

CHAPEL HILL DEPARTMENT OF PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY

SECTION I. - INTRODUCTION

The mission of Chapel Hill's Department of Public Housing is to provide and maintain clean, safe, and affordable housing for low-income community members. Our vision is to create strong, sustainable, inclusive communities and quality affordable housing for those in need. Also, to provide programs and services to help public housing families improve basic life skills and achieve greater economic independence.

The Admissions and Continued Occupancy Policy (ACOP) describes the eligibility, continued occupancy, and termination policies for the Public Housing program as approved by the Chapel Hill Town Council. It governs the day-to-day operations of the Public Housing Program and includes relevant local policies and procedures. The basic guidelines for the ACOP are governed by requirements of the U. S. Department of Housing and Urban Development (HUD) and local policies and procedures. Policies contained in this ACOP can be revised only with Town Council approval and resolution; and, if the revision is significant, by amending the Annual Plan.

SECTION II. FAIR HOUSING

Nondiscrimination

Complying with Civil Rights Laws

Civil rights laws protect the rights of applicants and residents to equal treatment by the Department of Public Housing (DPH) in operating its programs. It is the policy of the DPH to comply with all Civil Rights laws now in effect and subsequently enacted, including, but not limited to:

1. Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex.
2. Title VIII of the Civil Rights Act of 1968 (as amended by the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status and spell out forms of prohibited discrimination; Executive Order 11063, c. Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of person with disabilities.
3. Age Discrimination Act of 1975.
4. Titles II and III of the Americans with Disabilities Act of 1990, otherwise Section 504 of the Rehabilitation Act and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units.).
5. Other equal opportunity provisions listed in 24 CFR 5.105.
6. Any applicable state laws or local ordinances.

The DPH will not discriminate because of race, color, sexual orientation, national origin, sex, religion, familial status or disability in the leasing, rental, occupancy, use or other disposition of housing or related facilities, including land that is part of a development under the DPH's jurisdiction covered by a public housing Annual Contributions Contract with HUD.

DPH will not deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed. Instead, each applicant who is a member of a particular group will be treated as an individual based on their attributes and behavior.

DPH will offer units only in the order prescribed by this policy, since any other method violates the rights of applicants. The DPH will not use membership in any protected class to:

1. Deny any applicant the opportunity to apply for housing, nor deny any qualified applicant the opportunity to participate in the public housing program.
2. Provide housing that is different from that provided to others.
3. Subject anyone to segregation or disparate treatment.
4. Restrict anyone's access to any benefit enjoyed by others in connection with the housing program.
5. Treat a person differently in determining eligibility or other requirements for admission.
6. Steer an applicant or participant toward or away from a particular area based on any of these factors.
7. Deny anyone access to the same level of services.
8. Deny anyone opportunity to participate in a planning or advisory group that is an integral part of the housing program.
9. Discriminate in the provision of residential real estate opportunities.
10. Discriminate against someone because they are related to or associated with a member of a protected class.
11. Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class.

The DPH will ensure that families are aware of all applicable civil rights laws. As part of the briefing process, the DPH will provide information to applicants about civil rights.

Discrimination Complaints

1. If an applicant or resident believes that any family member has been discriminated against by DPH or an owner, the family should advise DPH.
2. HUD requires DPH to make every reasonable attempt to determine whether the applicant's or resident's assertions have merit and take any warranted corrective action.
3. In addition, DPH will provide information to applicants and residents regarding housing discrimination complaints in the family briefing session and program packets. Information includes referrals to the Orange County Office of Fair Housing, the North Carolina Human Rights Commission, the HUD Office of Fair Housing & Equal Opportunity, and low-cost legal services provided through the Legal Aid Society and the Dispute Settlement Center.
4. All applicable Fair Housing Information and Discrimination Complaint Forms will be made available to applicants and residents, including form HUD-903 or form HUD-903A.

Applicants with impaired vision may have the application, lease, and other documents read aloud to them; an interpreter is available for the hearing impaired.

