

FOUNTAIN TOWNHOMES

SECTION 8
NEW CONSTRUCTION
PROGRAM

SELECTION AND WAITING LIST POLICY

HOUSING AUTHORITY OF
THE CITY OF FOUNTAIN

ORIGINAL ADOPTION
MARCH 16, 1989
AS AMENDED

MARCH 21, 2002, APRIL 19, 2007, SEPTEMBER 2008,
OCTOBER 2009, OCTOBER 2010, SEPTEMBER 2011
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NONDISCRIMINATION

The Housing Authority of the City of Fountain (the “PHA”) shall administer the Fountain Townhomes Section 8 New Construction Program (the “Program”) in a manner that shall ensure consistent and fair treatment of all persons interested in Program participation.

The PHA shall not discriminate at any stage of the application/participation process because of race, color, national origin, religion, sex, age or handicap. The PHA is bound by the nondiscrimination requirements of federal, state and local law. The PHA shall abide by the nondiscrimination requirements of:

- A. Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color or national origin in any program or activity receiving federal financial assistance programs;
- B. The Fair Housing Act (Title VIII of the 1968 Civil Rights Act), which prohibits discrimination based on race, color, religion, sex, national origin, disability, or familial status in the sale, rental or financing of housing;
- C. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability in any program or activity receiving federal financial assistance;
- D. The Age Discrimination Act of 1975, which prohibits discrimination based on age in programs receiving federal financial assistance; and
- E. Executive Order 11063, Equal Opportunity in Housing (1962), as amended, which required HUD to take whatever action is necessary to prohibit discrimination based on race, color, national origin, religion, or sex in housing receiving federal assistance.
- F. Section 3 of the Housing and Urban Development Act of 1968;
- G. Title II of the Americans with Disabilities Act, which requires reasonable accommodation of persons with disabilities in all programs receiving federal financial assistance.

The PHA shall not discriminate against any applicant because of race, color, sex, national origin, religious preference or political affiliation. No preference shall be shown to any applicant because of political affiliation or acquaintance with any public official at the federal, state or local level. In addition, there shall be no discrimination against any applicant receiving part or all of his or her income from public assistance if such applicant is otherwise eligible.

EQUAL OPPORTUNITY

The PHA shall administer the Program in a manner that shall ensure consistent and fair treatment of all persons interested in Program participation.

PROJECT ELIGIBILITY

Applicants and tenants shall meet the following requirements to be eligible for occupancy and housing assistance:

- A. Income Eligibility. To be income eligible, the family shall be either:
1. an “extremely low-income” family – A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes; or
 2. a “very low-income” family - A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

HUD establishes income limits and revises them annually for the Program. The family’s annual income shall not exceed program income limits.

- B. Disclosure of Social Security Numbers. Applicants and Tenants shall disclose and document the social security numbers (SSNs) for all household members, excluding those individuals who were age 62 or older as of January 31, 2010 whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status, and provide proof of the numbers reported. .

1. Required Documentation.

Applicants shall provide documentation of SSNs. Adequate documentation means a social security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN as set forth below:

- a. Driver’s license with SSN;
- b. Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union;
- c. Earnings statements on payroll stubs;
- d. Bank statement;
- e. Form 1099;
- f. Benefit award letter;
- g. Retirement benefit letter;
- h. Life insurance policy; and
- i. Court records.

2. Rejection of Documentation. The PHA will reject a document that:
 - a. Is not an original document; or
 - b. Is the original document but it has been altered, mutilated, or is not legible; or
 - c. Appears to be a forged document (e.g., does not appear to be authentic).
The PHA will explain to the applicant or tenant the reason(s) why the document(s) is not acceptable and request the individual obtain acceptable documentation of the SSN and submit it to the PHA within 90 days.

3. Timeframe for Applicants Providing Social Security Numbers.
 - a. Applicants currently on or applying to the waiting list do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for placement on the waiting list. However, applicants must disclose and provide verification of a SSN for all non-exempt household members before they can be housed.
 - b. If housing applicants from the waiting list have not disclosed and/or provided verification of SSNs for all non-exempt household members at the time a unit becomes available, the next eligible applicant will be offered the available unit.
 - c. The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant will be determined ineligible and removed from the waiting list.

4. Timeframe for Tenants to provide Social Security Numbers.
 - a. All tenants, except those individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010 (based on the effective date of the form HUD-50059 or form HUD-50058, whichever is applicable), and those individuals who do not contend eligible immigration status, must disclose and provide verification of their SSN at the time of their next interim or annual recertification if:
 - i. They have not previously disclosed a SSN;
 - ii. Previously disclosed a SSN that HUD or the SSA determined was invalid; or
 - iii. Been issued a new SSN.
 - b. If a tenant fails to provide a valid and verified SSN, the household is subject to termination of tenancy.
 - c. SSN Not Previously Disclosed by a Tenant household member. The head of household must bring SSN verification, through one or more of the documents listed in (1) above, to the recertification meeting for any household member who has not disclosed and provided verification of their SSN.
 - d. The head of household will be notified when Enterprise Income Verification (EIV) System pre-screening or the SSA validation determines that a household member has provided an invalid SSN.
 - e. If a Tenant or any member of a tenant's household is or has been assigned a new SSN, the tenant must provide the SSN and documentation to verify the SSN at:
 - i. The time of receipt of the new SSN; or

- ii. The next interim or regularly scheduled recertification.
 - f. If a Tenant adds a Household Member
 - i. When a tenant requests to add a household member who is age six or older, the documentation of the SSN must be provided at the time of the request or at the time the recertification that includes the new household member is processed. The new household member will not be added until such time as the documentation is provided.
 - ii. Child Under the Age of Six
 - a. When adding a household member who is a child under the age of six with a SSN, the child's SSN must be disclosed and verification provided at the time of processing the recertification of family composition that includes the new household member.
 - b. If the child does not have a SSN, the household will have 90 days in which to provide documentation of a SSN for the child. An additional 90-day period will be granted if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the tenant. Examples include but are not limited to: delayed processing of the SSN application by the SSA, natural disaster, fire, or death in family. During this time period, the child will be included as part of the household and will receive all of the benefits of the program in which the tenant is involved, including the dependent deduction. A TRACS ID will be assigned to the child until the documentation of the SSN is required to be provided. At the time of the disclosure of the SSN, an interim recertification must be processed changing the child's TRACS ID to the child's verified SSN. If the SSN is not provided, the household is subject to termination of tenancy.
- C. Authorization for Release of Information. All adults in each applicant family shall sign a Consent for the Release of Information prior to receiving assistance and annually thereafter.
- D. Residence. The unit for which the family is applying shall be the family's only residence.
- E. Rent Payment. An applicant shall agree to pay the rent required by the program under which the applicant shall receive assistance.
- F. Restriction on Assistance to Non-citizens.

