NBHA transfer at the time of re-examination or interim re-determination. Residents will be informed in writing that a transfer is necessary and pending. Residents who fail to transfer will be subject to eviction; or
- b) In State Housing, the Household is Over housed by one (1) bedroom or Underhoused by either two (2) or one (1) bedrooms. Over/Under housed residents shall be processed for NBHA transfer at the time of re-examination or interim re-determination. Residents will be informed in writing that a transfer is necessary and pending. Residents who fail to transfer will be subject to eviction.

**3. VERIFICATION OF REASON FOR TRANSFER**

**A. Verification Examples**

Residents will be asked to provide reliable documentation of the reasons for a Resident-Initiated transfer at the time the transfer is requested. Such verification may include the following items:

- a) A letter(s) from Qualified Healthcare Provider describing a transfer applicant’s physical or mental condition and specifying housing conditions required on account of the condition;
- b) For reasonable accommodation requests, reliable documentation from a Qualified Healthcare Provider or professional non-medical service agency whose function it is to provide services to the disabled should verify that the transfer applicant or a member of his/her Household is disabled under the applicable definitions in Federal and State law and describe the limitations attributable to the disability. Documentation must describe how the accommodation being requested will overcome or alleviate those limitations;

- c) Police reports;
- d) Civil Rights incident reports;
- e) Copies of restraining orders;
- f) Information on maintenance conditions;
- g) Any other documentation that provides the NBHA with evidence that the request for a transfer is based on fact and meets the transfer criteria.

#### **4. DENIAL OF TRANSFER REQUEST**

In all instances, transfer approval shall be denied if the resident does not provide appropriate documentation to substantiate the transfer request; or if the NBHA determines that the resident, other Household Member, or guest was the cause of the situation resulting in the need for transfer unless the existing condition of the apartment makes it uninhabitable in which case any approved transfer may be under a Use and Occupancy Agreement.

#### **5. TRANSFERS AT RESIDENTS' EXPENSE**

All transfers are at the resident's expense, except those required by capital improvement programs.

Residents offered a transfer to a unit of appropriate size and type must accept said offer, move to their new unit and vacate their current unit within 30 calendar days from the offer of housing notification unless otherwise agreed upon by the NBHA in writing.

NBHA residents who will be relocating to another unit who fail to vacate and return the key by the determined and agreed date shall be responsible to pay a pro-rated use and occupancy for the unit being vacated in addition to their regular monthly rent for the new transferred unit. Once the unit is accepted, the resident must move to the new unit within ten (10) calendar days after they have received the key to the new unit. The NBHA will consider extenuating circumstances and/or reasonable accommodation requests.

#### **6. CONTINUED OCCUPANCY FOR VETERANS, WIDOWS/WIDOWERS OF VETERANS OR GOLD STAR MOTHERS (APPLICABLE TO STATE HOUSING DEVELOPMENTS ONLY)**

In State-aided housing only, pursuant to Massachusetts General Laws the NBHA shall not, if a resident in an apartment consisting of two bedrooms or less is a veteran or a widow or widower of a veteran or is a Gold Star Mother and has lived in the residence for at least the last eight (8) consecutive years, deny such resident continued occupancy at such residence provided that the rent is not more than three (3) months in arrears.

#### **7. CONSEQUENCES OF REJECTION OF APPROVED TRANSFER BY RESIDENT**

##### **A. Special Circumstances and Administrative Transfers**

In the case of Special Circumstances or Administrative Transfers, rejection of an offer of an Apartment of appropriate size and design will result in revocation of the resident's approved Special Circumstances or Administrative Transfer status. His/her name will be withdrawn from the transfer waiting list. Furthermore, the resident will not be eligible to apply for a Special Circumstances or Administrative Transfer for the same circumstances for a period of one year

from the date of the most recent apartment assignment rejection. During the one-year period, the NBHA will consider a change in circumstances resulting in a new request for transfer.

Upon receiving notification from the resident of the housing offer rejection, the development manager shall initiate eviction against residents who are Over Housed by three (3) bedrooms or more.

In addition, Over Housed residents in the State Housing Program will be charged 150% of their monthly rent upon the housing offer refusal as required by State regulations.

**B. Under or Over Housed Transfers**

In the case of Under or Over Housed Transfers, rejection of an offer of an Apartment of appropriate size and design will result in revocation of the resident's approved Under or Over Housed Transfer status and his/her name will be withdrawn from the waiting list. Furthermore, the resident will not be eligible to apply for a Under or Over Housed Transfer for the same circumstances for a period of one year from the date of the most recent apartment assignment rejection. During the one-year period, the NBHA will consider a change in circumstances resulting in a new request for transfer.

Upon notification by staff in the Occupancy Department, the development manager will proceed with eviction against an Over or Under housed resident who has rejected the offer.

In addition, Over Housed residents in the State housing program will be charged 150% of their monthly rent upon the housing offer refusal as required by State regulations.

**8. SECURITY DEPOSITS**

Security deposits will always be transferred from the losing development to the gaining development minus any damage or cleaning charges applicable to the losing unit.

The resident will be billed for any charges that occur as a result of the resident moving out of the apartment. The office of the losing development is responsible for collecting any maintenance charges due the NBHA.

**END**

## CHAPTER 7: LEASES

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It is the NBHA's policy that all units must be occupied pursuant to a lease that complies with HUD & DHCD regulations. In state-aided housing, the lease must be approved by DHCD.].

### 1. LEASE PROVISIONS

#### A. Leasing of Apartments

The lease shall be signed by the Head of Household, and Co-Head of Household, if any, and by the authorized representative of NBHA, prior to actual admission.

- a) All members of a Household shall be specifically listed as Household members.
- b) If a resident transfer from one NBHA apartment to another, a new lease shall be executed for the apartment into which the Household moves unless relocation occurs under the terms of a Use and Occupancy Agreement.
- c) If at any time during the term of the lease, a change in the resident's status or circumstances results in the need for changing or amending any provision of the lease, either:
  - i. A new lease agreement will be executed, or
  - ii. A Notice of Rent Change will be sent to the resident, or
  - iii. An appropriate lease addendum shall be executed and become part of the existing lease. All copies of such addenda are to be dated and signed by the Head and Co-Head of Household and by the authorized representative of the NBHA.
- d) Only those persons listed on the most recent lease shall be permitted to occupy an apartment on a continuing basis.

#### B. Length of Lease

- a) *Federal Developments/AMPs only:* In accordance with the Quality Housing and Work Responsibility Act, all NBHA leases will be for a duration of 12 months. At the end of each 12-month term, leases will be automatically renewed, unless there is noncompliance by an adult Household Member with the NBHA's Community Service and Economic Self-Sufficiency Policy after its effective date.
- b) *State Developments only:* Leases are continuous unless terminated by the NBHA for cause or at the request of the Resident or by operation of law.

#### C. Policy Regarding Additions of Persons to the Lease and Change of Head of Household

The request for an addition of a person to the Lease must be made in writing by the Head or Co-Head of Household named in the Lease.

A Family may request to change which Family member is designated the Head of Household in situations where the Head of Household is frail or disabled and the current Head of Household



continues to reside in the unit. The Family may also decide to designate or change a Co-Head of Household. The NBHA will approve the change if the Family member is able to take on the responsibilities of being the Head of Household/Co-Head of Household, including, but not limited to, communicating with the NBHA. The proposed Head or Co-Head of Household will be fully screened.

To qualify to apply for an addition of a person to the Lease, a Resident: must be considered in “good standing” at the time of an Application for additions of person(s) to lease, at the time of determination of eligibility of person(s) to be added to Lease, and at the time of actual addition of person(s) to Lease. “Good standing” means the household is:

- Current in its rental payments unless it is legally withholding rent pursuant to the provisions of the Lease or applicable law.
- Not currently under a Fourteen (14) Day or a Thirty (30) Day Notice to Quit, Summary Process Action or action pursuant to Mass. Gen. Laws, Chapter 139, section 19.

**a) *Additions by Birth, Adoption or Operation of Law***

Additions to the Household which occur by birth, adoption or operation of law (i.e., permanent custody, marriage) or addition of a caretaker relative or other responsible adult who has a guardianship order (temporary or permanent), or addition of a responsible adult who provides a written designation from the parent of a NBHA Household Member to care for the minor Household Member, may occur subject to meeting the resident selection criteria as described in Chapter 2.

**b) *Other Additions to a Household***

Other additions may be approved if the individual proposed as an addition is related by blood or has evidenced a stable, interdependent relationship with a current Household Member, including the sharing of financial resources. Any such person must have the intention to live regularly in the apartment as his/her principal residence. In proposing an addition, the Head of Household shall submit the name(s) of the proposed addition(s) and identify the individual(s) as "proposed Household Member(s)". An Applicant, at the time of final processing for admission, shall notify the Occupancy Department in writing that one or more of his/her natural or adopted minor children will be joining the Household at some future date following the leasing of the apartment. Occupancy Department staff will record the name(s) of the minor child(ren) on a form attached to the Final application. When the resident presents evidence to the manager that the MINOR child or children is/are ready to join the Household, the manager will add them to the Household composition and immediately generate a transfer application for a larger apartment, if necessary. The Transfer application will be processed in accordance with Authority transfer procedures.

**c) *Occupancy Policy Screening Criteria***

Any person 14 years or older, proposed for residency in a NBHA apartment, must meet NBHA's resident selection criteria as described in this Admissions and Continued Occupancy Policy (See Chapter 2). When a Head of Household requests permission for an addition(s) to the Household, the resident selection criteria shall be used by the Occupancy Department to determine whether or not the proposed household member is eligible for admission.

**Should the tenant/head of household expire subsequent to the occupancy department receiving the completed application for the proposed addition to the tenant's household,**

**the death of the tenant/head of household shall not result in withdrawal or denial of the application and the department's review of the application shall be completed and if the subject of the application for the proposed addition to the tenant's household is determined eligible for admission to housing he/she shall be added to the household composition retroactive to the date of receipt of the application by the department and he/she shall be allowed to apply to become a NBHA resident as a Residual Tenancy Applicant**

***d) Right to Appeal***

A resident who disagrees with an adverse action taken by the NBHA regarding a request for an addition of a person to the Lease can request a grievance hearing pursuant to the NBHA Grievance Policy.

**2. OTHER OCCUPANCY PROVISIONS**

The addition of a household member shall be made in accordance with the lease and this ACOP. Residents who fail to notify NBHA of additions to the Household are in violation of the lease. Residents who add a person or person(s) to the Household without the written permission of the NBHA are also in violation of the lease. Any such persons will be considered Unauthorized Occupants by NBHA and the entire Household will be subject to eviction action.

Any Household Member who moves from the apartment shall be removed from the lease. The Head or Co-Head of Household has the responsibility to report the move-out within 30 calendar days of its occurrence. A former Household Member may not be readmitted to the apartment except as a temporary visitor without undergoing screening by the Occupancy Department and securing NBHA approval. Temporary visitors may occupy the apartment for no more than a total of twenty-one calendar days within any twelve-month period.

A resident shall not permit the Apartment to be occupied by anyone other than Household Members, except temporary visitors, no one of whom may occupy the apartment for more than a total of twenty-one (21) nights (or twenty-one (21) days if the visitor regularly sleeps during the day), within any twelve-month period, unless the NBHA for good cause otherwise consents to a longer period in writing before the expiration of 21 nights or such longer period as may have been authorized, or unless the visitor is first determined to be eligible to apply to be a member of the Household according to NBHA policy, and an application is pending with the NBHA.

Boarders and lodgers shall not be permitted to occupy an apartment, nor shall they be permitted to reside with any Household occupying an apartment.

**A. Temporarily Absent vs Permanently Absent:**

The NBHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. Any member of the household incarcerated for more than 30 days will be considered permanently absent. Any other member of the household will be considered permanently absent if s/he is away from the unit for 3 consecutive months except under the following conditions:

- a) Household member is in the military
- b) Household member who is absent due to a medical reason but is expected to return to the apartment within 180 days

- c) Child/children temporarily absent from the home due to placement in foster care and the appropriate agency has verified that the child/children will be returning. However, if the absence is expected to be greater than 12 months, the family may be required to move to a smaller size unit.