SECTION III. ADMISSION AND LEASING PROCEDURES

Individuals wishing to apply for Public Housing are required to complete an application and other required forms. All applications must be signed and dated by the applicant, and any/ all adult household members.

Applications are accepted Monday through Friday from 8:30 a.m. to 5:00 p.m. (except holidays) at 317 Caldwell Street Extension, Chapel Hill, North Carolina 27516.

Individuals who have a physical impairment which would prevent them from completing an application in person may call the DPH to make special arrangements to complete their application.

Every application constitutes the basic record which supports the DPH's determination of eligibility status, rent, and size of unit for which the applicant qualifies. The Application for Admission also constitutes the basis for establishing the applicant's priority status for selection.

Qualifying for Admission

Chapel Hill Department of Public Housing will admit only applicants who are qualified according to all the following criteria:

1. Are a family, as defined in Section XV, Definitions and Terms.
2. Meet HUD requirements on citizenship or immigration status.
3. Have an annual income at the time of admission that does not exceed the income limits per household size posted in DPH offices.
4. Provide documentation on social security numbers for all household members or certify that they do not have social security numbers.
5. Meet the applicant selection criteria as defined in Section IV, Applicant Screening and Eligibility Criteria.
6. No household larger than 10 (ten) people may be admitted. This is due to the fact that DPH's developments do not include bedrooms beyond five bedrooms. Therefore, households with more than 10 (ten) people would exceed the occupancy standards of no more than two persons per bedroom.

Applicants who are listed as a head of household or spouse of a head of household on a current DPH public housing lease are not qualified for admission.

The following procedures shall be followed when processing applications:

- a. All entries by applicants and department personnel are to be in ink or typed.
- b. Any changes are to be made by drawing a single line through the original entries and entering the correct data. The reason for each change shall be noted in record, and then shall be dated and initialed by the person making the change.
- c. The date and time of receipt of each Application for Admission shall be shown on the appropriate line.

- d. When applicant and interviewer have verified that the application is complete, the application will be stamped in. -No question shall be left unanswered.
- e. If the applicant is determined to be ineligible, they are informed in writing of the reasons for the determination. The applicant, upon request, and within a reasonable time after the determination is made, shall be given an opportunity for an informal grievance hearing on such determination. If after the hearing the applicant is determined to be ineligible, the application shall be classified as “ineligible” and documented to show when and how the applicant was informed and the reasons for ineligibility.
- f. Active applications and all supporting material are to be kept current at all times and shall be arranged at the DPH alphabetically.
- g. A computerized file, arranged by selection preference, bedroom size, date, and time of application shall be maintained.

All active applications shall be purged yearly. Letters shall be sent to each applicant informing them that unless they confirm their continued interest by returning the Annual Update Application within a specified length of time, their application will be removed from the active applicant files.

Undelivered letters shall be attached to applications as evidence of unsuccessful efforts to locate applicants. Each application that has been removed from the active files shall be documented with the date of removal, the reason for removal, and the initials of the person who made the determination.

Whenever a change occurs in a household income or composition so that their status may be reevaluated, the applicant must contact the DPH at (919) 968-2850. If an applicant’s preference status changes while on the waiting list, the applicant’s position on the list will be adjusted in accordance with the new preference status. Applicants whose preference status changes and are on the waiting list will retain their original date and time of application. If DPH determines that the household now qualifies for a preference, they will be moved up on the waiting list in accordance with their preference(s) and their date and time of application.

SECTION IV. Applicant Screening and Eligibility Criteria

It is the DPH’s policy to admit **only** qualified applicants. An applicant is qualified if they meet all of the following criteria:

- a. Qualify as a family as defined in Definition of Terms;
- b. If single, whether capable of living independently;
- c. Meet HUD requirements on citizenship or immigration status;
- d. Provides documentation of Social Security numbers for family members aged 6 or older or certifies that they do not have Social Security numbers;