By law, only U.S. citizens and eligible non-citizens may benefit from federal rental assistance. Compliance with these rules ensures that only eligible families receive subsidy. These requirements apply to families making application to the property, families on the waiting list, and tenants. This paragraph describes the procedures the PHA shall use to determine applicant eligibility based on citizenship/immigration status.

- 1. Family's Citizenship/Immigration Status.
 - a. All family members, regardless of age, shall declare their citizenship or eligible immigration status.
 - b. Non-citizens (except those age 62 and older) shall sign a Verification Consent Form and submit documentation of their status or sign a

declaration that they do not claim to have eligible status. Non-citizens age 62 and older shall sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens shall sign a declaration of citizenship.

- c. A mixed family—a family with one or more ineligible family members and one or more eligible family members—may receive either, prorated assistance, continued assistance, or a temporary deferral of termination of assistance.
- d. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.

2. Reviewing a Family’s Citizenship/Immigration Status.

- a. The PHA shall determine the applicant’s citizenship or immigration status during the initial eligibility determination, prior to move-in.
- b. As part of the annual or interim recertification process, the PHA shall determine the citizenship/immigration status of tenants from whom the PHA has not previously collected the proper documentation or whose documentation suggested that their status was likely to change.
- c. If the status of a family member in a mixed family changes from ineligible to eligible, the family may request an interim recertification.
- d. The required evidence of citizenship/immigration status for any new family member shall be submitted at the first interim or regular recertification after the person moves to the unit.

3. Notification to Applicants.

- a. The PHA shall give each applicant, at the time of application, notification of the requirement either to submit evidence of citizenship or eligible immigration status or to choose not to claim eligible status. The notification shall:
 - 1. State that financial assistance is contingent on submission and verification of citizenship or eligible immigration status;
 - 2. Describe the type of evidence that shall be submitted;
 - 3. Give the time period in which evidence shall be submitted; and
 - 4. State that assistance may be prorated, denied, or terminated if any or all family members are determined ineligible for assistance.
- b. Owners may notify families that they are eligible for assistance, or for partial assistance, as a mixed family.
- c. Owners shall notify families in writing if they are found to be ineligible based upon citizenship/immigration status.

4. Owner Preparation to Collect Documentation of Citizenship/Immigration Status.

Owners are required to verify with the Department of Homeland Security (DHS) the validity of documents provided by applicants. The owner shall obtain the following documentation for each family member regardless of age:

- a. From U.S. citizens, a signed declaration of citizenship. Owners may require verification of the declaration by requiring presentation of a U.S. birth certificate or U.S. passport.

- b. From non-citizens 62 years and older, a signed declaration of eligible non-citizen status and proof of age;
- c. From non-citizens under the age of 62 claiming eligible status:
 1. A signed declaration of eligible immigration status;
 2. A signed consent form; and
 3. One of the DHS-approved documents listed below:
 - Form I-551, *Permanent Resident Card* .
 - Form I-94, *Arrival-Departure Record* annotated with one of the following:
 - a. “Admitted as a Refugee Pursuant to Section 207”;
 - b. “Section 208” or “Asylum”;
 - c. “Section 243(h)” or “Deportation stayed by Attorney General”; or
 - d. “Paroled Pursuant to Section 212(d)(5) of the INA.”
 - Form I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:
 - a. A final court decision granting asylum (but only if no appeal is taken);
 - b. A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (if application filed was before October 1, 1990);
 - c. A court decision granting withholding of deportation; or
 - d. A letter from an DHS asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
 - A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant’s entitlement to the document has been verified.
 - Other acceptable evidence. If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they shall be announced by notice published in the *Federal Register*.
 - d. Non-citizens not claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance. This statement is in addition to declaring citizenship status on the Citizen Declaration Form.

5. Timeframes for Submitting Evidence of Citizenship/Immigration Status to the Owner.

Applicants shall submit required documentation of citizenship/immigration status no later than the date the PHA initiates verification of other eligibility factors. If the applicant cannot supply the documentation within the PHA’s specified timeframe, the PHA may grant the applicant an extension of not more than 30 days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and

submit the required documentation. The PHA shall inform the applicant in writing if an extension request is granted or denied and set forth the new deadline for submitting the documentation. If the request is denied, the PHA shall inform the applicant in writing of the reasons for the denial.

6. Prohibition Against Delay of Assistance.

The PHA may not delay the family's assistance if the family has submitted its immigration documentation in a timely manner but the DHS verification or appeals process has not been completed. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, the owner shall offer the family a unit. The PHA shall provide assistance to the family member determined to be eligible and to those family members that submitted their immigration documents on time. If any family members did not provide the required immigration documentation, then the assistance for the family shall be prorated.

Once the PHA has determined the citizenship/immigration status of a family assisted prior to completion of the verification or appeal process, the PHA shall:

- a. Provide full assistance to a family that has established the eligibility of all of its members;
- b. Offer continued prorated assistance to a mixed family, or temporary deferral of termination of assistance; or
- c. Offer temporary deferral of termination of assistance to an ineligible family. At the end of the deferral period the family shall either pay market rent or vacate the unit.

7. Verifying Information on Immigration Status.

The PHA shall verify the validity of documents provided by applicants or tenants through the Alien Status Verification Index (ASVI) database. If the owner is unable to obtain the results using the automated primary and secondary verification method, the PHA shall attempt to obtain results using the secondary verification paper process.

8. Appealing Determinations of Ineligibility.

The PHA shall notify the family in writing as soon as possible if the secondary verification process returns a negative result. The family has 30 days from the date of the notice to request an appeal of the DHS result. The family shall request in writing directly to the DHS and shall provide the PHA with a copy of the written request for appeal and proof of mailing.