## **B. Inspections**

In accordance with the lease, apartment inspections are performed at three times: pre-occupancy, upon move-out, and at least once annually and as further provided in the NBHA lease.

### **a) *Pre-Occupancy Inspections:***

The NBHA and the resident or his/her representative will inspect the apartment prior to occupancy by the resident. The NBHA will give the resident a copy of the statement of conditions showing the condition of the premises, interior and exterior as applicable, and of any appliances provided with the apartment.

The statement of conditions shall be signed by a NBHA representative and resident and a copy of the form retained in the resident's folder. Any deficiencies noted on the statement of conditions will be corrected by the Authority before the resident moves in, and at no charge to the resident.

### **C. *Annual Inspections:***

- a) The NBHA will inspect all apartments at least annually and more frequently if apartment conditions are not safe, sanitary and in good repair. Residents will be notified as to the date and time of inspections in accordance with provisions in the lease.
- b) Annual inspections will evaluate the following: any need for repairs; housekeeping conditions; safety violations; and resident's compliance with other obligations under the lease. The resident will be informed of any deficiencies and notified of any action required by the resident or the NBHA to correct deficiencies.
- c) NBHA will correct deficiencies determined to be the NBHA's responsibility.
- d) Where resident action is required, re-inspections will be conducted.
- e) Where the resident fails to take required action to correct deficiencies, the NBHA may correct the deficiencies and bill the resident. The resident shall also pay promptly, upon receipt of a bill, for lock replacements or re-keying and for the cost of all materials and/or labor for repair of any damage to NBHA property caused by the negligence or intentional act of the resident, a member of resident's Household or a guest; the bill shall clearly state the items for which the charge is made, the work done, and the cost of labor and materials; the bill shall not become due and payable before the first day of the second month following the month in which the charge is billed.

### **D. *Move-Out Inspection***

The NBHA will inspect the apartment after the resident vacates the apartment and give the resident a written statement of conditions, repairs, cleaning and replacements for which the resident is responsible. The resident and/or his/her representative may join in such inspection, unless the resident vacates without notice to the NBHA.

END

## **CHAPTER 8: PET POLICY**

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The following regulations governing animals on NBHA property (Federal) have been developed in compliance with the Quality Housing and Work Responsibility Act of 1998. Also considered, are the safe and humane treatment of pets and the quality of life issues of NBHA residents and neighbors.

Residents of the NBHA who wish to keep common household pets must notify the Property Management Office in writing. A **NBHA Pet Policy AGREEMENT** must be signed by the **Resident** and approved by the **Senior Property Manager before** animals are allowed on Housing Authority property.

Each Resident Pet Owner must provide the name, address, and phone number of the veterinarian responsible for the pet's health care, along with a photo of the pet, pet license, rabies tag, and proof of spaying or neutering. A pet **must** be at least six months of age with all stated requirements satisfied before the pet is approved / allowed on NBHA property. A personal liability insurance policy is strongly recommended by the NBHA for all pet owners.

### **1. RESIDENT RESPONSIBILITIES**

Resident Pet Owner's responsibilities include but are not limited to:

- a) Maintaining his/her pet responsibly and in accordance with applicable state and local public health, animal control, and animal anti-cruelty laws and regulations and in accordance with the NBHA Pet Policy.
- b) Providing adequate care for the pet at all times.
- c) Registering his/her pet with the Property Management Office along with an identifying description of the animal and the adult household member who will be primarily responsible for the animal's care.
- d) Assuring his/her pet is at least six months old and does not exceed eighteen (18) pounds
- e) by adulthood. Cats are exempt from this requirement.
- f) Immediately cleaning up the animal feces of his/her pet inside the apartment or on any other NBHA property.
- g) Keeping pets restrained on a leash **at all times** when outside of the housing unit and on NBHA property. Pets are not to be leashed or tied to any NBHA fences, buildings, railings, clothesline poles, or the like. A pet leash is not to exceed seven (7) feet in length.
- h) Assuring his/her pet does not annoy other tenants or neighbors by excessive barking or other noise.
- i) Keeping his/her pet free of pests, such as ticks or fleas. A Resident Pet Owner will be responsible for any extermination required as a result of his/her pet.
- j) Having a current license, rabies tag, and the NBHA color tag on his/her pet's collar at all times.

- k) Assuring his/her pet is not left unattended outside of an apartment on NBHA property at any time. Pets are not to be left unattended in an apartment for more than a twelve-hour period.
- l) Providing the name of the household member who can and will return home if the animal experiences distress or causes a disturbance when left alone. The Resident Pet Owner is responsible for providing adequate care for the pet at all times.
- m) Reporting **all** animal bites to the Property Management Office and Police Department immediately.
- n) The regular removal and replacement of litter used in litter boxes or in portable animal enclosures within the dwelling unit so as to comply with all health requirements.

## 2. PET RESTRICTIONS

Common household pets **do not** include:

- a) Animals who would be allowed to produce offspring for sale.
- b) Wild animals, feral animals, and any other animals who are unamenable to routine human handling or who pose a threat to children and the elderly, such as ferrets, foxes, skunks, squirrels, coyotes and groundhogs. These animals are not to be fed or welcomed on NBHA property.
- c) Reptiles, such as snakes, turtles, lizards, and iguanas who pose a significant risk of salmonella to those who handle them.
- d) Animals of species commonly used or found on farms, such as ducks, baby chicks, chickens or pot-bellied pigs.
- e) Non-human primates, such as monkeys.
- f) Pigeons, doves, mynah birds, psittacine birds, and birds of other species that are host to the organisms causing psittacosis in humans. Pigeons, doves, seagulls are not to be fed on NBHA property.
- g) Vicious animals as defined by city ordinance, state law, and/or insurance providers.
- h) Dogs such as Pit Bulls/Staffordshire Terriers, Rottweiler, Chow, Boxer breeds, German Shepherd, and Doberman Pinscher, and/or dogs of similar temperament. These **are not** allowed on NBHA property.

## 3. ANNUAL REVIEW

The annual review by each respective Property Manager with the Resident Pet Owner of:

- a) each animal's registration, if applicable, including a copy of the annual veterinary examination.
- b) documentation of current rabies vaccination
- c) copy of the license issued by the City of New Bedford

d) name and telephone number of the veterinarian who provides care to the animal

#### **4. THREATS TO HEALTH OR SAFETY**

**If a pet constitutes an immediate, serious threat to health or safety, the NBHA may have the pet removed immediately.**

Whenever it is reasonably determined that a pet constitutes a non-immediate threat to the health or safety of public housing residents, or otherwise creates a nuisance which disturbs the rights, comfort, peace, and quiet enjoyment of other residents, or if the owner of the pet becomes incapacitated or unable to care for the pet, after receipt of a written demand from Management, the Resident Pet Owner may request a meeting with the Property Manager.

**END**

## **CHAPTER 9: ANNUAL AND INTERIUM REDETERMINATIONS**

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### **1. GENERAL POLICY**

The NBHA shall redetermine and adjust Resident's monthly rent, appropriateness of Resident's apartment size, and continued eligibility for public housing, at least once annually. At this time, residents in federal developments will be provided with information on their ability to choose between the two methods of determining rent as described in this policy.

For purposes of determination or adjustment of rent and/or for assignment or transfer to a proper size apartment, Resident agrees to submit, within thirty (30) days after a request from NBHA, signed, complete, true and accurate statements and/or other information setting forth pertinent facts as to Resident's household income, employment, and composition. Resident further agrees to execute documents authorizing release of such information from third parties, pursuant to requirements of State and/or Federal law.

Resident agrees to pay to NBHA any rent which should have been paid but for Resident's misrepresentation of any written information furnished to NBHA in Resident's application for an apartment, or in substantiating documentation, or in any documentation submitted on a redetermination, or for Resident's failure to supply, in a timely manner, documentation requested by NBHA on a redetermination.

Although rent is typically set only at the time of the annual determination, it may be set more often on the basis of changes in Resident's household income or composition, in accordance with the NBHA lease.

#### **A. Increase in Income**

Residents shall report to NBHA any increase in monthly gross household income of \$200 or more from the amount reported to NBHA at the most recent annual rent determination or interim redetermination. Any such increase must be reported by the seventh day of the month following the month in which the increase occurs. Upon receipt of such a report, Resident's rent and family circumstances shall be reviewed in accordance with NBHA's rent policy. Rent increases will be effective the second month after NBHA sends Resident a Notice of Rent Change. If a Resident fails to report a change requiring a rent increase, rent shall be increased retroactively to the second month following the change.

#### **B. Decrease in Income**

When household income decreases, rent shall be decreased if requested by Resident, and if such rent decrease is in accordance with NBHA policy. Rent decreases will be effective either as of the current month in which the change in circumstances is reported (if reported by no later than the fifteenth day of the month), or as of the first day of the next month after the change in circumstances is reported (if reported after the fifteenth day of the month). NBHA may delay processing the rent decrease until Resident provides adequate verification of such change in circumstances justifying the decrease, but once verifications have been provided, the rent change will be made effective retroactively.

For residents in Federal developments, if household income derives in whole or in part from benefits from welfare or public assistance from a state agency under a program for which the

Federal, State or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the household in an economic self-sufficiency program or a work activities requirement, and household income decreases as a result of failure to comply with the conditions of said program or requirement, rent will not be decreased, during the period of such income reduction (to the extent that the decrease in income is a result of the benefits reduction), in accordance with NBHA policy and 42 USCS §1437j(d). If such household income decreases as a result of fraud under said program or requirement, rent will not be decreased, during the period of such income reduction (to the extent that the decrease in income is a result of the benefits reduction), in accordance with NBHA policy and 42 USCS §1437j(d). NBHA shall not make any determination regarding non-compliance or fraud under such a program or requirement until NBHA receives written notification from the relevant public agency specifying that household benefits have been reduced because of such non-compliance or fraud. Any determination by NBHA not to reduce rent pursuant to NBHA policy and 42 USCS §1437j (d) shall be subject to NBHA's Grievance Procedures and Policy. For residents in Federal developments, the NBHA shall consider any decrease in income that results from the reduction of any welfare or public assistance benefits received by residents under any Federal, State or local law regarding a program for such assistance if resident(s) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance, pursuant to 42 USCS §1437j (f). A reduction in benefits resulting from the expiration of a lifetime time limit for a household receiving said benefits shall not be considered as a failure to comply.

### **C. Zero Income**

If a resident claim they have no income, management staff must use the zero-income questionnaire to attempt to determine how household expenses are being paid. In the event that family and friends are assisting the household, this is considered income and needs to be verified and counted.

Households paying \$0 rent must be re-certified every ninety days. This rule requires Residents to report to the management office every 90 days to re-certify income and family status.

Before any change in Resident's rent is made, Resident will be notified by a written Notice of Rent Change containing the following information:

- a) The new rental amount and the date it will be effective;
- b) The amount of Resident's household income, household composition and other facts considered by NBHA in determining Resident's new rent;
- c) Resident's right to and the method of obtaining a timely hearing under the grievance procedure.

### **D. State Developments Only**

Rent will be determined in accordance with applicable State regulations, the NBHA's Lease and the NBHA's rent policies.

### **E. Federal Developments Only**

As part of the annual redetermination process, residents in Federal Developments will be provided written information about the following two different methods for determining the amount of rent payable by the family, their right to choose the method of determining rent and



under what circumstances they may request a change to the method utilized in determining rent. As part of this process, residents will be educated about the benefits of selecting one method over another and will be asked to notify the NBHA in writing as to which option they choose, except in cases where the resident is subject to the Over-Income Policy described in this ACOP.

a) **Flat Rent**

A fixed rent determined for each unit size based on a market analysis of comparable units. Flat rents for most public housing units are established at 80% of the Section 8 Fair Market Rent Levels. The Flat rent amount by bedroom size will be reviewed and updated changes will become effective 30 days after the update is approved. The NBHA will maintain a current listing of its flat rent schedule and will provide this list to residents at least annually as part of the redetermination process.

