

**NOTICE OF PUBLIC HEARING
AND COMMENT PERIOD**

**FOR AN AMENDMENT TO THE ADMISSIONS AND OCCUPANCY POLICY
FOR THE PUBLIC HOUSING PROGRAM OF THE
THE HOUSING AUTHORITY OF THE CITY OF FOUNTAIN**

NOTICE IS HEREBY GIVEN THAT THE HOUSING AUTHORITY OF THE CITY OF FOUNTAIN has prepared an amendment to its Admissions and Occupancy Policy (ACOP) for the Public Housing Program, Grinde Manor, in accordance with the final rule issued by the Department of Housing and Urban Development implementing Section 103 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA). The amendment provides for a change in the eligibility for continued occupancy at Grinde Manor and provides for a new policy that requires the termination of a family's tenancy within six months of a determination that the family meets the definition of an over-income family. A Public Hearing to discuss the amendment to the ACOP will be conducted by the Housing Authority on May 18, 2023 at 6:00 p.m. at the office of the Housing Authority, 501 E. Iowa Avenue, Fountain, CO. The amendment to the ACOP is available for review and inspection by the Public on the Housing Authority's website at <https://fountainhousingauthority.colorado.gov/>, at the office of the Housing Authority and in the Community Room at Grinde Manor. The Public is requested and encouraged to comment on the amendment to the ACOP through participation at the Public Hearing or by submitting written comments, by email, to kroby@fountaincohousing.org by 6:00 p.m. on May 18, 2023.

Housing Authority of the City of Fountain
By Katherine Roby, Secretary

Publication Date: March 31, 2023

VI. Eligibility for Continued Occupancy, Annual Reexaminations, and Remaining Family Members

A. Eligibility for Continued Occupancy

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined in Section II of this policy.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members each have Social Security numbers or have certifications on file indicating they have no Social Security number.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.
5. Who are in compliance with the FHA's 8 hour per month community service requirements.
6. Who are not over-income as defined in Paragraph B. of this Section.
7. After January 1, 2024; Who do not have (a) net assets that exceed \$100,000, as adjusted annually by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers; or

(b) a present ownership interest in, a legal right to reside in, and the effective legal authority to sell, based on State or local laws of the jurisdiction where the property is located, real property that is suitable for occupancy by the family as a residence.

B. Over-Income Families

An over-income family is defined as a family whose income exceeds the over-income limit for a period of 24 consecutive months. The over-income limit is determined by multiplying the applicable income limit for a very low-income family, as published annually by HUD, by a factor of 2.4.

FHA will terminate a family's tenancy within six months of the determination that the family meets the definition of an over-income family.

1. When the FHA becomes aware, by annual or interim examination, that the family's income exceeds the over-income limit, the FHA will provide written notice to the family of the over-income determination no later than 30 days after the income determination. The notice shall state that the family has exceeded the over-income limit and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the FHA terminating the tenancy of the family. The family shall have the right to a hearing, in accordance with the Grievance Procedure, if the family disputes the FHA's determination that the family has exceeded the over-income limit.

2. The FHA will conduct an income examination 12 months after the initial over-income determination to determine if the family's income fell below the over-income limit since the initial determination. If the FHA determines that the family has exceeded the over-income limit for 12 consecutive months, the FHA will provide written notification of this 12-month over-income determination no later than 30 days after the income examination that led to the 12 month over-income determination. The notice will state that the family has exceeded the over-income limit for 12 consecutive months and continuing to exceed the over-income limit for a total of 24 consecutive months will result in the FHA terminating the tenancy of the family. The family will have the right to a hearing, in accordance with the Grievance Procedure, if the family disputes the FHA's determination that the family has exceeded the over-income limit.

3. The FHA will conduct an income examination 24 months after the initial over-income determination to determine if the family's income fell below the over-income limit since the second determination. If the FHA determines that the family has exceeded the over-income limit for 24 consecutive months, the FHA will provide written notification of this 24-month over-income determination no later than 30 days after the income examination that led to the 24 month over-income determination. The notice will state: 1) that the family has exceeded the over-income limit for 24 consecutive months; 2) that the FHA will terminate the family's tenancy; 3) the date on which the tenancy will terminate which will be no more than 6 months from the date of the income determination that led to the 24 month over-income determination; and 4) that the family has the right to a hearing, in accordance with the Grievance Procedure, if the family disputes the FHA's determination that the family has exceeded the over-income limit.

4. An over-income family will continue to be a public housing program participant until their tenancy is terminated by the FHA in accordance with its over-income policy. The FHA will continue to charge these families the family's choice of income-based, flat rent or prorated rent for mixed families during the period before termination.

5. If, at any time during the 24 consecutive month period, an over-income family experiences a decrease in income, the family may request an interim redetermination of rent in accordance with FHA policy. If, as a result, the previously over-income family is now below the over-income limit, the family is no longer subject to the over-income provisions as of the effective date of the recertification. In such instances, the FHA will notify the family in writing that the over-income policies no longer apply to them. If the family's income exceeds the over-income limit again, the family will be entitled to a new two-year period. However, if the family's income decreases after the 24 consecutive month over-income period but prior to the date of termination, the family may request an interim reexamination of income to potentially reduce their rent but the resulting income determination will not make the family eligible to remain in their unit beyond the period before termination as set forth in this over-income policy.

BC. Remaining Family Members and Prior Debt

Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse.

ED. Reexaminations

1. Regular reexaminations: FHA shall, at least once a year, re-examine the family composition and incomes of all resident families.
2. Special Reexaminations: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special reexamination will be scheduled every 60 days until a reasonably accurate estimate of income can be made.
3. Special reexamination will be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder or within a reasonable time after requested by a family.
4. New Reexamination Date Following Income Disallowance: When a family qualifies for an earned income disallowance, the date for their next regular reexamination shall be permanently adjusted to be 12 months following the date that the income disallowance began.
5. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every 60 days until they have a stable income. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income.
6. Streamlined Income Determinations: For any family member with a fixed source of income, the FHA may elect to determine that family member's income by means of a streamlined income determination. A streamlined income determination shall be conducted by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

A family member with a fixed source of income is defined as a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:

- (a) Social Security, Supplemental Security Income, Supplemental Disability Insurance;
- (b) Federal, state, local or private pension plans;
- (c) Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or
- (d) Any other source of income subject to adjustment by verifiable COLA or current rate of interest.

The FHA shall use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount. The FHA shall verify the appropriate COLA or current rate of interest from a public source or through tenant provided, third- party generated documentation. If no such verification is available the FHA shall obtain third- party verification of income amounts in order to calculate the change in income for the source. For any family

member whose income is determined pursuant to a streamlined income determination, the FHA shall obtain third-party verification of all income amounts every three years.

7. Reexamination Procedures

- (a) At the time of reexamination, all adult members of the household will be required to sign an application for continued occupancy and other forms required by HUD.
- (b) Income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be filed in the resident's folder.
- (c) Verified information will be analyzed and a determination made with respect to:
 - Eligibility of the resident as a family or as the remaining member of a family;
 - Unit size required for the family (using the Occupancy Guidelines); and
 - Rent the family should pay.
- (d) Residents with a history of employment whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.
- (e) Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy.
- (f) Families failing to respond to the initial reexamination appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a notice of lease violation and referred to the Executive Director for termination of the lease.

8. Action Following Reexamination

If there is any change in rent, the lease will be amended, a new lease will be executed, or a Notice of Rent Adjustment will be issued.