9. Prohibition of Assistance to Non-citizen Students .

Non-citizen students and their non-citizen families may not receive assistance. Non-citizen students are not eligible for continuation of assistance, prorated assistance, or temporary deferral of termination of assistance.

A non-citizen student is defined as an individual who is as follows:

- a. A resident of another country to which the individual intends to return;
- b. A bona fide student pursuing a course of study in the United States; and
- c. A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

This prohibition applies to the noncitizen student's noncitizen spouse and children. However, spouses and children who are citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

G. Verification of Information. All information reported by the family is subject to verification.

H. Eligibility of Students for Assistance

1. No assistance shall not be provided to any individual who:
 - a. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
 - b. Is under the age of 24;
 - c. Is not married;
 - d. Is not a veteran of the United States Military;
 - e. Does not have a dependent child;
 - f. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005;
 - g. Is not living with his or her parents who are receiving Section 8 assistance; and
 - h. Is not individually eligible to receive Section 8 assistance and has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

NOTE: Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance and the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the tenant to receive Section 8 assistance.

2. For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. The PHA shall use the following criteria for determining the student's independence from parents to determine eligibility for Section 8 assistance. The student must:
 - a. Be of legal contract age under state law;
 - b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or, meet the U.S. Department of Education's definition of an independent student.
 - c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - d. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
3. Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.
4. If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the provisions set forth in the section of this policy on the Denial or Termination of Assistance.

SELECTION OF TENANTS

- A. The PHA shall select families for participation in the Program in accordance with the following general preference. Provided, however, that at least 40% of the families newly admitted to the Program shall have incomes that do not exceed 30% of the area median income, hereinafter referred to as "Income Targeting Requirements".

All applicants who qualify for a local preference shall be offered a unit before any family that does not qualify for a local preference. Families that qualify for a local preference are those families that either live or work in the Fountain, Security or Widefield area at the time of admission to the Program.
- B. All applicants shall be processed in accordance with the waiting list procedures outlined in this plan. Local preference, Income Targeting Requirements and time and date of application shall be used to determine the order of admission.

WAITING LIST PROCEDURES

- A. A waiting list shall be maintained for all eligible families wishing to participate in the Program. A separate waiting list shall be maintained for each bedroom size authorized. All applicants shall be processed based upon date and time of application after consideration of the local preference and the Income Targeting Requirements identified in this policy statement. Applicants on the waiting list may be skipped over in order to meet the PHA's Income Targeting Requirements. A family shall be processed through the waiting list using the following procedures.
1. In order to be placed on the waiting list, an interested family shall complete a registration card and any pertinent preference certifications*. Registration cards and certifications are available at the PHA main office, 501 E. Iowa Avenue, Fountain, Colorado 80817.
 2. Registrations/certifications shall be dated and time stamped (time affixed) upon receipt in the PHA office.
 3. All registrations/certifications shall be reviewed to determine if the family appears to meet eligibility requirements.
 4. The appropriate bedroom size shall be determined based upon the occupancy standards stated herein and the family shall be placed on the correct waiting list by time, date and preference.
 5. An applicant determined to be ineligible shall be notified in writing and advised of the reasons for the determination. The applicant shall also be advised of his or her right to request an informal review of the decision within fourteen (14) days of the notification.
- B. The waiting list shall be purged from time to time to eliminate any inactive applications, to reduce unnecessary administrative burden and to ensure that the list remains representative of the needs of the community.
- C. Closing of the waiting list for any and all bedroom sizes shall be announced by public notice in a newspaper of general circulation with similar notification to interested social service organizations. The list shall remain closed to all applicants including those with a local preference.
- D. Re-opening of the waiting list for any and all bedroom sizes shall also be announced by public notice in a newspaper of general circulation with similar notification to interested social service organizations.
- E. Changes in family income, composition, address and telephone numbers shall be reported in writing to the PHA by the family.
- F. Changes in a family's preference status shall be reported to the PHA by the family in writing. The family's position on the waiting list shall be effective as of the date of the original registration.
- G. An applicant's name shall be removed from the waiting list when the PHA has made at least two attempts to contact the applicant, either by telephone or mail, and the applicant does not respond or cannot be found.
- H. Waiting list procedures shall conform to all applicable federal regulations.

***Note: A family shall not be denied the opportunity to apply for the waiting list because of their inability to register at the PHA main office due to the applicant's disability.**

INCOME TARGETING REQUIREMENTS

In each fiscal year of the PHA, at least 40% of the families newly admitted to the Program shall have incomes that do not exceed 30% of the area median income, considered extremely low-income families. In order to meet the Income Targeting Requirements in each fiscal year, the PHA shall select, in chronological order, eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. Once the target has been reached, the PHA shall admit applicants in waiting list order.

PREFERENCE FOR SELECTION

The PHA shall select families for participation in the Program in accordance with the following general preferences. All Applicants who qualify for a preference shall be offered a unit before any family that does not qualify for a preference.

Local Preference

1. Residency- the applicant lives within the PHA's jurisdiction or areas of operation at the time of application (Fountain, Widefield, Security, Stratmoor Valley and other parts of Southern El Paso County excluding Colorado Springs and Manitou Springs). Applicants who are working or have been notified that they are hired to work in the PHA's jurisdiction or areas of operation at the time of application shall be treated as residents.
2. Employability – applicants who are working or whose head of household, spouse, or sole member is age 62 or older or is receiving social security disability, supplemental security income disability benefits, or any other payments based on the individuals inability to work.

A family may certify that they are eligible for a preference at the time they complete a registration card for the waiting list or any time thereafter.

At the time the family is actually offered a unit, the PHA shall verify eligibility for a preference. If the PHA is unable to verify eligibility for a preference at that time, the family shall be placed back on the waiting list, according to the date and time of the original registration, without the benefit of a preference.

No Preference for those Evicted for Drugs

If an applicant has been evicted from housing assisted under the U.S. Housing Act (Public, Indian, Section 8, or Section 23 housing) because of drug-related criminal activity (drug use or drug distribution) by any member of the applicant family, the applicant may not be given any tenant selection preference for three years from the date of that eviction.

The PHA may waive this restriction for a particular applicant if the PHA determines that the evicted person:

- 1) Has successfully completed a rehabilitation program approved by the PHA; or
- 2) clearly did not participate in or know about the drug-related criminal activity; or
- 3) no longer participates in any drug-related criminal activity.