Financial Hardship: Residents who choose flat rents may request to change to an income-based rent at any time if the family is unable to pay the flat rent because of financial hardship. A financial hardship exists for these purposes when a family's income is reduced, or their deductions are increased to the extent that an income-based rent is lower than the flat rent.

b) **Income-Based Rent**

Rent determined by the family's income and allowable deductions in accordance with applicable Federal regulations. Types of Income-Based rent include:

- i. The higher of 10% of Gross Annual Income or 30% of Adjusted Annual Income
- ii. Ceiling Rent – a cap to the amount of income-based rent that a resident may pay for their unit, equal to the Flat Rent amount for the unit
- iii. In the case of mixed families, Prorated Assistance as described in this ACOP
- iv. A higher rent pursuant to the Over-Income Policy described in section.

## 2. OVER-INCOME POLICY

As part of the Housing Opportunity Through Modernization Act of 2016 (HOTMA), the NBHA is required to impose an income limit for residents in Federal developments ("over-income limit"). For households whose income exceeds the over-income limit for more than two years, the NBHA will either:

- a) increase the resident's rent amount to the higher of a) the current FMR for the unit or b) the amount of monthly subsidy for the unit, including operating and capital fund amounts, as determined under HUD guidelines; or
- b) terminate the tenancy of such family no later than 6 months after the NBHA determines the household's income to have been over the over-income limit for two consecutive years.

For the purposes of this policy, the over-income limit will be set at 2.4 times the Very Low-Income level for the area. HUD will publish the over-income limits for each family size annually.

If the NBHA, during the course of conducting an annual redetermination or interim redetermination due to an increase in income, determines that the family's income exceeds the over-income limit, the family's over-income status will be documented in the family's tenant file and a two-year over-

income grace period will begin effective as of the beginning date of the next rent period. If after one year from the initial determination that the household income exceeds the over-income limit, the NBHA determines that the household income continues to exceed the over-income limit, the NBHA will send a notice to the Resident. This notice will inform the Resident that the family income has exceeded the over-income limit for one year, and that if the family’s income continues to exceed the over-income limit for the next 12 consecutive months, the family will either be subject to a higher rent, or termination of tenancy. If the NBHA subsequently determines that the household income has exceeded the over-income limit for 24 consecutive months, the rent will either be set at a higher level as prescribed above, or the NBHA will initiate the termination of tenancy..

If at any time during the two-year over-income grace period, the NBHA conducts an annual or interim redetermination and verifies that the family is now below the over-income limit, the over-income grace period will end and, if applicable, any over-income notices issued to the family during the over-income grace period will be cancelled. The household will be entitled to a new two-year grace period if the household income exceeds the over-income limit at another time.

**3. VERIFICATION OF INCOME, ASSETS, INCOME DEDUCTIONS AND INCOME EXCLUSIONS.**

Verification must be provided for all income, assets, income deductions and income exclusions pertaining to a Resident’s household at least once annually as outlined in this procedure. These items are verified for purposes of determination of monthly rent.

The monthly rent is determined by adding gross income from all sources, for all Household Members, including income from assets, and reducing that income by allowable deductions and income exclusions, in accordance with Federal (HUD) and State (DHCD) laws and regulations.

**A. Verification Order of Preference Chart**

**The NBHA will accept income verification in the following order of preference:**

<b>Level</b>	<b>Verification Technique</b>	<b>Ranking</b>
1	<b>Upfront Income Verification (UIV)</b> using HUD’s Enterprise Income Verification (EIV) system and the Income Validation Tool (IVT) (not available for income verifications of applicants)	<b>Highest</b> (Mandatory)
2	<b>Upfront Income Verification (UIV)</b> using non-HUD system	<b>Highest</b> (Optional)
3	<b>Written third Party Verification</b>	<b>High</b> Mandatory to supplement EIV/IVT-reported income sources and when EIV has no data; Mandatory for non-EIV/IVT reported income sources; Mandatory when tenant disputes EIV/IVT-reported employment and income information <b>and</b> is unable to provide acceptable documentation to support dispute)
4	<b>Written Third Party Verification Form</b>	<b>Medium-Low</b> (Mandatory if written third party verification documents are not available or rejected by the NBHA; and when the applicant

		or tenant is unable to provide acceptable documentation)
5	<b>Oral Third-Party Verification</b>	<b>Low</b> (Mandatory if written third party verification is not available)
6	<b>Tenant Declaration</b>	<b>Low</b> (Use as a last resort when unable to obtain any type of third-party verification)

**Note:** This verification hierarchy applies to income determinations for applicants and participants. However, EIV and (IVT) are not available for verifying income of applicants or for tenants residing in state funded housing programs.

These verification techniques are described as follows:

- a) **Up-Front Income Verification** – Verification through the computer matching system employed by HUD (EIV) or a computer wage reporting system is the highest, most acceptable form of verification. For further information regarding the use of HUD’s EIV and (IVT) system.
- b) **Written Third Party Verification** – Written verification originated by a third party when Up-Front verification is not available, up to date or is disputed by a resident. Written third party verification includes resident-supplied original or authentic documents generated by a third-party source. NBHA will copy the documents into the Resident’s file. Resident-supplied documents must be dated within sixty (60) days of receipt by the NBHA or as required by our regulatory agencies. This type of third-party verification is the second highest acceptable form of verification.
- c) **Written Third Party Verification Form** – A standardized form to collect information from a third-party source. The form is completed by the third party by hand (in writing or typeset). The NBHA will send the form directly to the third-party source by mail, fax, or e-mail. This type of verification will be used if the resident is unable to provide acceptable documents that are generated by a third party.
- d) **Oral Third-Party Verification** - Staff documented verification from a third party via telephone will be accepted after Up-Front verification has been determined to be unavailable and/or written third party verification has been attempted and the third party is unresponsive to NBHA’s written requests within ten (10) business days of mailing. Staff shall utilize the same form that would have been mailed to the third party. All the information required by the written verification form should be requested during the telephone contact. NBHA staff will complete the form on the basis of such information. The contact person, date and time of conversation will be noted and the NBHA staff person who made the telephone call will sign the form. Oral third-party verification is considered to be the second lowest acceptable form of verification.
- e) **Verification by Resident Certification (Tenant Declaration)** – With approval from the Tenant Placement Coordinator, Staff may choose to accept an affidavit from a Resident regarding income, deductions and exclusions. Approval will only be granted upon documentation that all other methods of verification have been attempted and determined to be unsuccessful. Verification by resident certification is considered to be the lowest acceptable form verification.

Projections of annual income shall be based on the best available information, with due consideration to the past year's income of all household members, current income rate and effective date; and shall include projections for each income recipient in the household.

In order to ensure that all sources of income, assets, deductions and exclusions are considered in calculating annual income, Staff shall interview all residents using an Income and Deductions Questionnaire.

The following forms of verification of income, deductions, exclusions and assets will be accepted:

**B. Income from Employment**

- a) Verification through the computer matching system employed by HUD (EIV) or a computer wage reporting system.
- b) Pay stubs showing gross income and all deductions taken for four current consecutive pay periods; or
- c) A statement from the Employer stating the gross wages of the employee, including history or anticipated amounts of overtime or bonus to be earned by the employee.

The income of workers employed on an irregular basis will be estimated based on the verification of the best information available, with due consideration to earning ability and work history.

**C. Income from Governmental agencies**

- a) Verification through the computer matching system employed by HUD (EIV) or a computer wage reporting system.
- b) A statement from the appropriate agency (Social Security, Department of Transitional Assistance, Employment Security, etc.), stating the amount of annual or monthly income provided, including the gross amount and any deductions taken.

**D. Income from Retirement Accounts**

- a) A statement from the source stating the amount of annual or monthly income provided, including the gross amount and any deductions taken.

**E. Income from the operation of a business or profession**

- a) Most recent audited financial statement of income and loss;
- b) Most recent tax return showing income and loss from the operation of a business or profession.

**F. Zero Income**

When an adult resident household member reports zero income, the NBHA will require the resident household to complete a Zero Income Checklist and Worksheet and Zero Income Affidavit. If the resident household member owns a motor vehicle, a telephone, or has other evidence of some form of expenditures reflecting income, the resident household member will be asked to explain the source of funds supporting such cash expenditures.

In addition, the resident household member will be required to sign releases allowing the NBHA to

obtain verification of no-income from sources such as Dept. of Transitional Assistance, Internal Revenue Service, Department of Revenue, Social Security Administration, Employment Security and Veterans Affairs.

**G. Child Support, alimony, regular gifts and gambling proceeds**

- a) A statement from the individual, business or agency providing the income and the frequency and amount of income provided; and/or
- b) Signed release form allowing the NBHA to obtain information from the State Division of Child Support.

**H. Income from Assets**

Income from assets shall be based on either the actual income received, or imputed income based upon current passbook savings rates in accordance with federal and state regulations as applicable. For instance, actual interest received shall be used for interest bearing bank accounts, money market funds, rented property, etc. Imputed income will be used for real property, which is not rented, jewelry, coin collections, works of art and other non-income bearing assets. If the value of the asset is more than \$5,000 the higher of imputed income or actual income received will be used.

All assets will be verified at move-in and every three years regardless of the value of the asset. In the intervening reexamination years, the NBHA will accept a family's declaration that it has total net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration.

Common household items such as furniture, clothing, and vehicles used for day-to-day transportation shall not be considered assets for the purposes of calculating income.

Types of verification which will be accepted for purposes of determining the value and income received from an asset include:

- a) Current statement for all savings, money market and/or mutual funds accounts. Six current and consecutive statements for checking accounts or other assets for which regular statements are issued;
- b) Most recent (no older than one year) appraised value of real property owned provided it's reflective of fair market value, in the form of property tax bill or appraisal from a Real Estate Appraiser; and
- c) Appraised valuations of any non-essential personal assets such as jewelry, coin collections, antiques or classic cars.

**I. Verification of childcare expenses or care of disabled household member deductions**

Statement from the provider of childcare or care of Disabled Person who is a household member of the amount of payment made on a periodic basis by the resident household.

Filed income tax return stating the amount paid for childcare or care of a disabled household member and the person or agency to whom the expense was paid.

#### **J. Verification of Medical Deductions**

The NBHA Medical deduction applies to working families and families where the head or spouse is a person who is at least 62 years of age or a person with disabilities. Eligible residents must submit evidence of the following medical expenses for all household members paid within the last twelve months:

- a) Statement of the cost of medical insurance and the frequency of cost from the provider or in the form of deductions indicated on pay stubs or Social Security statements accompanied by proof of payment;
- b) Receipts for payment of prescriptions and other health care needs. Non-prescription health care needs must be documented by both receipts and a statement from a Qualified Health Care Provider of the need for such items (including non-prescription medications, wheelchairs or other disability related aids, etc.);
- c) Signed printout of prescription costs from a pharmacy accompanied by proof of payment;
- d) Medical or dental bills for a household member paid by a household member;
- e) Un-reimbursed reasonable attendant care and auxiliary apparatus expenses and for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.

#### **K. Verification of Child Support Payments Made Deductions**

The NBHA Child support paid deductions applies because of a court order paid to someone not living in the household. A copy of the court order is required along with proof of payment.

#### **4. USE OF HUD'S ENTERPRISE INCOME VERIFICATION SYSTEM AND INCOME VALIDATION TOOL (IVT).**

The EIV System is a web-based application providing employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs under the jurisdiction of HUD's Office of Public and Indian Housing (PIH). This system is available to all NBHAs nationwide. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058.