- e. Whose total annual family income at time of admission ~~that~~ does not exceed 80% of the area median;
- f. Head of household is at least 18 years old;
- g. Whose net family assets together with the net income of the family are insufficient to obtain and maintain adequate accommodations on the private market;
- h. Whose family composition conforms to the occupancy standards that are appropriate to the vacant unit;
- i. Have not displayed abusive, harassing, or violent behavior towards any Town staff, and/or residents;
- j. Whose past performance in meeting financial obligations, especially rent, is satisfactory;
- k. Who has no record of neighborhood disturbances, destruction of property, living or housekeeping habits from prior residences that would adversely affect the health, safety or welfare of other tenants;
- l. Who has no record of criminal activity involving crimes of physical violence to persons, and/or property which could adversely affect the safety or welfare of other tenants;
- m. Who has no record (in the past 10 years) of illegal drug activity except for Methamphetamine;(is this consistent with our exclusion policy?) (They are only excluded for life if they manufactured Methamphetamine)
- n. Who does not owe rent or other charges to any Public Housing Agency or to any Section 8 Program. If the applicant owes the DPH or any assisted housing program money from previous occupancy (move-out balance debt), this debt must be paid prior to the applicant's application being processed for housing; and
- o. Were not previously evicted from DPH or any Public Housing Agency.

Disqualifying Events

In accordance with federal rules, the DPH is required to establish standards that prohibit admission of applicants who have engaged in certain criminal activities outlined below. Admission is also prohibited if the DPH determines that:

- Any household member is currently engaging in illegal drug use: or
- Has reasonable cause to believe that a household member's illegal use, or pattern of illegal use of a drug, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Establishment and Consideration of Criminal Activity

The DPH must have, and document in writing, clear facts that establish criminal activity occurred before determining whether or not an applicant should be denied based solely on criminal activity. Factors that may be used to establish criminal activity, include, but are not limited to the following: Applicant's admission; physical evidence; non-testimonial evidence; credible eye-witness accounts; arrest reports; records of indictment; and records of criminal process. A criminal conviction can also satisfy the requirement that the specific criminal activity occurred. If a criminal charge results in a deferred prosecution, prayer for judgment, or other plea arrangement, that also could provide a sufficient basis for establishing that criminal activity occurred.

A criminal charge that is dismissed for lack of sufficient evidence or lack of probable cause does not provide a sufficient basis that specific criminal activity occurred and cannot be used to deny an applicant housing. Criminal charges that are dismissed on other grounds can be considered on a case by case basis, taking into account available criminal records. The Director of Public Housing may also request the applicant to submit any necessary documents or information that might help determine whether the criminal activity occurred.

An applicant's clearly established criminal activity for which a discretionary exclusion period exists will not automatically result in an applicant being ineligible for housing. Factors to be used when deciding whether to deny admission to public housing based on criminal activity include:

- The seriousness of the case, especially with respect to how it would affect other residents;
- The effects that denial of admission may have on other members of the household who were not involved in the action or failure;
- The length of time since the violation occurred, the applicant's recent history and the likelihood of favorable conduct in the future;
- Evidence of the applicant household's participation in or willingness to participate in social service or other appropriate counseling service programs; and
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.
- Applicants are encouraged to submit statements or other corroborating statements of their good behavior and why they should be afforded an opportunity to live in Chapel Hill Public Housing.

Applicants may not have any criminal convictions that violate DPH's admissions and occupancy standards. If the applicant has a pending court case, there will be no adverse action that prevents the applicant from completing the admissions process and being placed on the waiting list until the applicant provides a proof of a final court ruling or disposition. Documentation of final court rulings and disposition must be received before any placement offer of housing can be made.

Changes to the Exclusionary Period for Applicants

The modified policy includes the following changes to the exclusionary period for the criminal activities listed below.

| CRIMINAL ACTIVITY | PROPOSED EXCLUSIONARY PERIOD |
|---|-------------------------------------|
| Registered Sex Offenders | LIFE |
| Manufacturing Methamphetamine | LIFE |
| Sale, manufacture or distribution of drugs or counterfeit substance (including trafficking) | 10 YEARS |
| Felony Assault | 7 YEARS |
| Felony Property Crimes (i.e. Felonious larceny, burglary) | 7 YEARS |
| Possession of drugs | 7 YEARS |
| Felony- Fraud | 3 YEARS |
| Misdemeanor- Larceny(shopping) | 2 YEARS |
| Misdemeanor-Assault | 1 YEAR |
| Trespassing | 1 YEAR |

Applicants may submit documentation supporting their current status. Examples would include submitting documentation of participation in or completions of an outreach court program, substance abuse recovery program, or that they are receiving case management services. An applicant would have the opportunity to submit this documentation to the DPH to be reviewed along with the application.