The acceptable forms of verification are as required by federal regulation.

SCREENING OF APPLICANTS FOR TENANCY

An applicant and/or any additional household member who is proposed to reside in the unit may be refused occupancy if:

- A. The credit history from the immediate five (5) years prior shows a pattern of irresponsible behavior that indicates future problems for the Program; or
- B. A landlord reference which shows:
 - i. Habitually late payment of rent or utility bills;
 - ii. Failure to maintain a unit and the premises;
 - iii. Problems with respecting the rights of others to the peaceful enjoyment of their housing; and
 - iv. Failure to comply with other essential conditions of tenancy.
- C. As part of the process for screening applicants, the PHA will obtain an Existing Tenant Search report from the Enterprise Income Verification (EIV) System to determine whether an applicant and/or any applicant household member may be receiving assistance at another Multifamily Housing or Public and Indian Housing (PIH) location. If the report identifies the applicant and/or any applicant household member as residing at another location, the PHA will notify the applicant by phone or by mail and will provide the applicant with an opportunity to explain the circumstances relating to the assistance at the other location within 14 days of the date of the notice by the PHA to the applicant.

Applicants that do not respond to the opportunity to explain the circumstances relating to the assistance at another location or that fail to provide a reasonable explanation, such as the applicant's desire to move or the applicant's shared custody of a household member may be refused occupancy.

Where the applicant adequately explains the circumstances relating to the assistance at the other location, the PHA shall, prior to admission to the Program, follow up with the respective Housing Authority or Owner/Management Agent to confirm the applicant's program participation and to coordinate the move-in and move-out dates with the Housing Authority or Owner/Management Agent, as necessary.

A. Prohibition on admission.

- 1. No applicant shall be admitted to the Program if:
 - i. The PHA determines that any household member is currently engaging in illegal use of drugs; or
 - ii. The PHA determines that it has reasonable cause to believe that illegal drug use or a pattern of illegal drug use by a household member may threaten the health, safety, or the right to peaceful enjoyment of the premises by other residents.

2. The PHA may require the household to submit sufficient evidence, as determined by the PHA, that the members of the household have not engaged in drug-related criminal activity for a period of at least three years before admission to the Program.
3. If any household member of the applicant family has been evicted from federally assisted housing for drug-related criminal activity, the applicant family may not be admitted to the Program for a period of at least three years from the date of the judicial determination authorizing the eviction. However, the PHA may admit the household if it determines that:
 - i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or
 - ii. The circumstances leading to the eviction no longer exist.
4. The PHA has an absolute prohibition of the admission of an applicant family if any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing.
5. Prohibition on the admission of other criminals.
 - a. No applicant shall be admitted to the Program if the PHA determines that any household member is currently engaged in or has engaged in:
 - i. Violent criminal activity; or
 - ii. Other criminal activity which may threaten the health, safety, or the right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - iii. Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA, or a PHA employee or contractor, subcontractor or agent.
 - b. The PHA may require the family to submit sufficient evidence, as determined by the PHA, that the members of the household have not engaged in such criminal activity for a period of three years before admission to the Program. Sufficient evidence may include certifications from sources such as a probation officer, a landlord, neighbors and social service agency workers.
 - c. If any member of the applicant family is subject to a lifetime registration requirement under a State sex offender registration program, the applicant family may not be admitted to the Program. The PHA shall conduct the necessary criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration requirement.
 - d. Evidence of Criminal Activity. The PHA may deny admission for criminal activity by a household member if the PHA determines that the household member has engaged in the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

- e. Criminal Records. Before the PHA denies admission to the Program on the basis of a criminal record, the PHA shall provide the household with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of the record.

6. Prohibition of the admission for alcohol abuse.

If the PHA determines that it has reasonable cause to believe that abuse or a pattern of abuse of alcohol by an applicant family household member may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, it shall prohibit admission to the Program. Evidence of a pattern of abuse may include, but shall not be limited to: citations for disorderly conduct; citations for driving while under the influence; citations for public intoxication; landlord complaints; neighbor complaints; and social service agency records.

7. Determination to deny admission for illegal drug use or alcohol abuse.

- a. In determining whether to deny admission to the Program for illegal drug use or alcohol abuse, the PHA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully.
- b. In determining whether to deny admission to the Program for illegal drug use by a household member or for abuse of alcohol by a household member, the PHA may impose, as a condition of admission to the Program for other family members, a requirement that the household member who engaged in or is culpable for the drug use or alcohol abuse may not reside in the unit.
- c. The PHA may require a household member who has engaged in the illegal use of a drug, or in alcohol abuse that affects the health, safety, or the right to peaceful enjoyment of the premises by other residents, to submit evidence of current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program as a condition to reside in the unit.
- d. Obtaining information from Drug Treatment Facilities.
 - i. The PHA may require the family to submit for any household member who is at least 18 years of age, and for each family head or spouse regardless of age, a consent form signed by such household member that:
 - (1) Requests any drug abuse treatment facility to inform the PHA whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaged in illegal drug use; and
 - (2) Authorizes the PHA to receive such information from the drug treatment facility, and to utilize such information in determining whether to prohibit admission of the household member to the Program.
 - ii. The PHA shall submit a request to a drug abuse treatment facility only with respect to each proposed household member:
 - (1) Whose criminal record indicates prior arrest or conviction for any criminal activity that may be a basis for denial of admission; or

- (2) Whose prior tenancy records indicate that the proposed household member:
 - (a) Engaged in the destruction of property;
 - (b) Engaged in violent activity against another person; or
 - (c) Interfered with the right of peaceful enjoyment of the premises of other residents.

8. Denial of Admission.

Applicant households denied admission for violent or drug-related criminal activity; drug or alcohol abuse; or other criminal activity shall be treated the same as a denial of admission for any other reason and the applicant is entitled to a review of the decision resulting in the denial of admission.