The Income Validation Tool (IVT) Report is a new report that replaces the current Income Discrepancy Report under the verification reports link in EIV. This report will facilitate and enhance NBHA identification of tenant unreported or underreported income during interim and regular reexaminations. The IVT will be updated monthly and provide a comparison between tenant reported income and income information previously reported on the HUD-50058. It will include any discrepant income information specifically derived and reported from HUD's data sharing agreements with HHS-NDNH and the Social Security Administration (SSA). The IVT will also provide income and wage, unemployment compensation and SSA benefit information. HUD staff and NBHA personnel will be able to search a comprehensive database comprised of several screens that will include income information for Heads of Household and family members where there may be discrepancies in family reported income and employer reported information. During reexamination, or other significant contacts with tenant families, NBHA will see any reported discrepancies,

determine the degree of tenant underreporting or misreporting of income information and take action in accordance with NBHA policies to resolve the identified discrepancies.

#### **A. Required Use of EIV**

The NBHA is required to review an EIV Income Report of each family before or during mandatory annual and interim reexaminations of family income and/or composition to reduce tenant underreporting of income and improper subsidy payments. EIV is classified as an UIV technique (or automated written third-party verification), which helps to identify income sources and/or amounts that the tenant may not have disclosed. The NBHA is required to maintain the Income Report in the tenant file along with the form HUD-50058 and other supporting documentation to support income and rent determinations for all mandatory annual reexaminations of family income and composition.

EIV also provides various reports to assist the NBHA with the following:

- a) Identifying tenants whose reported personal identifiers (name, date of birth or Social Security number) do not match the Social Security Administration database;
- b) Identifying tenants who need to disclose a SSN;
- c) Identifying tenants whose alternate identification number (Alt ID) needs to be replaced with a SSN;
- d) Identifying tenants who may not have reported complete and accurate income information;
- e) Identifying tenants who have started a new job;
- f) Identifying tenants who may be receiving duplicate rental assistance;
- g) Identifying tenants who are deceased and possibly continuing to receive rental assistance;
- h) Identifying former tenants of PIH rental assistance programs who voluntarily or involuntarily left the program and have a reportable adverse status and/or owe money to a housing authority or Section 8 landlord.

#### **B. Disputing EIV Information and Resolving Discrepancies**

In accordance with 24 CFR §5.236(b)(2)(3), the NBHA is required to compare the information on the EIV report with the family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference in the reported income information, the NBHA is required to take the following actions:

- a) Discuss the income discrepancy with the tenant; and
- b) Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
- c) In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the NBHA is required to request from the third-party source, any information necessary to resolve the income discrepancy; and
- d) If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively\*; and

- e) Take any other appropriate action as directed by HUD or the NBHA's administrative policies.

\*The NBHA is required to determine the retroactive rent as far back as the existence of complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determinations.

Tenants are required to reimburse the NBHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the NBHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the NBHA **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any NBHA-sponsored amnesty or debt forgiveness programs.

Sometimes the source or originator of EIV information may make an error when submitting or reporting information about tenants. HUD cannot correct data in the EIV system. Only the originator of the data can correct the information. When the originator corrects the data, HUD will obtain the updated information with its next computer matching process. Below are the procedures tenants and the NBHA should follow regarding incorrect EIV information.

***Employment and wage information*** reported in EIV originates from the employer. The employer reports this information to the local State Workforce Agency (SWA), who in turn, reports the information to HHS' National Directory of New Hires (NDNH) database.

If the tenant disputes this information, s/he should contact the employer directly, in writing to dispute the employment and/or wage information, and request that the employer correct erroneous information.

The tenant should provide the NBHA with this written correspondence so that it may be maintained in the tenant file. If employer resolution is not possible, the tenant should contact the local SWA for assistance.

***Unemployment benefit information*** reported in EIV originates from the local SWA. If the tenant disputes this information, s/he should contact the SWA directly, in writing to dispute the unemployment benefit information, and request that the SWA correct erroneous information. The tenant should provide the NBHA with this written correspondence so that it may be maintained in the tenant file.

***SS and SSI benefit information*** reported in EIV originates from the SSA. If the tenant disputes this information, s/he should contact the SSA at (800) 772-1213 or visit the local SSA office. SSA office information is available in the government pages of the local telephone directory or online at <http://www.socialsecurity.gov>.

***Note:*** The tenant may also provide the NBHA with third party documents which are in the tenant's possession to support their dispute of EIV information. The NBHA, with the tenant's consent, is required to submit a third-party verification form to third party sources for completion and submission to the NBHA, when the tenant disputes EIV information and is unable to provide documentation to validate the disputed information. The tenant's failure to sign the consent form is grounds for termination of tenancy and/or assistance in accordance with 24 CFR §5.232.

***Debts owed to NBHAs and termination information*** reported in EIV originates from the NBHA. If a



current or former tenant disputes this information, s/he should contact the NBHA (who reported the information) directly in writing to dispute this information and provide any documentation that supports the dispute. If the NBHA determines that the disputed information is incorrect, the NBHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three (3) years from the end of participation date in the PIH program.

***Identity Theft.*** Seemingly incorrect information in EIV may be a sign of identity theft. Sometimes someone else may use an individual's SSN, either on purpose or by accident. SSA does not require an individual to report a lost or stolen SSN card and reporting a lost or stolen SSN card to SSA will not prevent the misuse of an individual's SSN. However, a person using an individual's SSN can get other personal information about that individual and apply for credit in that individual's name. So, if the tenant suspects someone is using his/her SSN, s/he should check their Social Security records to ensure their records are correct (call SSA at (800) 772-1213); file an identity theft complaint with the local police department and/or Federal Trade Commission (call FTC at (877) 438-4338, or visit their website at: <http://www.ftc.gov/bcp/edu/microsites/idtheft/>); and s/he should also monitor their credit reports with the three national credit reporting agencies (Equifax, TransUnion, and Experian). The tenant should provide the NBHA written documentation of filed identity theft complaint. (Refer back to paragraph on Employment and wage information regarding disputed EIV information related to identity theft).

Tenants may request their credit report and place a fraud alert on their credit report with the three national credit reporting agencies at: [www.annualcreditreport.com](http://www.annualcreditreport.com) or by contacting the credit reporting agency directly. Each agency's contact information is listed below.

### **National Credit Reporting Agencies Contact Information**

Equifax Credit Information Services, Inc.  
P.O. Box 740241  
Atlanta, GA 30374  
Website: [www.equifax.com](http://www.equifax.com)  
Telephone: (800) 685-1111

Experian  
P.O. Box 2104  
Allen, TX 75013  
Website: [www.experian.com](http://www.experian.com)  
Telephone (888) 397-3742

TransUnion  
P.O. Box 6790  
Fullerton, CA 92834  
Website: [www.transunion.com](http://www.transunion.com)  
Telephone: (800) 680-7289 or (800) 888-4213

### **C. Security of EIV Data**

The Federal Privacy Act (5 USC §552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. As such, the EIV data of an adult household member may not be shared (or a copy provided or displayed) with another adult household member, unless the individual has provided written consent to disclose such information.

However, the NBHA is not prohibited from discussing with the head of household (HOH) and showing the HOH how the household's income and rent were determined based on the total family income reported and verified.

EIV information and any other information obtained by the NBHA for the purpose of determining eligibility and level of assistance may not be disclosed to third parties for any reason (even for similar verifications under other programs, such as eligibility for low income housing tax credit units, other federal or state assistance programs), unless the tenant has authorized such disclosure in writing.

END

## CHAPTER 10: RESIDUAL TENANCY

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### 1. INTRODUCTION

A remaining member(s) of a resident Household may apply to become a NBHA resident as a Residual Tenancy Applicant, in the event of the death, departure or incapacity of the Head of Household. The Residual Tenancy Application will only be approved by the NBHA if the Residual Tenancy Applicant including all Household Members meet the criteria below.

#### A. Qualifications for Residual Tenancy

In order to assume the status of a resident under this policy, the Residual Tenancy Applicant must be:

- a) An adult who has been a recorded member of a resident Household on the most current lease a) Tenant Status Review form if the Head or Co-Head has been removed due to death or incapacity, or b) for more than twelve months, if the Head or Co-Head departed to other non-NBHA housing and whose income has been recorded and considered in the rent computations during the period of his/her occupancy unless he/she was without income or was a full-time student. In the case that the Applicant's recorded member status was in-process but not finalized, but his or her income was already recorded and considered in the rent computations for the appropriate time period as specified above, he or she shall be eligible to be considered for Residual Tenancy.

**OR**

- b) In the event the remaining member(s) of the resident Household consist only of minor children, the applicant must be an adult who, prior to entering into a lease has been appointed either a temporary or permanent guardian, or is the natural parent of one or more household members, and is willing to assume responsibility for the apartment and the household and is willing to enter into a lease.

**OR**

- c) In the event the Residual Tenancy Applicant is an incapacitated adult who is unable to fulfill the responsibilities in the lease, the Applicant must be an adult who has been appointed either a temporary or permanent guardian, and is willing to assume responsibility for the apartment, and willing to enter into a lease.

**AND**

- d) The Applicant and Applicant's Household, if any, for Residual Tenancy status must meet the eligibility requirements for Applicants as set forth in Chapter 2 of the Admissions and Continued Occupancy Policy (ACOP) or any successor plan.

#### B. Divorce, Separation or Protective Order

In the event of divorce, separation, submission of the 14 day victim certification as required by the NBHA's Violence Against Women Act (VAWA) policy, **or** a protective order issued by a court under Chapter 209A, the person(s) identified as the "victim" will be permitted to apply as a Residual Tenancy Applicant to become a resident provided he or she otherwise qualifies under this policy. Person(s) not so designated may not apply as a Residual Tenancy Applicant.

#### C. Residual Tenancy and Income

Individuals applying for residual tenancy status will be found ineligible based on income exceeding the eligibility limits for Applicants for admission to public housing.

#### D. Rent During Use and Occupancy Period

Pending a decision on the request for residual tenancy status, the Residual Tenancy Applicant will be required to pay a monthly use and occupancy charge. The charge shall be calculated pursuant to Federal and State regulations for all remaining Household Members. The Use and Occupancy Agreement shall permit the occupant to occupy the apartment pending determination of the Residual Tenancy Application without being permitted to sign a NBHA standard dwelling lease.

#### **E. Limitations of Policy**

Remaining members of a resident household will not be considered for residual tenancy, if the departing or incapacitated Head or Co-Head of Household is relocating to another NBHA apartment or NBHA Leased Housing, is under eviction for non-payment of rent or for cause, or vacates with an outstanding balance due to the NBHA (except in case of the Head or Co-Head's death). (A resident shall be regarded as being under eviction if, after a private conference, the Manager has decided to proceed with eviction and the Manager's decision has not been overturned by the NBHA's tenant grievance process.) The limitations of this paragraph may not be applicable to remaining household members who were victims of domestic violence by the former Lease Holder(s). Verification of such situation shall be provided with the Application during the screening process.

Approval of residual tenancy shall be conditional on the remaining members of a resident household being properly housed. Where applicable, any approved applicant for residual tenancy shall remain under a Use and Occupancy Agreement and will not sign a NBHA standard dwelling lease until such time as they are transferred to an appropriately sized unit. Refusal to transfer to an appropriately sized unit shall be considered a violation of this policy and will cause the revocation of the conditional approval of residual tenancy.

#### **F. Residual Tenancy – Right of Appeal**

A Residual Tenancy Applicant who disagrees with a Residual Tenancy application decision made by the NBHA may request an informal hearing. If the applicant has been determined ineligible for Residual Tenancy due to a failure to satisfy the requirements of Section A-1, through A-3, the applicant's appeal rights shall include a hearing pursuant to the NBHA's Tenant Grievance Procedures. A Residual Tenancy Applicant who meets the A-1 through A-3 threshold but does not meet the A-4 threshold of the eligibility requirements for Applicants as set forth in Chapter 2 of the Admissions and Continued Occupancy Policy (ACOP) or any successor plan due to circumstances in which the applicant has been determined ineligible or withdrawn, the applicant's right to appeal shall be an informal hearing before a NBHA hearing officer pursuant to Chapter 12, Applicant Appeals - Informal Hearings.