SECTION V. Verification and Documentation of Application Information

It is imperative to verify all claims made by each applicant so that proper determinations can be made regarding eligibility, rent, and unit size needed. Complete and accurate documentation of all data must be always maintained; this includes, but is not limited to:

- a. Written information from reliable sources concerning income, exclusions, deductions, and exemptions shall be verified by the source from which it was derived; expenses shall be verified by the recipients of such payments.
- b. Reproductions or copies of documents which substantiate the claims of the applicant or a brief summary of the pertinent contents shall be signed and dated by the staff member who examined them. Government checks shall not be copied.
- c. Financial statements showing all income, itemized expenses (do not allow costs of business expansion and amortization or capital indebtedness) and net income of every self-employed person.

- d. Written records of all data obtained by telephone, personal interview, or other means, showing source of information, date and method received, and signature of person receiving information.
- e. Birth Certificates, driver's license, social security card, etc., to support claim of age in establishing preferences for admissions, exemptions for minors.
- f. Social Security disability award letters, Pensions and Social Security certification of total and permanent disability, or doctor's certification that all conditions of disability or handicap, as prescribed by Social Security definitions to support any claim of disability of handicap.
- g. Official notices to support any priority for displacement by government action.
- h. Documentation that an applicant, if claimed for priority purposes, actually occupies a dwelling which is unsafe, unsanitary or overcrowded; that applicant is actually without or about to be without housing through no fault of his or her own or that the applicant is paying over 50 percent of household income for shelter.
- i. Bank Statements, bankbooks, stock certificates, copies of tax returns on real estate, and registers of bonds to support claims to assets.

Procedures to verify information included on the application may include home visits, contact with landlords, employers, social workers, parole officers, review of court records, contact with drug treatment centers, the police department, physicians and clinics.

Applicants will be required to sign the Federal Privacy Act Statement that states under what conditions HUD will release tenant information. Requests for information by other parties must be accompanied by a signed release request in order for the DPH to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations (Reference HUD Form 9886).

If unfavorable information is obtained relative to the DPH's selection criteria, consideration shall be given to the time, nature and extent of the applicant's conduct and to factors that might indicate a reasonable probability or favorable conduct in the future.

If the verified data used in determining an applicant's eligibility, preference rating, and rent to be charged is not more than ONE month old at the time an applicant is selected for admission and the applicant states that no change has occurred in his status, the data will be considered as reflecting the applicant's status at the time of admission. If data on file is more than three months old, inquiries are to be made of the applicant; replies are recorded to note any changes that may affect eligibility. Preference rating, rent and unit size are to be re-verified prior to leasing. If data on file is two months old, all information is to be re-verified and recorded.

Section VI. Readmission of Former Tenants

The DPH is not required nor obligated to assist applicants who were former public housing residents and who:

- owe the DPH or any other federally subsidized housing program money,
- had a clear record of poor housekeeping or poor property maintenance, or
- were asked to move for repeated neighborhood disturbances and/or lease violations.

These applicants will be sent a letter informing them that they are not eligible because of their past record. They may submit an application when they no longer owe money to the DPH. An applicant may request an informal hearing regarding the denial of their application.

If evidence is presented that the applicant has a past drug or alcohol dependency problem and has been rehabilitated and the appropriate staff determines that the evidence is sufficient, the applicant can be considered eligible and should be notified in writing.

If the applicant is a former head of household in public housing, who has a clear record of poor housekeeping or property maintenance; then evidence must include no less than 2 years of satisfactory tenancy somewhere else.