9. Violence Against Women Act (VAWA).

The PHA shall not deny assistance to victims of domestic violence, dating violence or stalking. The VAWA protects victims of domestic violence, dating violence or stalking, as well as their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant’s status as a victim of domestic violence, dating violence, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

OCCUPANCY STANDARDS

The occupancy standards included in this Plan are for purposes of determining the size of the unit to be provided to an applicant family. These standards are developed in accordance with federal regulations that state that there shall be at least one bedroom or living room/sleeping room of appropriate size for each two persons in the family. Every family member, regardless of age, shall be counted as a person. Families shall be provided a unit based on the smallest size appropriate to their needs based upon the following limitations:

<u>Unit Size</u>	<u>Minimum Persons</u>	<u>Maximum Persons</u>
2-Bedroom	2	4
3-Bedroom	4	6

***Live-in Aids.** A live-in aid, which has been approved by the PHA to reside in the unit, shall be counted in determining the family unit size. In order for a live-in aid to be approved by the PHA to reside in a unit, the following conditions shall be met:

1. one member of the family shall be disabled or at least 50 years of age;
2. the family shall provide the PHA with documentation from a qualified health care professional that such family member requires 24 hour care;
3. no familial relationship exists between the live-in aid and any member of the family*;
4. the live-in aid shall be 18 years of age or older; and
5. the live-in aid must be screened in accordance with the provisions of this Policy.

***Note: if a familial relationship exists, the proposed live-in aid shall be treated as member of the family and not as a live-in aid for purposes of determining the family unit size.**

Exceptions to the Subsidy Standards. In determining family unit size for a particular family, the PHA may grant an exception to the subsidy standards set forth in this Plan, if the PHA determines that the exception is justified by the age, sex, health, disability or relationship of family members or other personal circumstances.

UNIT TRANSFERS

After a family moves into a unit, they may request a unit transfer under the following circumstances:

1. Medical reasons or to accommodate a person with a disability.
A transfer request for medically necessary reasons or to accommodate a person with a disability shall be accompanied by verification from the residents' physician. The PHA shall approve transfers that are needed for medical reasons or as a reasonable accommodation to a household member's disability on a priority basis, i.e. as soon as an appropriate unit becomes available without regard to applicants on the waiting list.
2. Change in family size or composition after initial occupancy.
A transfer request for a change in tenant's family size or composition shall be at the sole discretion of the PHA. If the PHA determines that the current dwelling unit is still the appropriate size for the tenant under the occupancy standards, then the transfer request shall be denied. If the PHA determines that a tenant's current dwelling unit is smaller or larger than appropriate as a result of a change in a tenant's family size or composition, the PHA shall consider the following factors in determining whether to approve the transfer:
 - a. Whether there is there a unit of appropriate size in the property? If there are appropriately sized units available, then a transfer to an appropriately sized unit shall be approved. If a unit of appropriate size is not available, then the tenant shall be moved to the most appropriately sized unit.
 - b. How long shall the tenant remain in the property? If the tenant has given a written notice to vacate, the transfer shall not be approved.
 - c. Is there a market for the size of unit the tenant would be vacating? If the tenant is occupying a unit that is larger than needed and there is no demand for that larger than the transfer shall not be approved.

Transfer requests based on family size or composition shall be placed on an in-house waiting list, in order of the date and time they are received. In-house transfers shall have priority over applicants on the waiting list.

MINIMUM RENT AND FINANCIAL HARDSHIP EXEMPTIONS

All participant families in the Program shall be required to pay a minimum total tenant payment or minimum rent of \$25.00 per month.

A participant family in the Program who is required to pay the minimum rent of \$25.00 may request a financial hardship exemption under the following circumstances:

1. When the family has lost eligibility for, or is awaiting an eligibility determination for a Federal, State or local assistance program;
2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
3. When the income of the family has decreased because of changed circumstances, including loss of employment;
4. When death has occurred in the family; and
5. Other applicable situations, as determined by HUD.

If a family requests a hardship exemption, the PHA shall suspend the minimum rent requirement beginning the month following the family's request. During the minimum rent suspension period, the family shall not be required to pay a minimum rent and the housing assistance payment shall be increased accordingly.

The PHA shall promptly determine whether a hardship exists and whether it is long term or temporary.

If the PHA determines that there is no financial hardship, the minimum rent shall be imposed retroactively to the time of the suspension.

If the PHA determines that there is a qualifying hardship, but that it is temporary, the minimum rent shall not be imposed for a period of 90 days from the date of the family's request. At the end of the 90 day suspension period, the minimum rent shall be imposed retroactively to the time of the suspension and the family shall be offered a payback agreement for the suspended minimum rent amount.

If the PHA determines that there is a qualifying long term financial hardship, the PHA shall exempt the family from the minimum rent requirement until the hardship no longer exists.

The family shall demonstrate to the PHA that the financial hardship is long term.

A family may appeal a financial hardship determination by the PHA through the informal review procedure.

PRE-OCCUPANY PROCEDURES

A. Offering of Unit.

Families shall be offered a unit in a non-discriminatory fashion, as their names come up on the waiting list. The normal rotation of the waiting list is time and date of application, after consideration of the preferences identified in this plan and income targeting rules.

Families shall be notified by mail or phone that a orientation briefing shall be conducted and that if they wish to participate in the program they shall attend. The families shall be advised that if they do not attend the scheduled briefing and fail to contact the office regarding the missed appointment, their name shall be removed from the waiting list.

Briefing shall be conducted in a group setting whenever possible, depending on the number of vacant units available. The purpose of the briefing is to acquaint the families with the operation of the program and provide them with all the tools necessary to successfully become participants of the program. The families shall be given a packet containing all the required information and documents. A full explanation shall be given of each item. It shall be made clear to all applicants that they have 7 days to pay the security deposit and rent.

B. Extensions.

Offer of a unit shall only be extended if approved by the Executive Director.

GUIDELINES AND STANDARDS FOR HOUSING QUALITY STANDARDS INSPECTIONS

During the first year of occupancy, the PHA shall conduct a Housing Quality Standards (HQS) inspection after the first three (3) months of occupancy, again after the first six (6) months of occupancy and on the anniversary date of the first year of occupancy. Thereafter, The PHA shall annually conduct a HQS inspection of each unit.

Quality control inspections and special inspections shall also be conducted as required.

HQS inspections shall consist of the following performance requirements:

1. Sanitary facilities;
2. Food preparation and refuse disposal;
3. Space and Security;
4. Thermal environment;
5. Illumination and electricity;
6. Structure and materials;
7. Interior air quality;
8. Water supply;
9. Lead-based paint;
10. Access;
11. Site and neighborhood;
12. Sanitary conditions; and
13. Smoke detectors.