#### **G. Deceased Single Member Households - Removal of Personal Belongings**

Upon notification of the death of a single member household, the family or designee of the deceased tenant's estate will be allotted time through the end of the month in which the rent has been paid, or fourteen consecutive days from the date the NBHA is notified of the death, whichever is greater.

END

## **CHAPTER 11: LEASE TERMINATION PROCEDURE**

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### **1. TERMINATION OF THE LEASE**

The lease of a NBHA resident provides the terms and procedures for termination of the lease.

#### **A. Recordkeeping Requirements for Lease Termination**

A written record of every termination and/or eviction shall be maintained by NBHA in the resident file, and shall contain the following information:

- a) Name of resident, number and identification of the apartment occupied;
- b) Date of the 14-Day Notice, 30-Day Notice, or other notice of Intent to Terminate and the Notice to Vacate;
- c) Specific reason(s) for the Notice(s), indicating the section(s) of the lease allegedly violated, and other facts pertinent to the issuing of the Notices described in detail;
- d) Date and method of notifying the resident;
- e) Summary of any conference held with the resident including date, names of conference participants and conclusion.
- f) Decisions of any grievance panel hearings.

#### **B. Treatment of Victims of Domestic Violence – for definitions of terms see NBHA Violence Against Women Act Policy – (VAWA Policy)**

An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of this lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence; provided such victim is a signatory to the lease or an affiliated individual;

Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, engaged in by a Resident, Co-Resident, Authorized Household member or any guest, or other person under Resident's control, shall not be cause for termination of the tenancy or occupancy rights, if the Resident or an affiliated individual is the victim of that domestic violence, dating violence, sexual assault or stalking;

NBHA may, in its discretion, seek to bifurcate this lease, or remove a Resident or household member from this lease without regard to whether the Resident or household member is a signatory to this lease in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a Resident or household member and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a Resident or an affiliated individual; provided that if such bifurcation occurs, and the removed tenant or lawful occupant was the sole household member eligible to receive assistance, the NBHA will provide any remaining household member the opportunity to establish eligibility for housing.

Nothing in this section may be construed to limit NBHA's authority, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among Resident, Co-Resident or Authorized Household members in cases of family break-up;

Nothing in this section limits NBHA's authority to terminate the lease for violation of the lease not based on criminal activity directly related to domestic violence, dating violence, sexual assault or stalking provided that NBHA does not subject any Resident or affiliated individual who has been a victim of domestic violence, dating violence, sexual assault or stalking to a more demanding standard than other Residents or affiliated individuals in determining whether to terminate and evict ;

Nothing in this section may be construed to limit NBHA's authority to terminate the tenancy of any Resident if NBHA can demonstrate an actual and imminent threat to other Residents, NBHA employees, or those providing service to the property if that Resident's tenancy is not terminated.

END

## **CHAPTER 12: COMPLAINTS, GRIEVANCES AND APPEALS**

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### **1. INTRODUCTION**

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the NBHA. This Chapter describes the policies to be used when families disagree with a NBHA decision. It is the policy of the NBHA to ensure that all families have the benefit of all protections due to them under the law.

**Grievances shall be handled in accordance with the NBHA's approved Grievance Procedures. The written grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.**

### **2. GRIEVANCE AND HEARING PROCEDURE**

#### **A. Purpose and Scope**

This Grievance Procedure is established and implemented by the New Bedford Housing Authority to assure that New Bedford Housing Authority residents are afforded an opportunity for a hearing if a resident disputes, within a reasonable time, any New Bedford Housing Authority action or failure to act involving the resident's lease with the New Bedford Housing Authority, or New Bedford Housing Authority regulations, which adversely affect the individual resident's rights, duties, welfare or status. The grievance procedure outlined in this document is incorporated in the dwelling lease.

#### **B. Applicability**

The New Bedford Housing Authority grievance procedure is applicable to all individual grievances as specified in Section C of this document between the resident and the Authority provided that, if a resident uses a hearing in court containing the elements of due process, except for Section 11 (E) 1, 2 & 3 of the lease, the New Bedford Housing Authority excludes from the procedure:

- a) Any grievance concerning an eviction or lease termination for drug/alcohol activity on or off NBHA property or any activity that threatens the health or safety of other residents or New Bedford Housing Authority staff.
- b) This grievance procedure shall not be applicable to disputes between residents not involving the New Bedford Housing Authority or to class grievances.
- c) The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the New Bedford Housing Authority Board of Commissioners.

#### **C. Definitions**

For the Purpose of this document, the following definitions are applicable:

- a) "Grievance" shall mean any dispute which a resident may have with respect to New Bedford Housing Authority action or failure to act in accordance with the individual resident's lease or New Bedford Housing Authority regulations which adversely affect the individual resident's rights, duties, welfare, or status, except for Section 11 (E) 1, 2 & 3 of the lease.

- b) "Complainant" shall mean any resident whose grievance is presented to the New Bedford Housing Authority or the property management office in accordance with Section IV or Section V of this document.
- c) "Elements of Due Process shall mean an eviction action or a termination of residency in a State or local court in which the following safeguards are required:
  - i. Adequate notice to the tenant of the grounds for terminating the residency and for evictions;
  - ii. Right of the resident to be represented by counsel;
  - iii. Opportunity for the resident to refute the evidence presented by the NBHA, including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the resident may have.
  - iv. A decision on the merits.
- d) "Hearing Officer" shall mean a person selected in accordance with Section V of this document to hear grievances and render a decision with respect thereto.
- e) "Hearing Panel" shall mean a panel selected in accordance with Section V of this document to hear grievances and render a decision with respect thereto.
- f) "Resident" shall mean the adult person (or persons) (other than a live-in aide):
  - i. Who resides in the unit and who executed the lease with the New Bedford Housing Authority as lessee of the dwelling unit, or, if no such person now resides in the unit,
  - ii. Who resides in the unit, and who is the remaining head of household of the resident family residing in the dwelling unit.
- g) "Resident Organization" includes a resident management corporation.

#### **D. Informal Settlement of Grievance**

Any grievance shall be personally presented, either orally or in writing, to the New Bedford Housing Authority office or to the office of the development in which the complainant resides so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within 7 days, and one copy shall be given to the resident and one retained in the New Bedford Housing Authority's resident file. The summary shall specify the names of the participants, dates of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore and shall specify the procedures by which a hearing under Section E may be obtained if the complainant is not satisfied.

#### **E. Procedure to Obtain a Hearing**

- a) ***Request for Hearing*** - The New Bedford Housing Authority shall make readily available grievance forms at the New Bedford Housing Authority's main office, all property offices, and all recognized resident's organizations. A grievance shall not have standing, and a complaint will not be granted a hearing before the Hearing Panel prior to compliance with Section D, Informal Settlement of Grievance. The complainant shall submit a written request; i.e., grievance form, for a hearing to the New Bedford Housing Authority or the property



office within 7 days after receipt of a copy of the summary discussion document pursuant to Section D.

- b) ***Selection of Hearing Officer or Hearing Panel*** - Grievances shall be presented before a hearing officer or hearing panel. A hearing panel shall be selected as follows:
  - i. The hearing panel shall have three members: one representative and one alternate chosen by the Housing Authority, one representative and alternate chosen by the local resident's organization, and one impartial member and one alternate impartial member who shall be chosen jointly by the local residents' organization and the Housing Authority. The impartial member and his/her alternate may not be officers, employees, agents, or residents of the Local Housing Authority.
- c) ***Failure to Request a Hearing*** - If the complainant does not request a hearing in accordance with Section E-a of this document, then the New Bedford Housing Authority's disposition of the grievance under Section D shall become final, provided that failure to request a hearing shall not constitute a waiver by the complainant of his right to contest the New Bedford Housing Authority's action in disposing of the complaint in an appropriate judicial proceeding.
- d) ***Hearing Pre-requisite*** - All grievances shall be personally presented, either orally or in writing, pursuant to the informal procedure prescribed in Section E as a condition precedent to a hearing under this section, provided that, if the complainant shall show good cause why he failed to proceed in accordance with Section D to the hearing officer or hearing panel, the provisions of the prerequisite may be waived by the hearing officer or hearing panel.
- e) ***Escrow Deposit*** - Before a hearing is scheduled in any grievance involving the amount of rent as defined in the payments due under the lease which the New Bedford Housing Authority claims is due, the complainant shall pay to the New Bedford Housing Authority an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act failure to act took place. The complainant shall thereafter deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by the decision of hearing officer of hearing panel. These requirements may be waived by the NBHA in extenuating circumstances. Unless so waived, the failure to make such payments shall result in a termination of the grievance procedure: Provided, that failure to make payment shall not constitute a waiver of any right the complainant may have to contest the NBHA's disposition of his/her grievance in any appropriate judicial proceeding.
- f) ***Scheduling of Hearings*** - Upon complainant's compliance with paragraphs (A) (B) (C) (D) (E) of this section, a hearing shall be scheduled by the Hearing Officer or hearing panel promptly for a time and place reasonable and convenient to both the complainant and the New Bedford Housing Authority. A written notification specifying the time, place, and the procedures governing the hearing shall be delivered to the complainant.
- g) ***Rescheduling of Hearing*** – The tenant may request to reschedule a hearing for “good cause” or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the scheduled hearing date. At its discretion, the NBHA may request documentation to substantiate the “good cause” prior to rescheduling the hearing. The tenant may only request to reschedule a hearing date with or without good cause two times.

## **F. Procedures Governing the Hearing**

The hearing shall be held before a hearing officer or hearing panel as appropriate.

- a) The complainant shall be afforded a fair hearing providing the basic safeguards of due process which shall include:
  - i. The opportunity to examine before the hearing and, at the expense of the complainant, to copy all documents, records, and regulations of the New Bedford Housing Authority that are relevant to the hearing. Any document not so made available after request therefore by the complainant may not be relied on by the New Bedford Housing Authority at the hearing.
  - ii. The right to be presented by counsel or other person chosen as his or her representative.
  - iii. The right to a private hearing unless the complainant requests a public hearing.
  - iv. The right to present evidence and arguments in support of his or her complaint, to controvert evidence relied on by the New Bedford Housing Authority or property management, and to confront and cross-examine all witnesses on whose testimony or information the New Bedford Housing Authority or property management relies; and
  - v. A decision based solely and exclusively upon the facts presented at the hearing.
- b) The hearing officer or hearing panel may render a decision without proceeding with the hearing if the hearing officer or hearing panel determines that the issue has been previously decided in another proceeding.
- c) If the complainant or the New Bedford Housing Authority fails to appear at a scheduled hearing, the hearing officer or hearing panel may make a determination to postpone the hearing for a period of time not to exceed five (5) business days or may make a determination that the party has waived his right to a hearing. Both the complainant and the New Bedford Housing Authority shall be notified of the determination by the hearing officer or hearing panel, provided that a determination that the complainant has waived his right to a hearing shall not constitute a waiver of any right the complainant may have to contest the New Bedford Housing Authority's disposition of the grievance in an appropriate judicial proceeding.
- d) At the hearing, the complainant must first make a showing of an entitlement to the relief sought; and, thereafter, the New Bedford Housing Authority must sustain the burden of justifying the New Bedford Housing Authority's action or failure to act against which the complaint is directed.
- e) The hearing shall be conducted informally by the hearing officer or hearing panel, and oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing office or hearing panel shall require the New Bedford Housing Authority, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer or hearing panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

- f) The complainant or the New Bedford Housing Authority may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

#### **G. Decision of the Hearing Officer or Hearing Panel**

The hearing officer or hearing panel shall prepare a written decision, together with the reasons therefore, within ten (10) working days after the hearing. A copy of the decision shall be sent to the complainant and the New Bedford Housing Authority. The New Bedford Housing Authority shall retain a copy of the decision in the resident's folder. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the New Bedford Housing Authority and made available for inspection by a prospective complainant, his representative, or the hearing panel or hearing officer.