If the applicant is a former resident of public housing, but was not household head at the time of the problem, then the applicant cannot be held accountable for any money owed or poor property maintenance. If the applicant is readmitted, no extraordinary conditions can be set (i.e., extra inspections or reporting).

The DPH shall not admit an applicant three years from the date of the eviction if a household member was previously evicted because of drug-related criminal activity. However, the household may be admitted if:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised rehabilitation program.
- The circumstances leading to the eviction no longer exist (household member has died or is imprisoned).

Applicants who were previously evicted shall not be eligible for readmission.

SECTION VII. Tenant Selection and Application Pool

The DPH shall not, on the account of race, creed, sexual preference, family status, handicap, disability, national origin, or religion, deny any family the opportunity of applying for admission. Nor shall the DPH deny to any eligible applicant the opportunity of leasing a dwelling suitable to its needs in any development of the DPH.

In selecting tenants from among eligible applicant families of the size and composition appropriate to available dwelling units, the DPH shall take into consideration the eligibility of individual families for low-rent housing, the statutory purpose in developing and operating a socially and financially sound low-income housing neighborhood that provides a decent home and suitable living environment that fosters economic and social diversity in the tenant body as a whole.

Designated UFAS Accessible Units: Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants must accept a transfer if, at a future time, a family requiring the accessible features applies. Any family required to transfer will be given a 30-day notice.

Selection shall be made in such manner as:

- To avoid concentration of the most economically and socially deprived families in one or all of the neighborhood(s) managed by the DPH.
- To preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the tenants of the neighborhood.
- To maintain a tenant body in each neighborhood composed of families with a broad range of incomes and rent-paying ability which is generally representative of the range of income of low-income families in the DPH’s area of operation as defined by State law.

Households may choose to be placed on the waiting list for a unit one bedroom size smaller than that designated on the chart. A family that chooses to occupy a smaller size unit must agree not to request a transfer until their family size changes.

Occupancy Standards

The following standards shall determine the number of bedrooms required to accommodate each household without overcrowding or over housing. The standards may be waived only when necessary to achieve or maintain full occupancy and after every effort has been made to stimulate applications from households appropriate to the existing vacancies. Generally, two people are expected to share each bedroom.

| Number of Persons | | |
|---------------------------|----------------|----------------|
| <u>Number of Bedrooms</u> | <u>Minimum</u> | <u>Maximum</u> |
| 1 | 1 | 2 |
| 2 | 2 | 4 |
| 3 | 3 | 6 |
| 4 | 4 | 8 |
| 5 | 5 | 10 |

The following principles govern the size of the unit for which a household will qualify, person with disabilities, emergencies and at the discretion of the Director or designee. Further, the DPH

has the right to permit families exceeding the maximum shown above to occupy units when they request such occupancy and when the DPH determines that the unit in question is large enough.

Generally, two persons per bedroom.

Units will be so assigned that:

- a. Children aged four and under will not be allotted an additional bedroom with any other child or a parent, regardless of age or sex.
- b. Two children between the ages of five and seventeen of the same sex will not be allotted an additional bedroom.
- c. Two children between the ages of five and seventeen of the opposite sex will be allotted an additional bedroom, although they may share a bedroom at the request of the head of household.
- d. Adults (over age eighteen) of the same sex will not be allotted an additional bedroom.
- e. Adults (over age eighteen) of the opposite sex who are spouses or co-heads of households will not be allotted an additional bedroom.
- f. Adults (over age eighteen) of the opposite sex who are not spouses or co-heads of households will be allotted an additional bedroom although they may share a bedroom at the request of the head of household.
- g. A single head of household parent will be allotted an additional bedroom for with their child over age four, although they may share a bedroom at the request of the household.
- h. Exceptions to the largest permissible apartment size may be made in case of an approved reasonable accommodation for a person with disabilities.
- i. An unborn child will be counted as a person in determining apartment size.
- j. A child that is temporarily away from the home because the child was placed in foster care, kinship care, or is away at school will count towards unit size determination so long as the household can document that the child will be living with the household.
- k. An approved live-in aide may be assigned a bedroom. Single, elderly or disabled residents with live-in aides will be assigned either one or two bedroom units.
- l. One bedroom units in designated elderly properties will be leased first, to couples or single persons with live-in aides.
- m. DPH reserves the right to relax these Occupancy Standards at hard-to-lease properties.