Tenants are responsible to correct HQS fail and inconclusive items resulting from:

1. Failure to maintain the unit in a safe decent and sanitary manner;
2. Failure to report items of needed repair that result in damage to the unit; or
3. Damage to the unit due to negligence.

The PHA shall terminate Program assistance to families who fail to correct HQS deficiencies that they caused.

RE-EXAMINATIONS

1. Annual Reexaminations.

At least once a year, the PHA shall conduct a reexamination of the income and composition of families participating in the Program. The PHA has established the anniversary date of the lease agreement as the reexamination effective date for participating families.

One Hundred Twenty (120) days prior to the expiration date of the lease agreement for a participating family, the PHA shall mail written notice to the family of the date of the reexamination appointment, the location of the appointment, and the documents required to be brought to the appointment.

All information shall be verified. The participating family shall comply with the PHA's requests for verification by signing releases for third-party sources, presenting documents for review, or providing other suitable forms of verification. The PHA shall utilize HUD's Enterprise Income Verification (EIV) System to verify reported income in accordance with the PHA's EIV Policy and Procedures for Multifamily Programs. In addition, the PHA shall conduct a criminal history background check at each annual reexamination that shall include a check of the State lifetime sex offender registration records.

If a participating family does not respond to the notice of reexamination, the PHA shall mail a second notice to the participating family. If the family fails to respond to the second notice, the PHA shall mail a written termination notice to the family that states that the housing assistance shall be terminated, the effective date of the termination and the reasons for the termination. The termination notice shall inform the participating family of their right to an Informal Hearing.

2. Interim Reexaminations.

Participating families shall be required to report, within thirty (30) days of the occurrence, changes in family composition and income during the period between annual reexaminations under the following circumstances:

- a. A person with income joins the household.
- b. An adult member of the household who was reported as unemployed on the most recent certification or re-certification obtains employment.
- c. The participating family can verify a change in his/her circumstances (such as decline in or loss of income) that would justify a reduction in the family's share of the rent. If a reduction is granted, the family shall report subsequent increases in income.
- d. It is found that the participating family has misrepresented the facts upon which the family's share of the rent is based so that the rent that the family is paying is less than the rent that they should have been charge. The PHA then may apply an increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred.

- e. The participating family's income cumulatively increases by \$200.00 per month or more.
- f. All changes in family composition shall be reported to the PHA.
- g. The PHA may, at its discretion, require participating families that have reported, on the most recent certification or re-certification, that a member of the household is employed seasonally or on a temporary basis, to schedule interim reexaminations on a regular basis, such as quarterly.

3. Rent Adjustments.

Participating families shall be notified in writing of interim reexamination results and the effective date of the change in the family's share of the rent.

- a. In the case of a rent decrease, the adjustment shall become effective on the first day of the month following the reported change, provided that the participating family reported the change in a timely manner, as specified above.
- b. In the case of a rent increase, the adjustment shall become effective on the first day of the second month following the month in which the change was reported, provided that the participating family reported the change in a timely manner, as specified above.
- c. In the case of a rent increase due to misrepresentation, failure to report a change in family composition, or failure to report an increase in income, the PHA shall apply the increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred.

DENIAL OF AN APPLICANT

The PHA may deny an applicant if the applicant:

- 1. Is ineligible for occupancy in a particular unit or property;
- 2. Is unable to disclose and document SSNs of all household members who are at least 6 years old, or does not execute a certification stating that no SSNs have been assigned;
- 3. Does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A);
- 4. Has household characteristics that are not appropriate for the specific type of unit available at the time, or has a family of a size not appropriate for the unit sizes that are available; In such cases, the PHA may deny the applicant admission to a specific unit, but the applicant may continue to wait for another unit
- 5. Includes family members who did not declare citizenship or noncitizenship status, or sign a statement electing not to contend noncitizen status. However, the PHA shall permit families to revise their application to exclude proposed family members who do not declare citizenship or eligible noncitizen status; or
- 6. Does not meet the PHA's tenant screening criteria.

INFORMAL REVIEW

The PHA shall provide an applicant with the opportunity for an Informal Review if the applicant has been denied participation.

The PHA shall use the following procedures to advise the applicant and conduct the review.

1. The applicant shall be given written notification of the denial of assistance. Such notice shall state the reasons for the denial.
2. The notice shall state that the applicant has a right to request, in writing, an informal review of the decision to deny participation within 14 days of the date of the notification.
3. The informal review shall be conducted within 14 days of the receipt by the PHA of the request for such review. The Executive Director shall select a person, other than the person who made or approved the decision under review or a subordinate of such person, to conduct the Informal Review.
4. The applicant may present written or oral objections to the decision to deny participation at the Informal Review.
5. The PHA shall notify the applicant of the PHA final decision concerning participation within 5 days. Such notice shall include a brief statement of the reasons for the final decision.

In the case of an applicant who has been denied a preference, the PHA shall follow the same procedure as set forth above.

The Executive Director shall have sole the sole discretion to designate the person(s) who shall conduct the Informal Review.

TERMINATION OF ASSISTANCE

A. When Assistance Shall Be Terminated

The PHA shall terminate a tenant's assistance in the following circumstances:

1. A tenant fails to provide required information at the time of recertification, including changes in family composition or changes in income or social security numbers for new family members.
2. A tenant fails to sign/submit required consent and verification forms (form HUD-9887 and form HUD-9887-A).
3. An annual or interim recertification determines that the tenant has an increased ability to pay the full contract rent.
4. A tenant fails to move to a different-sized unit within 30 days after the PHA notifies him/her that a unit of the required size is available. If the tenant remains in the same unit, the tenant must pay the market rent as required by the lease.

5. A tenant has begun receiving assistance, but the PHA is unable to establish citizenship or eligible immigration status for any family members from the information provided by the tenant and determines that the tenant does not meet the citizenship requirement.
6. A student enrolled at an institution of higher education does not meet the eligibility requirements for assistance.