- a) The decision of the hearing officer or hearing panel shall be binding on the New Bedford Housing Authority, which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the New Bedford Housing Authority Board of Commissioners determines at its next regular meeting and promptly notifies the complainant of its determination, that
  - i. The grievance does not concern New Bedford Authority action or failure to act in accordance with or involving the complainant's lease on New Bedford Housing Authority regulations which adversely affect the complainant's rights, duties, welfare or status;
  - ii. The decision of the hearing officer or hearing panel is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and the New Bedford Housing Authority.
- b) A decision by the hearing officer, hearing panel, or Board of Commissioners in favor of the New Bedford Housing Authority or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de novo or judicial review in any judicial proceedings which may thereafter be brought in the matter.

#### **H. New Bedford Housing Authority Eviction Actions**

The NBHA shall not commence an eviction action in a State or local court until it has served a notice to vacate on the resident; and in no event shall the matter be entered into Summary Process prior to the decisions of the hearing officer or hearing panel having been mailed or delivered to the complaint. Such notice to vacate must be in writing and specify that if a resident has requested a hearing in accordance with Section E of this document, or a complaint involving a New Bedford housing notice of termination of the residency and the hearing officer or hearing panel upholds the NBHA's action to terminate the residency, the NBHA shall not commence an eviction action in a State or local court until it has served a notice to vacate on the resident; and in no event shall the matter be entered into Summary Process prior to the decisions of the hearing officer or hearing panel having been mailed or delivered to the complaint. Such notice to vacate must be in writing and specify that the resident fails to quit the premises within the applicable statutory period or on the termination date stated in the notice of termination, whichever is later, appropriate action will be brought against him; and he may be required to pay court cost and attorney fees.

END

## **CHAPTER 13: COMMUNITY SERVICE**

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### **1. GENERAL REQUIREMENT (Applicable to Federal Developments only)**

As part of the Quality Housing and Work Responsibility Act of 1998, Congress imposed a requirement that all adult residents of federally funded public housing, unless specifically exempted, must perform community service activities or participate in an economic self-sufficiency program to remain eligible for public housing assistance. Therefore, the federal public housing lease provides that all non-exempt residents must:

- a) Contribute 8 hours per month of community service (not including political activity); or
- b) Participate in an economic self-sufficiency program for 8 hours per month; or
- c) Perform eight hours each month of combined community service and self-sufficiency activities.

### **2. DEFINITIONS**

#### **A. Community Service**

For the purpose of this policy, community service is the performance of voluntary work or duties for the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the resident resides. Community service is not limited to a single type of activity or a single location. Acceptable community service activities include, but are not limited to, improving the physical environment of the resident's development; volunteer work in a local school, hospital or childcare center; working with youth organizations; or helping neighborhood groups on special projects. By statute, political activity is not an eligible form of community service.

#### **Economic Self-Sufficiency Program**

For the purpose of this policy, an economic self-sufficiency program is any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include, but are not limited to: programs for job readiness or training, employment training, work placement, basic skills training, education, English language proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work, such as substance abuse or mental health treatment.

### **3. NOTIFICATION TO RESIDENTS**

The NBHA will notify all new residents of the community services requirement at the time of lease signing. The notification will include an explanation of the program and will list the categories of individuals who are exempt from performing community service activities. Definitions and examples of community service and economic self-sufficiency activities will be part of the notice.

All current residents will be provided with a copy of this notice at the time of annual re-examination.

The notification will also advise families when the community service obligation will begin. Non-exempt residents will be required to begin performing community service at their first lease renewal following the adoption of this policy.

#### 4. EXEMPTIONS

The following residents over the age of eighteen are exempt from this requirement:

- a) Resident household members who are 62 or older;
- b) Resident household members who are blind or disabled as defined in the Social Security Act (Section 216 (i) (1) or Section 1614 of the Social Security Act (42 USC 416 (i) (1); 1382c);

The Social Security Act defines disability as the “inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months.”

Blindness is defined as “central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no less than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.”

Residents who claim exemption because of disability or blindness must also certify that because of this blindness or disability they are unable to comply with the community service requirement. If a resident does not meet this definition of blindness or disability and believes that he or she is unable to perform community service or economic self-sufficiency activity, he or she may apply for an exemption from the requirement as a reasonable accommodation under the NBHA Reasonable Accommodation in Housing Policy (RAHP). An application for reasonable accommodation can be obtained at the development/AMP management office.

- c) Resident household members who are the primary care giver of a blind or disabled individual as described in paragraph b;
- d) Resident household members who are engaged in a work activity as defined under section 407 (d) of the Social Security Act (42 USC 607 (d), for ten or more hours each week;

Work activities are:

- i. Unsubsidized employment;
- ii. Subsidized private sector employment;
- iii. Subsidized public sector employment;
- iv. Work experience, including work associated with refurbishing: publicly assisted housing, if sufficient private sector employment is not available;
- v. On-the-job training;
- vi. Job search;
- vii. Community service programs;
- viii. Vocational educational training not to exceed twelve months;

- ix. Job skills training directly related to employment;
  - x. Education directly related to employment for a resident who has not received a high school diploma or a certificate of high school equivalency;
  - xi. Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalency for a resident who has not completed secondary school or received such a certificate; or
  - xii. The provision of childcare services to an individual who is participating in a community service program
- e) Resident household members who are exempt from work activity under Part A of Title IV of the Social Security Act (42 USC Section 601 et seq.) or under any other state welfare program, including a State-administered welfare-to-work program;
  - f) Resident household member of a family receiving assistance, benefits or services under a State program funded under part A of Title IV of the Social Security Act 42 USC 601 et seq.), or under any other State welfare program, including a State-administered welfare-to-work program of the Supplemental Nutrition Assistance Program (SNAP), and is in compliance with all provisions of that program.

In accordance with HUD guidelines, persons eligible for a disability deduction in rent are not automatically exempt from the community service requirement. A resident is exempt only to the extent the disability makes the person “unable to comply” with the community service requirement.

## 5. INITIAL DETERMINATION OF EXEMPTION

All applicants will be provided with an information sheet describing the community service/self-sufficiency requirement at the time they make their final application. At the time the lease is signed, the property manager will again provide the head of household with the community service information sheet. Each household member will be asked to declare if they are exempt from community service and provide the appropriate verifications.

In order to establish an exemption the following verification must be provided:

- a) **Age 62 or over.** Any birth certificate or proof of age already submitted by the resident to establish age or achieve eligibility for occupancy as a person 62 or older shall be deemed sufficient verification.
- b) **Disability or blindness.** Receipt by a household member of Social Security Disability or SSI benefits shall be deemed proof of disability under this policy. A household member whose application for disability benefits is pending shall be deemed disabled unless and until a denial of the application is received. Any resident who believes they meet the definition of disability included in this policy may submit a statement from their treating physician providing NBHA staff with facts that will assist them in determining whether the resident is disabled within the definition applicable under this policy. If a resident does not meet this definition but still believes that he or she is unable to perform community service, the resident may apply for a reasonable accommodation. The manager will provide an application for reasonable accommodation upon request.

- i. Residents who are determined to be exempt because of blindness or disability shall also sign a statement certifying that they are unable to comply with the community service requirement because of the blindness or disability.
- c) **Primary caregiver of a disabled or blind person.** A statement from the person being cared for or his or her guardian affirming that the resident seeking exemption acts as the primary caregiver and the period during which (s)he is expected to continue in that role shall be adequate verification.
- d) **Engaged in work activity.** The verification of employment income provided to NBHA for rent determination shall be adequate for this purpose. Verification of participation in job training or other qualifying program must be submitted by the providing organization or school.
- e) **Exempt from work activity under state welfare program.** Verification of the exemption should be obtained from the welfare department.
- f) **Member of a family who receives assistance from a state welfare program and is in compliance with that program.** Verification of receipt of program assistance and compliance should be obtained from the welfare department.

The manager will make a determination of exempt status and notify the resident. If the resident disagrees with the determination, he or she may file a grievance under the NBHA grievance procedure.

The exemption status for each household member will be entered on the client worksheet. Families with non-exempt members will receive a list of community service and self-sufficiency opportunities.

## 6. CONTINUING DETERMINATION OF EXEMPTION AND COMPLIANCE

Each year, as part of the Tenant Status Review, the property manager will determine whether each non-exempt household member has complied with the community service requirement and whether each exempt household member continues to be exempt.

Included with the letter requesting the head of household to come to the office for the status review will be a reminder that resident compliance with and/or exemption from community service will be determined as part of the status review. A list of exemption categories, a reminder that certain exemptions from the community service requirement must be reviewed annually and a description of the documentation needed to support each exemption will be attached to the letter. A Verification of Compliance form for each household member who was required to perform community service will be provided at the recertification appointment. These forms must be completed and returned to the property manager at least thirty (30) days before the lease term expires. The form includes confirmation of:

- a) the number of hours of community service/self-sufficiency work completed,
- b) the type of work completed
- c) the community organization where the work was completed
- d) the signature, name, title, address and phone number of the person supervising completion of the work.

At the time of the status review the manager will reconfirm the exemption status of each household member. The head of household may provide the property manager with the required documentation for any change in status claimed by an adult family member. The manager will reconfirm the following exemption categories annually:

- e) Blindness or disability
- f) Primary caregiver
- g) Engaged in work activity
- h) Exempt from work activity under a state welfare program
- i) Exempt through receipt of assistance, benefits or services from a state welfare program and in compliance with all provisions of the program.

If a household member becomes exempt from the community service requirement during a lease term and informs the manager so that the exemption can be verified, he or she shall be exempt from performing community service for the entire year. Unemployed residents, for example, may request an exemption if they find work or start a job training program. If a resident is determined by NBHA to become exempt during the year, s/he will be excused from the entire annual 96-hour requirement. There is no obligation for a resident to report a change in status from exempt to non-exempt between regular status reviews. If a resident previously determined to be exempt becomes non-exempt during a lease term, he or she is not required to report the change in status to the manager until the next status review.

If the household is found to be in compliance with the community service/self-sufficiency requirement as well as all other requirements for continuing occupancy, the lease will be automatically renewed. An annual lease signing process is not necessary.

## **7. NON-COMPLIANCE**

If the NBHA determines that a non-exempt resident has not complied with the community service/self-sufficiency requirement, the property manager must notify the head of household of the noncompliance in writing. This notification must also inform the resident that:

- a) the determination of noncompliance is subject to the NBHA's grievance procedure;
- b) unless the resident enters into an agreement to cure or the non-compliant adult no longer resides in the unit, the lease of the family of which the noncompliant adult is a member shall not be renewed; and
- c) the resident has the opportunity to cure the noncompliance during the next twelve-month period.

To take advantage of the statutory opportunity to cure, the noncompliant adult must sign an agreement stating that the noncompliant adult will complete, over the next 12-month term of the lease, the additional hours of community service or economic self-sufficiency activity needed to reach the required total of 96 hours for the prior year. These additional hours must be performed in addition to the 96-hour requirement for the current lease year.



As is required by law, continued non-compliance will result in the commencement of eviction proceedings against the entire household, unless the noncompliant family member is no longer part of the household.

## **8. DOCUMENTATION**

The property manager must retain documentation of community service participation and/or exemption in the resident's file.

At lease signing for new residents or at the Tenant Status Review for current residents, the manager must ensure a Certification of Exemption Status form is completed for each adult household member claiming an exemption from the community service/self-sufficiency requirement. Supporting documentation will be requested of the resident to verify exempt status and copies of the verification will be retained in the file.

At the time of the annual Tenant Status Review, the head of household is responsible for ensuring that a Verification of Compliance form is completed by the appropriate authority for every non-exempt household member. This form will also be maintained in the resident file.

## **9. GREIVANCE PROCEDURE**

Upon filing a written request, as provided in the NBHA grievance procedure, any resident who disagrees with any NBHA action or failure to act in accordance with the Community Service Policy shall be entitled to a grievance hearing.