The Local Housing Code of two persons per bedroom is the standard for the smallest apartment a household may be offered.

The largest apartment size that a household may be offered would be one bedroom per household member, considering household size and composition.

Families will not be placed on the waiting list for a larger unit unless there is a verifiable medical reason or reasonable accommodation that requires that the family be placed in a larger size unit.

Preferences establish the order of applicants on the waiting list. An admission preference does not guarantee admission. Every applicant must still meet DPH selection criteria before being offered a unit. Preferences will be granted to applicants who are otherwise qualified and who, at the time

of the offer (immediately prior to execution of a lease), are verified to meet the definitions of the preferences described below.

The order that applicants shall be selected is as follows:

- Applicants who reside within Orange County in the following order:
 - Applicants who are employed, disabled or elderly
 - Applicants paying 50% of income for rent and utilities
 - Involuntarily displaced applicants
 - Veterans
 - Victim of Domestic Violence
 - Applicants who are experiencing homelessness
- Applicants who reside outside of Orange County shall be selected in the same order as above.

An applicant's misrepresentation of information related to eligibility, preference for admission, housing history, allowances, household composition, criminal history or rent will result in rejection.

Making Unit Offers to Transferees and Applicants

1. Certain types of transferees will receive offers for housing before applicants from the waiting list.
2. In all offers, DPH will not discriminate on grounds of race, color, sex, religion, sexual orientation, national origin, disability or familial status.
3. Specifically, the following order of offer applies: a) transfers, b) new admissions and c) resident-initiated transfers.
4. The first qualified applicant or transfers in sequence on the waiting list is made one offer of an apartment of appropriate size and type. If the applicant rejects two offers, their application shall be moved to the bottom of the waiting list, unless the applicant refuses the offer with good cause. DPH will first match the apartment available to the highest-ranking application for an apartment of that size, type and special features (if any). Preferences will then be used to determine the order of selection from the waiting list. If two applicants need the same type and size of apartment and have the same local and ranking preference status, the applicant with the earliest date and time of application will receive the earlier offer.
5. When application processing is delayed because of missing verification a household's application will be suspended until the necessary verifications are received. This means that a person who is lower on the waiting list may receive a unit offer before a person who is higher on the waiting list. As soon as the necessary verification(s) are received, the suspended application will be placed back on the waiting list in its former position.
6. All offers will be made in writing. Applicant will be given 14 business days from the date reflected on the letter to contact the property or appear for a lease meeting to determine eligibility.

7. The applicant must accept any apartment offered within 2 business days of the later of a) the date the offer is communicated (by phone, mail or the method of communication designated by an applicant with disabilities or b) the date they are shown the apartment.
8. If the applicant does not accept the unit offer within 2 business days, they will be removed from the waiting list.
9. If more than one apartment of the appropriate size and type is available, the first apartment to be offered will be the apartment that is or will be ready for move-in first.
10. If two units are ready for move-in on the same day, the first apartment to be offered will be the apartment that became vacant first.

Application Pool

A central pool of eligible applications shall be maintained. An applicant shall be offered an appropriate unit when a vacancy occurs. If an offer is rejected, the applicant shall be offered a unit at another location if a vacancy exists.

If the applicant rejects **two** offers, their application shall be moved to the bottom of the waiting list. If applicant presents satisfactory evidence that acceptance of any offered unit will result in undue hardship that is NOT related to race, creed, national origin or religion, the refusal shall not count as a rejection.

Every application shall contain a record of every vacancy offered, identification of the project and unit and the date and circumstances of each offer, rejections, and acceptance.

Organization of the Waiting List

It is the DPH's policy that each applicant shall be assigned their appropriate place on a waiting list in sequence based upon date and time the application is received, suitable type or size of unit, and factors affecting preference. Preference factors are established in this policy in accordance with HUD regulations and are consistent with the objectives of Titles VI of the Civil Rights Act of 1974 and Title VII of the Civil Rights Act of 1968 and HUD regulations and requirements pursuant thereto.