B. Procedure for Terminating or Reinstating Assistance

1. Terminating Assistance

- a. When terminating a tenant's assistance, the PHA shall increase the tenant's rent to market rent (or contract rent).
- b. When terminating assistance, the PHA shall provide notice to the tenant of the increase in the tenant's rent.
- c. The written notice shall include:
 - i. The specific date the assistance will terminate;
 - ii. The reason(s) for terminating assistance;
 - iii. The amount of rent the tenant will be required to pay;
 - iv. Notification that if the tenant fails to pay the increased rent, the PHA may terminate tenancy and seek to enforce the termination in court; and
 - v. The tenant has a right to request, within 10 calendar days from the date of the notice, a meeting with the PHA to discuss the proposed termination of assistance.
- d. The notice shall be served by:
 - i. Sending a letter by first class mail, properly stamped and addressed and including a return address, to the tenant at the unit address; and
 - ii. Delivering a copy of the notice to any adult person answering the door at the unit. If no adult answers the door, the person serving the notice may place it under or through the door, or affix it to the door.
- e. The date on which the notice is deemed received by the tenant is the later of:
 - i. The date the first class letter is mailed; or
 - ii. The date the notice is properly given.
- f. Service of the notice is deemed effective once the notice has been both mailed and hand delivered.

2. Reinstating Assistance

The PHA may reinstate a tenant's terminated assistance if:

- a. The original termination of assistance was due to:
 - i. A tenant's failure to recertify, or
 - ii. A tenant's increased ability to pay;
- b. The original termination of assistance was not due to fraud;
- c. The tenant is eligible for assistance (based on the income and rent calculation, the tenant would pay less than market rent);
- d. The tenant submits the required information; and
- e. Assistance is available for the unit.

C. Termination of Assistance Related to Establishing Citizenship or Eligible Immigration Status

a. When Assistance Must Not Be Terminated

The PHA shall not terminate assistance on the basis of ineligible immigration status of a family member if:

- i. The primary (automated) and secondary (manual) verification search of any immigration documents that were submitted in time has not been completed by the DHS;
- ii. The family member for whom required evidence has not been submitted has moved from the assisted dwelling unit;
- iii. The family member who is determined not to have eligible immigration status following DHS verification has moved from the assisted dwelling unit;
- iv. The DHS appeals process under 24 CFR 5.514(e) has not been concluded;
- v. Assistance is prorated in accordance with 24 CFR 5.520;
- vi. Assistance for a mixed family is continued in accordance with 24 CFR 5.516 and 24 CFR 5.518; or
- vii. Deferral of termination of assistance is granted in accordance with 24 CFR 5.516 and 24 CFR 5.518.

b. Termination of Assistance When Unable to Establish Citizenship or Eligible Immigration Status

- i. When the PHA is unable to establish citizenship or eligible immigration status of family members, assistance to a tenant shall not be terminated until the completion of an informal hearing.

- ii. Within 30 days of a DHS appeal decision or a notice from the PHA terminating assistance, a tenant may request that the PHA provide a hearing. The hearing procedures are outlined below.
 1. The tenant shall be provided a hearing before any person(s) designated by the PHA, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision;
 2. The tenant shall be provided the opportunity to examine and copy, at the tenant's expense and at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the tenant's eligibility status, or in the possession of the DHS (as permitted by DHS requirements), including any records and regulations that may be relevant to the hearing;
 3. The tenant shall be provided the opportunity to present evidence and arguments in support of eligible immigration status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings;
 4. The tenant shall be provided the opportunity to argue against evidence relied upon by the responsible entity and to confront and cross-examine all witnesses on whose testimony or information The PHA relies;
 5. The tenant shall be entitled to be represented by an attorney, or other designee, at the tenant's expense, and to have such person make statements on the tenant's behalf;
 6. The tenant shall be entitled to arrange for an interpreter to attend the hearing, at the expense of the tenant; and
 7. The tenant shall be entitled to have the hearing recorded by audiotape.
 8. The PHA shall provide a written final decision, based solely on the facts presented at the hearing, to the tenant within 14 days of the date of the informal hearing. The decision shall also state the basis for the determination. As with the notice, the decision shall be in an accessible form if being provided to a tenant with a disability.
 9. A decision against a tenant member issued in accordance with the requirements listed above does not preclude the tenant from exercising the right, which may otherwise be available, to seek redress directly through the judicial procedures.
 10. The PHA shall retain for a minimum of 5 years the following documents that may have been submitted by the tenant or provided to The PHA as part of the DHS appeal or the informal hearing process:
 - a. The application for financial assistance;

- b. The form completed by the tenant for income re-examination;
 - c. Photocopies of any original documents (front and back), including original DHS documents;
 - d. The signed verification consent form;
 - e. The DHS verification results;
 - f. The request for an DHS appeal;
 - g. The final DHS determination;
 - h. The request for an informal hearing; and
 - i. The final informal hearing decision.
- c. Termination of Assistance When a Tenant Allows an Ineligible Individual to Reside in a Unit

If the PHA terminates assistance based on a determination that a tenant has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit:

- i. Such termination shall be for a period of not less than 24 months; and
- ii. This provision shall not apply to a tenant if, when calculating any proration of assistance provided for the family, the individual's ineligibility was known and considered.

TERMINATION OF TENANCY

A. Material Noncompliance with the Lease

The PHA may terminate tenancy when a tenant is in material noncompliance with the lease, including:

1. Failure of the tenant to submit, in time, all required information on household income and composition. Examples include:
 - The tenant's failure to:
 - a. Submit required evidence of citizenship or eligible immigration status;
 - b. Disclose and verify social security numbers; or
 - c. Sign and submit consent forms allowing verification of information regarding the tenant's income and eligibility.
2. The tenant's knowingly providing incomplete or inaccurate information.
3. Extended absence or abandonment of the unit for a period of 90 days or more.
4. Fraud, when a tenant knowingly provides inaccurate or incomplete information.

5. Repeated minor violations that:
 - a. Disrupt the livability of the property;
 - b. Adversely affect the health or safety of any person, or the right of any tenant to the peaceful enjoyment of the property;
 - c. Interfere with the management of the property; or
 - d. Have an adverse financial effect on the property.
6. Nonpayment of rent due under the lease.
 - a. The tenant is obligated to pay all amounts due under the lease or repayment agreement, including any portion thereof.
 - b. The PHA shall not terminate the tenancy until any grace period permitted by state law has expired.

B. Procedures for Terminating Tenancy and Providing Notice

To terminate tenancy, the PHA shall comply with HUD requirements and all applicable laws of the State of Colorado.