## **10. PROHIBITION AGAINST THE REPLACEMENT OF EMPLOYEES**

In implementing the community service requirement, the NBHA will not substitute community service for work ordinarily performed by public housing employees or replace a job at any location where community work requirements are performed.

END

## CHAPTER 14: MISCELLANEOUS PROVISIONS

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### 1. TENANCY OF POLICE OFFICERS

In order to increase security for NBHA public housing residents, the NBHA may allow police officers to reside in a public housing apartment, even if such police officers might not otherwise qualify, based on income, for NBHA public housing.

For purposes of this subsection, a police officer is defined as a person who is employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of a local police force or an accredited police force of a housing agency may qualify.

#### A. Terms of Tenancy for Police Officers

- a) **Occupancy:** Police Officers who apply for NBHA housing will be subject to the same terms, standards (other than income) and procedures that are applied to all other NBHA Applicants.
- b) **Verification:** Police officers will undergo the same verification procedures applied to other NBHA Applicants. Those procedures are outlined in this Admission and Continued Occupancy Policy. Screening criteria contained in this policy therefore apply.
- c) **Waivers:** Police Officers approved for occupancy in NBHA apartments will be given a waiver that allows them to be chosen for NBHA housing without being placed on the Authority's waiting list.
- d) **Lease:** Police Officers shall execute a lease or occupancy agreement with the NBHA providing for the terms of occupancy of an apartment.
- e) **Annual Re-certification:** Continued employment as a police officer as defined in this subsection, will remain a determining factor in the renewal of a Police Officer's lease or occupancy agreement. Police Officers are therefore required to submit annually to the NBHA proof of continued employment as a police officer. Failure to remain employed as a Police Officer will therefore result in a refusal to renew a Police Officer's lease or occupancy agreement.
- f) If a person is no longer a Police Officer, but meets the NBHA eligibility standards, the Police Officer may apply for admission as a NBHA resident.

#### B. Apartments to be Occupied by Police Officers

The NBHA will offer apartments to Police Officers based upon NBHA-determined security needs. In no event shall the number of apartments allotted for Police Officers exceed one Police Officer per development/AMP with more than 100 apartments but less than 500 apartments, and not more than two Police Officers for any development/AMP with over 500 apartments.

### 2. MINIMUM RENT

The minimum rent established by the NBHA is \$25.00 for Federal Public Housing at \$5.00 for State. The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent.

The Total Tenant Payment is the greater of:

- a) 30% of the adjusted monthly income
- b) 10% of the monthly income

The NBHA recognizes that in some instances even the minimum rent may create a financial hardship for families. The NBHA will review all relevant circumstances brought to the NBHA's attention regarding financial hardship as it applies to minimum rent. The following section states NBHA's procedures and policies in regard to minimum rent financial hardship as set forth by the QHWRA.

#### **A. NBHA Procedures for Notification to Families of Hardship Exemptions**

The NBHA will notify all relevant participant families at move-in and the annual recertification appointment of their right to request a minimum rent hardship exemption.

The NBHA notification will advise the family that hardship exemption determinations are subject to NBHA grievance procedures.

The NBHA will review all tenant requests for exemption from the minimum rent due to financial hardships.

- a) Requests for minimum rent exemption will be accepted by the NBHA from the family in person.
- b) Requests for minimum rent exemption must state the family circumstances that qualify the family for an exemption.

#### **B. Exemptions to Minimum Rent**

The NBHA will immediately grant the minimum rent exemption to all families who request it. The Minimum Rent will be suspended until the NBHA determines whether the hardship is:

- a) Covered by statute
- b) Temporary or long term

If the NBHA determines that the minimum rent is not covered by statute, the NBHA will impose a minimum rent including payment for minimum rent from the time of suspension.

The NBHA will use its standard verification procedures to verify circumstances that have resulted in financial hardship, such as loss of employment, death in the family, etc.

#### **C. HUD Criteria for Hardship Exemption**

In order for a family to qualify for a hardship exemption the family's circumstances must fall into one of the following criteria:

- i. The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance;
- ii. The family would be evicted as a result of the imposition of the minimum rent requirement;

- iii. The income of the family has decreased because of changed circumstances, including:
  - Loss of employment
- iv. Death of a family
- v. Other circumstances as determined by the NBHA or HUD PHA Policy Regarding Hardship Exemption

For purposes of providing the hardship exemption to minimum rent in a fair and consistent manner, the NBHA has established policy regarding the above-mentioned HUD criteria.

a) “Loss of employment”

Is defined as being laid off or terminated through no fault of the employee. Loss of employment does not, for the purposes of exemption to minimum rent, include voluntary quitting employment.

b) “Death in the family”

Family, for the purpose of exemption to minimum rent, includes any family member on the public housing lease.

**D. Financial Hardship Exemption Only Applies to Waiving the Minimum TTP**

The financial Hardship exemption only applies to the payment of minimum rent (minimum TTP). The exemption does not apply to the other elements used to calculate Total Tenant Payment. When the family is granted the financial hardship exemption, the family’s TTP shall be the greater of:

- a) 30 percent of monthly adjusted income
- b) 10 percent of monthly income

**E. Temporary Hardship**

If the NBHA determines that the hardship is temporary (less than 90 days), a minimum rent will be imposed, including back payment from time of suspension, but the family will not be evicted for nonpayment of rent during the 90 day period commencing on the date of the family’s request for exemption.

**F. Repayment Agreements for Temporary Hardship**

The NBHA will offer a repayment agreement to the family for such rent not paid during the temporary hardship period.

END

## **CHAPTER 15: DEFINITIONS**

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**ACCESSIBLE DWELLING UNITS.** When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route, and when designed, constructed, or altered, can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40, (the Uniform Federal Accessibility Standards) is "accessible" within the meaning of this paragraph.

**ACCESSIBLE FACILITY.** All or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

**ACCESSIBLE ROUTE.** For persons with a mobility impairment, a continuous, unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards (UFAC). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

**ADAPTABLE.** Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons; or ability to meet the needs of persons with different types and degrees of disability.

**ALTERATION:** Any change in an apartment, building or common area or to its permanent fixtures or equipment. It does not include normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems.

**ADMISSION.** Admission to the program is the effective date of the lease. The point at which a family becomes a resident.

**ALLOCATION PLAN.** The plan submitted by the NBHA and approved by HUD under which the NBHA is permitted to designate a building, or portion of a building, for occupancy by Elderly Families or Disabled Families.

**APARTMENT** -- Residential space for the private use of a Household. The number of bedrooms contained within a NBHA apartment is from 0 bedrooms (studio/efficiency) to 6 bedrooms.

**APPEALS:** – an Applicant for admission to NBHA, who is dissatisfied with a decision regarding his or her application, may request an appeal before a BHA Hearing Officer

**APPLICANT** (or applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

**APPLICANT INFORMATION BRIEFING SESSION:** A regularly scheduled meeting (or other form of communication that may be designated by the NBHA) whose purpose is to: provide prospective Applicants with an explanation of the process for Application and admission to NBHA Public Housing; make Applicants aware of the Priorities, Preferences and housing options available to them as a NBHA Applicant; familiarize Applicants with the Preliminary Application and Related Forms; bring staff in contact with Applicants to assist Applicants in completing the application process.

**AREA MEDIAN INCOME (AMI):** The median income of the greater Boston area as determined by HUD.

**"AS-PAID" STATES.** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

**ASSETS.** Assets generally means cash which is accessible to a person including checking and savings accounts, stocks, bonds, equity in real property, and the cash value of life insurance policies, but does not include the value of tangible personal property such as furniture, automobiles and household effects. (Certain types of tangible personal property are included, such as coin collections or jewelry, but essential tangible personal property reasonably necessary for everyday living, such as furniture and automobiles, are not included. For included real or personal property holdings, the value of the asset is the cash amount that would remain if the resident converted the asset to cash and deducted any outstanding mortgages, liens or selling expenses.)

**AUXILIARY AIDS.** Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs and activities.

**CEILING RENT.** An amount that reflects the reasonable market value of the housing unit, but not less than the sum of the monthly per-unit operating costs and a deposit to a replacement reserve. The family pays the lower of the ceiling rent or the formula tenant rent.

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

**COVERED FAMILIES.** The statutory term "covered families" designates the universe of families who are required to participate in a welfare agency economic self-sufficiency program and may, therefore, be the subject of a welfare benefit sanction for noncompliance with this obligation. "Covered families" means families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)** -- the agency responsible for the oversight and monitoring of the State's public housing program.

**DEPENDENT.** A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person or is a full-time student 18 years of age or older.

**DEVELOPMENT:** Revers to low income housing developed, acquired or rehabilitated by NBHA under the U.S. Housing Act of 1937 (other than Section 8) for which there is an annual contributions contract (ACC) between the U.S. Department of Housing & Urban Development or one or more public housing apartments developed and/or administered by the NBHA with a separate contract for financial assistance with the Massachusetts Department of Housing Community Development under the Chapter 705, Chapter 200 or Chapter 667 program.

**DISIBILITY:** for program eligibility, a person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or defined as "handicapped persons of low income" in M.G.L. C121B § I and in 760 CMR 5.07.

For Eligibility in State-Aided Housing – A person who has been determined to have an impairment which is expected to be of long continued and indefinite duration, which substantially impedes the ability to live independently in conventional housing and which is of such nature that such ability could be improved by more suitable housing conditions.

For Eligibility in Federally-Assisted Housing – A person who

- Has a disability defined as an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or, in the case of a person who has attained the age of 55 and is blind, the inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he or she has previously engaged with some regularity and over a substantial period of time, or
- Has a physical, mental, or emotional impairment which is expected to be of long-continued and indefinite duration, which substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions, or
- Has a developmental disability which is a severe, chronic disability of an individual 5 years or older which is attributable to a mental or physical impairment or combination of impairments and which is manifested before the age of 22 and is likely to continue indefinitely and which results in substantial functional limitations in three or more of the following areas of major life activity (self-care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living and economic self-sufficiency), and which reflects the individual's need for assistance that is lifelong or of extended duration and is individually planned and coordinated.

Such term shall not exclude persons who have the disease acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS

For all purposes other than Eligibility, a person with a physical or mental impairment which substantially limits one or more life activities, or has a record of such impairment, or is regarded as having such an impairment.

*No individual shall be considered a person with a disability solely because of drug or alcohol dependence.*

**DESIGNATED FAMILY.** The category of family for whom the NBHA elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 housing Act. (24 CFR 945.105)

**DISABILITY ASSISTANCE EXPENSE.** Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and or auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

**DISABLED FAMILY.** A family whose head, spouse, or sole member is a person with disabilities. A disabled family may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides

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

**DOMICILE.** The legal residence of the household head or spouse as determined in accordance with State and local law.

**DRUG-RELATED CRIMINAL ACTIVITY.** Term means: Drug-trafficking; or illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) **DRUG TRAFFICKING.** The illegal manufacture, sale, distribution or the possession with intent to manufacture, sell, or distribute a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

**ECONOMIC SELF-SUFFICIENCY PROGRAM.** Any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work for such families. Economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, any other program necessary to ready a participant to work (such as: substance abuse or mental health treatment. Economic self-sufficiency program includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). See the definition of work activities at Sec. 5.603(c). The new definition of the term "economic self- sufficiency program" is used in the following regulatory provisions, pursuant to the Public Housing Reform Act: family income includes welfare benefits reduced because of family failure to comply with welfare agency requirements to participate in an economic self-sufficiency program; and the requirement for public housing residents to participate in an economic self- sufficiency program or other eligible activities.

**ELDERLY FAMILY.** A family whose head or spouse or whose sole member is at least 62 years, or two or more persons who are at least 62 years of age or a disabled person. It may include two or more elderly, disabled persons living together or one or more such persons living with one or more live-in aides.