The applicant must accept the vacancy offered within five (5) working days of the date the offer is communicated by mail.(How do we know they received it?)

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

Before offering a vacant designated UFAS accessible (Did we define what this is?) unit to a non-disabled applicant, the DPH will offer such units:

- First, to a current occupant of another unit of the same development under the DPH's control, having a disability that requires the special features of the vacant unit (in effect, a transfer of the occupant with disabilities from an un-adaptable unit to the vacant accessible/adaptable unit).

- 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 CDPH 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. This requirement will be reflected in the lease agreement signed with the applicant.

If the applicant presents satisfactory evidence that acceptance of any offered unit will result in undue hardship that is NOT related to race, creed, national origin, or religion, the refusal shall not count as a rejection.

Every application shall contain a record of every vacancy offered, identification of the project and unit, and the date and circumstances of each offer, rejection, and acceptance.

Applicants may have an opportunity to see the unit being offered or a similar sample unit before they accept the offer and lease the apartment.

Removal of Applicants from the Waiting List

The DPH shall remove an applicant's name from the waiting list when:

- The applicant requests in writing that the name be removed;
- The applicant fails to respond to a written request for information or a request to declare their continued interest in the program (this includes mail undeliverable by the Postal Service which is returned to the DPH); or
- The applicant does not meet either the eligibility or suitability criteria for the program. Application forms from applicants removed from the waiting list will be destroyed three (3) years from date of removal.

Leasing

Each lease shall specify the unit to be occupied, the size of the unit to be occupied, all household members who will live in the unit, the rent to be charged, other charges under the lease and the terms of occupancy. The lease shall be explained in detail to the applicant and their household **PRIOR TO EXECUTION**. The lease shall be kept current at all times.

The lease shall be signed in duplicate, **PRIOR TO ADMISSION**, by the head of household, the Director of Public Housing or a representative of the DPH. The original shall be retained by the DPH and a copy shall be given to the resident.

Inspections

The resident and a representative of the DPH shall conduct a physical inspection of the dwelling unit assigned to the resident at admission. Both shall complete and sign the Inspections Report;

the DPH shall retain the original. A similar inspection will be conducted at the time the resident vacates the unit. The resident may accompany the DPH representative on the inspection. The inspection report shall serve as the basis for determining what maintenance charges are to be charged to the resident.

Smoking Policy

1. Smoking is not permitted in any restricted areas at public housing properties owned or managed by CHHD, its affiliates, or any entity in which CHHD has a partnership or ownership interest (CHHD property(ies)). Restricted areas in which smoking is prohibited includes: a) inside any public housing living units and interior areas, including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers and similar structures and b) outdoor areas within 25 feet from public housing and administrative office buildings (including those identified above).
2. Banned tobacco products include items that involve the ignition and burning of tobacco leaves, such as, but not limited to, cigarettes, cigars, and pipes. Water pipes (hookahs) are also prohibited.
3. Tenants are responsible for ensuring guests do not smoke in or outside their rental unit, or any Public Housing property to include basketball courts, playgrounds, and parking areas. Tenants will be responsible for any cigarette butts found outside their rental unit.

SECTION VIII. ELIGIBILITY FOR CONTINUED OCCUPANCY, ANNUAL REEXAMINATION AND REMAINING FAMILY MEMBERS

Eligibility for Continued Occupancy

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

- If single, whether capable of living independently.
- Whose household composition conforms to the occupancy standards that are appropriate for the unit.
- Qualify as a family as defined in Definitions and Terms. For purpose of continued occupancy remaining family members qualify as a family. Remaining family members can also include court ordered emancipated minors under the age of 18.
- Are in full compliance with resident obligations and responsibilities as described in the lease.
- Whose household members, age 6 or older, have Social Security numbers, or have certifications on file indicating they have no Social Security number.
- Who are U. S. citizens or have eligible immigration status or a mixed family household.