1. Termination notice.
 - a. If The PHA proposes to terminate a lease, the PHA shall give the tenant written notice of the proposed termination.
 - b. For tenants with a disability, the notice shall be provided in a form accessible to the tenant.
 - c. When the PHA terminates the tenancy, a written notice shall be provided to the tenant and shall:
 - i. State the specific date the tenancy shall be terminated;
 - ii. State the reasons for the action with enough detail to enable the tenant to prepare a defense;
 - iii. Advise the tenant that remaining in the unit on the termination date specified in the notice may result in the PHA seeking to enforce the termination in court, at which time the tenant may present a defense;
 - iv. Advise the tenant that he/she has 10 days within which to discuss termination of tenancy with the PHA. The 10-day period begins on the day that the notice is deemed effective; and
 - v. Advise that persons with disabilities have the right to request reasonable accommodations to participate in the hearing process.

- d. When terminating tenancy for material noncompliance, the time of service of the termination notice shall be in accordance with the lease and state law.
 - e. In the case of the tenant's nonpayment of rent, the notice shall include the dollar amount of the balance due on the rent account and the date of such computation.
2. Manner of service of Notice.
- a. The notice shall be served by:
 - i. Sending a letter by first class mail, properly stamped and addressed and including a return address, to the tenant at the unit address; and
 - ii. Delivering a copy of the notice to any adult person answering the door at the unit. If no adult answers the door, the person serving the notice may place it under or through the door, or affix it to the door.
 - b. The date on which the notice is deemed received by the tenant is the later of:
 - i. The date the first class letter is mailed; or
 - ii. The date the notice is properly given.
 - c. Service of the notice is deemed effective once the notice has been both mailed and hand delivered.
 - d. The manner of service will be in accordance with the provisions of laws of the State of Colorado.
3. Judicial action.
- a. The PHA shall not evict any tenant except by judicial action pursuant to the laws of the State of Colorado.
 - b. In any judicial action to evict a tenant, the PHA shall rely on the grounds cited in the termination notice served to the tenant. However, the PHA is not precluded from relying on grounds about which he/she had no knowledge of at the time the notice was sent to the tenant.
 - c. The tenant's failure to object to the notice does not constitute the tenant's waiver of his/her rights to contest the PHA's action in a judicial proceeding.
 - d. A tenant may rely on the laws of the State of Colorado governing eviction procedures where such laws provide the tenant procedural rights that are in addition to those provided by the regulatory agreements, except where such laws have been preempted under CFR Part 246, Local Rent Control, or by other action of the United States.

C. Drug Abuse and Other Criminal Activity

1. Criminal activity. The PHA may terminate tenancy for any of the following types of criminal activity by a covered person (a tenant, household member, guest, or other person under the tenant's control):
 - a. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises); or
 - b. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises.
2. Illegal drug use. The PHA may evict a family when they determine that a household member is illegally using a drug or when the PHA determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
3. Alcohol abuse. The PHA may terminate tenancy if it determines that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.
4. Other circumstances. The PHA may terminate tenancy during the term of the lease if a tenant is:
 - a. Fleeing to avoid prosecution, or custody or confinement after conviction for a crime, or attempting to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
 - b. Violating a condition of probation or parole imposed under federal or state law.
5. Factors to Consider When Terminating Tenancy for Drug Abuse and Other Criminal Activity
 - a. The PHA may consider all of the circumstances relevant to a particular eviction case, such as:
 - i. The seriousness of the offending action;
 - ii. The effect on the community of terminating or not terminating tenancy;
 - iii. The extent of the tenant's participation in the offending action;
 - iv. The effect of termination of tenancy on household members not involved in the offending action;
 - v. The demand for assisted housing by families who will adhere to lease responsibilities;

- vi. The extent to which the tenant has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action; and
 - vii. The effect of The PHA's action on the integrity of the program.
- b. In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the PHA may consider and may require evidence of whether the member:
- i. Is participating in or has successfully completed a supervised drug or alcohol rehabilitation program; or
 - ii. Has otherwise been rehabilitated successfully.
- c. A tenant may be required to exclude a household member in order to continue to reside in the unit when that household member has participated in, or is responsible for, an action or a failure to act that warrants termination.

D. VAWA protections.

1. Protections Against Termination of Assistance or Eviction for Victims of Domestic Violence, Dating Violence or Stalking.

a. An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.

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

c. The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if an O/A can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. Ultimately, O/As may not subject victims to more demanding standards than other tenants.

2. Lease Bifurcation.

Assistance may be terminated or a lease "bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or lawful occupant, to remain.

- a. Owners must keep in mind that eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state and local law.
 - b. In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence or stalking against another household member, an interim recertification should be processed reflecting the change in household composition.
3. The provisions protecting victims of domestic violence, dating violence or stalking engaged in by a member of the household, may not be construed to limit the owner, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family's composition changes.
 4. The VAWA protections shall not supersede any provision of any federal state, or local law that provides greater protection for victims of domestic violence, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence or stalking.

COLLECTION POLICIES

In the interest of sound fiscal management and Program integrity, the PHA shall make all efforts to collect amounts owed the PHA as a result of unreported income or damages to the unit by participants. The following procedures shall be followed to ensure maximum collection of applicant or participant debt:

1. Applicants.

No applicant shall be admitted to the Program until any and all debts owed the PHA have been paid. The applicant's name may be placed on the waiting list as a potential eligible applicant but no unit shall be offered until all debts are paid in full. No payback arrangements shall be made with applicants as a condition of admittance to the Program.

2. Participants.

Participants in the Program shall agree to pay back any amounts owed the PHA in order not to jeopardize their continued assistance. The following procedures shall be followed for program participants:

- a. Unreported Income - A limited payback arrangement shall be negotiated, once the amount of overpayment of housing assistance payments has been established. A payback agreement shall be executed based upon the financial circumstances of the family. The agreement shall ensure that the full amount of the overpayment is reimbursed to the PHA within 6 months of the date the family was notified of the indebtedness.
- b. Damages- Damages to the unit shall be billed at cost to repair. Payment for damages shall be due 30 days after the charges have been billed. Arrangements for payment may be negotiated based upon the financial circumstances of the family. However, the full amount of the payment shall be made to the PHA within 6 months of the date the family was billed for the damages.

STAFFING

Executive Director	Overall Program Responsibilities
Housing Technician	100% case load plus day-to-day Coordination of property management activities
Housing Inspector/Clerk	100% HQS inspections and 30% general clerical support