**ELDERLY HOUSHOLD: A Household whose Head of Household, Co-Head of Household, or spouse (or sole member) is an Elderly Person.**

**ELDERLY PERSON.** A person who is at least 62 years old. For State assisted housing a person who is at least 60 years of age.

**ELIGIBLE** (Means a person or household who has met the three threshold requirements for Preliminary Eligibility.

**ELIGIBLE HOUSEHOLD: A household who is determined Eligible for residence in public housing assisted under the United States Housing Act of 1977 (42 U.S.C. 1437) or under M.G.L. c121B and provisions of this policy.**

**ELIGIBLE NON-CITIZEN STATUS (for Federal Program only)** - The admittance of a Non-Citizen to the United States under one of the following categories:

- A Non-Citizen lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20), excluding, among others, Non-Citizen visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country;
- A Non-Citizen who entered the United States prior to June 30, 1948, or such subsequent date as is enacted by law, has continuously maintained his or her residence in the United States since then, and is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) [8 USCS § 1259];



- A Non-Citizen who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or pursuant to the granting of asylum (which has not been terminated) under section 208 of such Act (8 U.S.C. 1158);
- A Non-Citizen who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));
- A Non-Citizen who is lawfully present in the United States as a result of the Attorney General's withholding deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));
- A Non-Citizen lawfully admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act [8 USCS § 1255a].
- Lawfully admitted for temporary or permanent residence (amnesty granted under Immigration and Naturalization Act Section 245A).

**EMANCIPATED MINOR** – Minor (under 18 years of age) with a child (or children) or who has otherwise established him/herself as a non-dependent individual.

**EXCEPTIONAL MEDICAL OR OTHER EXPENSES.** Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

**EXCESS MEDICAL EXPENSES.** Any medical expenses incurred by elderly and working families only in excess of 3% of Annual Income which are not reimbursable from any other source.

**EXTREMELY LOW-INCOME FAMILY.** A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area as determined by HUD, whichever number is higher, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. (See 24 CFR 5.603.)

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

**FAMILY.** The applicant must qualify as a family as defined by the NBHA.

The term “family” includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near- elderly person or any other single person; or
- (2) A group of persons residing together, and such group includes, but is not limited to:
  - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - (ii) An elderly family; (iii) A near-elderly family; (iv) A disabled family;

- (iii) A displaced family; and
- (iv) The remaining member of a tenant family.

In addition, for categorizing family as defined above, the terms disabled family, elderly family and near-elderly family (per 24 CFR 5.403) are:

- Disabled family means a family whose head (including co-head), spouse or sole member is a person with a disability.
- Elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age.
- Near elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together.

**FAMILY OF VETERAN OR SERVICEPERSON.** A family is a "family of veteran or serviceperson" when:

The veteran or serviceperson (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household and was a family member at the time of death.

The veteran or serviceperson, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

**FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM).** The program established by a NBHA to promote self-sufficiency of assisted families, including the provision of supportive services.

**FEDERALLY ASSISTED HOUSING:** For purposes of this policy, housing assisted under the U.S. Housing Act as defined in 42 USC 1437a and following provisions.

**FLAT RENT.** Rent for a public housing dwelling unit that is based on the market rent. The market rent is the rent charged for comparable units in the private, unassisted rental market at which the NBHA could lease the public housing unit after preparation for occupancy.

**FOSTER CHILD CARE PAYMENT.** Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

**FULL-TIME STUDENT:** For Eligibility in Federally assisted Housing A person who is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution attended. Educational institution shall include but not be limited to college, university, secondary school, vocational school or trade school.

For Eligibility in State-assisted Housing- a household member between the ages of 18 and 25, who is the dependent of another household member and who is enrolled in and attending an accredited educational or vocational institution and is carrying a course load that is considered full-time for day students under

the standards and practices of the institution. Full-time student status shall remain in effect as long as the individual carries a full-time student course load in pursuit of a bachelor's degree, an associate degree, or a diploma from an accredited institution or a certificate from an accredited vocational program (excluding apprenticeship programs). In no event shall full-time student status last longer than the length of time normally required for day students to complete the required course of study.

**GOOD CAUSE-** A set of standards used by the Authority to determine the need for and special offer of housing in order to avoid a verifiable hardship. The basis for the special offer must be reliably documented and cannot result in discrimination on the basis of race, color, sex, sexual orientation, ethnicity, religion or national origin or handicap or disability.

**HANDICAPPED PERSON.** [Referred to as a Person with a Disability]. A person having a physical or mental impairment which is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such a nature that such ability could be improved by more suitable housing conditions.

**HEAD OF HOUSEHOLD.** The person who assumes legal and financial responsibility for the household and is listed on the application as head.

**HOUSING AGENCY.** A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "NBHA" includes an Indian housing authority (IHA). ("NBHA" and "NBHA" mean the same thing.)

**HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.** The Act in which the U.S. Housing Act of 1937 was recodified, and which added the Section 8 Programs.

**HOUSING ASSISTANCE PLAN.** A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.  
A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

**HOUSING QUALITY STANDARDS (HQS).** The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 programs.

**HUD.** The Department of Housing and Urban Development or its designee.

**HUD REQUIREMENTS.** HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

**HURRA.** The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

**IMPUTED ASSET.** Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

**IMPUTED INCOME.** HUD passbook rate times the total cash value of assets, when assets exceed \$5,000.

**IMPUTED WELFARE INCOME.** The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income.

This amount is included in family annual income and, therefore, reflected in the family rental contribution based on this income.

**INCOME.** Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

**INCOME-BASED RENT.** The tenant rent paid to the NBHA that is based on family income and the NBHA rental policies. The NBHA uses a percentage of family income or some other reasonable system to set income-based rents. The NBHA has broad flexibility in deciding how to set income-based rent for its tenants. However, the income-based tenant rent plus the NBHA's allowance for tenant paid utilities may not exceed the "total tenant payment" as determined by a statutory formula.

**INCOME FOR ELIGIBILITY.** Annual Income.

**INCOME TARGETING.** The HUD admissions requirement that NBHAs not admit less than the number required by law of families whose income does not exceed 30% of the area median income in a fiscal year.

**INDIAN.** Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

**LEASE.** A written agreement between a the NBHA and Head or Co-Head of Household for the occupancy of an apartment.

**LIVE-IN AIDE.** A person who resides with an elderly person or disabled person and who: Is determined to be essential to the care and well-being of the person and would not be living in the unit except to provide necessary supportive services

**LOCAL PREFERENCE.** for families who live, work, or have been hired to work in the jurisdiction.

**MINOR.** A person less than 18 years of age. An unborn child will not be considered to be a minor (also see the definition for Dependent and Emancipated Minor.

**MITIGATING CIRCUMSTANCES:** Circumstances which would tend to lessen the negative impact of an unsuitable housing history or unsuitable behavior and which may overcome or outweigh negative information gathered in the screening process about an Applicant or Transfer Applicant.

**MIXED FAMILY:** A family whose members include those with citizenship or Eligible Non-Citizen Status, and those without citizenship or Eligible Non-Citizen Status.

**NATIONAL:** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**NON-CITIZEN:** A person who is neither a citizen nor National of the United States.

**MONTHLY ADJUSTED INCOME.** 1/12 of the Annual Income after Allowances.

**MONTHLY INCOME.** 1/12 of the Annual Income before allowances.

**NET FAMILY ASSETS.** The net cash value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are excluded from the definition.

**OVERCROWDED:** a condition of occupancy where too more people reside in an apartment given its bedroom size and applicable standards

**OVERHOUSED:** a condition of occupancy where too few people reside in an apartment according to NBHA standards for occupancy.

**PARTICIPANT.** A family that has been admitted to the NBHA program and is currently assisted in the program.

**PERSONAL CARE ATTENDANT (PCA):** A person that regularly provides care and support and who may or may not reside with an Elderly, Handicapped, or Disabled person or persons. (See 5.5 for full definition)

**POLICE OFFICER:** For the purposes of this policy, a police officer is defined as a person to be employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency is a police officer.

**PREFERENCE:** NBHA gives Applicants Preference if they are veterans, New Bedford residents, working or victims as defined in VAWA 2013. Preference points are cumulative and are added to Priority points (if any) to determine an Applicant's position on the NBHA waiting list.

**PRIORITY:** A defined housing related situation that necessitates a Household's relocation. The NBHA gives points to Applicants with Priority that ranks those Applicants higher on the waiting list than Applicants without Priority. An Applicant can qualify for only one Priority at any given time. Certain priorities are given more points than others.

**PREMISES.** The building or complex in which the dwelling unit is located including common areas and grounds.

**QUALIFIED:** An applicant who is Eligible and has been approved for admission to NBHA housing after meeting all requirements of the NBHA Screening Policy.

**QUALIFIED HEALTHCARE PROVIDER:** a medical or rehabilitation professional or expert, OR non-medical service agency whose function is to provide services to the disabled.

**REASONABLE ACCOMMODATION:** A change or modification to NBHA rules, policies, practices, or services or a Reasonable Structural Modification when such a change is reasonable and necessary on account of a person's disability to afford the person the ability to use and enjoy a NBHA apartment or common areas, provided that the change does not pose an undue financial or administrative burden, or result in a fundamental alteration of NBHA program.

**REASONABLE STRUCTURAL MODIFICATION:** A change to a NBHA apartment or to a common area which is reasonable and necessary on account of a person's disability to afford the person the ability to use and enjoy NBHA premises and which does not pose an undue financial and administrative burden or result in a fundamental alteration of NBHA program.

**RECERTIFICATION.** Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if no interim changes are reported by the family.

**REMAINING MEMBER OF TENANT FAMILY.** Person left in assisted housing after other family members have left and become unassisted.

**RESIDENCY PREFERENCE.** Families who live, work, or have been hired to work in the jurisdiction.

**RESIDUAL TENANCY/APPLICANT:** An existing Household Member, (except a Personal Care Attendant), or an adult (if all other Household Members in the apartment are minors or incapacitated adults), willing to assume guardianship where appropriate of an apartment where the Head and Co-Head of Household vacates or becomes incapacitated.

**RESIDUAL TENANT:** A remaining Household Member, (except a Personal Care Attendant), or an adult (if all other Household Members in the apartment are minors or incapacitated adults) who has been approved under this policy to remain a BHA resident.

**SECURITY DEPOSIT.** A dollar amount which can be collected from the family by the owner upon termination of the lease and applied to unpaid rent, damages or other amounts owed to the owner under the lease according to State or local law.

**SPOUSE.** The marriage partner of the head of the household.

**STATE-AIDED HOUSING:** A low-rent housing development aided or financed by loans and/or annual contributions from DHCD.

**TENANT STATUS REVIEW (TSR):** The process and the document used to complete the required annual reexamination of all NBHA residents.

**UNAUTHORIZED OCCUPANTS:** Individuals or families who are staying in an apartment leased by a BHA resident who: (a) have not been approved in writing by the NBHA as additions to the Household; (b) have applied but have not yet been approved by the BHA as additions to the Household; (c) are staying beyond the limits established in the lease for temporary visitors.

**UNDER-HOUSED:** a condition of occupancy where too many people reside in an apartment according to NBHA standards for occupancy.

**USE AND OCCUPANCY AGREEMENT:** an agreement between NBHA and the occupant of a NBHA apartment whereby the occupant is entitled to use and occupy the apartment under specified conditions but is not entitled to reside as a tenant under a NBHA lease or otherwise.

**UTILITIES:** Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, and sewerage services. Telephone service, laundry, and cable service are not included as utilities.

**UTILITY ALLOWANCE.** The NBHA's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities.

**UTILITY REIMBURSEMENT PAYMENT.** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

**VETERAN.** Anyone who is a veteran as defined in M.G.L. c4, § 7, clause 43. The word "Veteran" as used in these policies shall include the spouse, surviving spouse, Dependent parent or child of a Veteran and the divorced spouse of a Veteran who is the legal guardian of a child of a Veteran.

**VETERANS' PREFERENCE:** A Preference that is given to Veterans