Remaining Household Members and Prior Debt

Remaining household members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse. The DPH will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.

Annual Re-examinations: The DPH shall at least once a year, recertify the family composition and incomes of all public housing households. Families failing to respond to the initial reexamination appointment will be issued a final appointment. Failure to recertify will result in a notice of lease violation for termination of the lease.

Flat Rent Re-examinations: The DPH shall recertify income only every three years, rather than annually, although they are still required to participate in an Annual Reexamination in order to ensure that unit size is still appropriate and Community Service requirements are met.

Zero Income: Residents reporting zero income will have their circumstances examined every 90 days. These residents shall be required to complete a household expense forms, estimating how much they spend on food, beverages, transportation, health care, childcare, debts, household item, etc. This amount shall be used to determine household income and rent to be paid.

Residents shall be notified in writing of any changes in rent amount and any misrepresentation or any lease violations revealed by the reexamination and the corrective actions to be taken.

Misrepresentation: If a resident’s misrepresentation at the time of admission or annual reexamination caused the tenant to pay lower rent that he/she should have paid, the resident shall be required to pay the difference between the rent and the amount actually owed.

Residents who have misrepresented their household income and we have determined a retroactive rent amount that is less than \$200, the resident shall pay the full amount due during the next billing period. If the misrepresentation results in a retroactive rent amount that is more than \$200, a repayment agreement may be established. Under the terms of the repayment agreement, monthly payments shall be the greater of \$25 or the amount that shall not allow the repayment period to extend beyond the period of the misrepresentation (i.e. misrepresentation occurred for 12 months, and then the term of the repayment shall be for 12 months).

Interim Rent Adjustments

Residents are required to report all changes in household composition or status within 10 (ten) calendar days of the occurrence. Failure to report with the 10 (ten) calendar days may result in a retroactive rent increase but not a retroactive credit or rent reduction. Complete verification of the circumstances applicable to rent adjustments must be documented. In order to qualify for rent reduction, residents must report income decreases promptly. The DPH will process rent changes in accordance with the chart below:

| INCOME CHANGE | DEPARTMENT ACTION |
|--|--|
| Decrease in income for any reason, except for decrease that lasts less than 30 days. | Upon receipt of confirmation of the decrease, the DPH will process an interim reduction in |

| | |
|--|--|
| | rent if the income decrease will last at least 30 days. Decreases in rent resulting from interim rent reviews will be effective the first day of the month following report of change. |
| Increase in household income (employment, child support, new member, etc.) | Upon receipt of confirmation of the increase, the DPH will process an interim increase in rent. Increases in rent resulting from interim rent reviews will be effective the first day of the second month following the change. |
| Increase in COLA | The DPH will defer the increase to the next regular reexamination |
| Misrepresentation or failed to report facts upon which rent is based. | The DPH will process an interim increase in rent upon which rent is based and apply rent retroactive to the month following the month in which the misrepresentation occurred. |

Additions to the Household and Visitors

Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in writing before the new member moves in.

All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence. When a resident requests approval to add a new person to the lease, the DPH will conduct pre-admission screening of any proposed new adult member to determine whether the DPH will grant such approval. Examples of situations where the addition of a family or household member is subject to screening are:

- Resident plans to be married and requests to add the new spouse to the lease;
- Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren)

Residents who fail to notify the DPH of additions to the household or who permit persons to join the household without undergoing screening are in violation of the lease. Persons added without the DPH approval will be considered unauthorized occupants and the entire household will be subject to eviction.

Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on the DPH premises that would be a lease violation. Visits of more than 10 (ten) calendar days shall be authorized only by the Director of Public Housing or designee with advance documentation of extenuating circumstances. A list of individuals not allowed (trespassed) to return to the property for any reason will be maintained for public view in the administrative offices at 317 Caldwell Street Ext., Chapel Hill, NC 27516. Any visitors remaining beyond this

period shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease. Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.

SECTION IX COMMUNITY SERVICE REQUIREMENT

The DPH has implemented requirements regarding community service as required by the Quality Housing and Work responsibility Act of 1998.

To be eligible for continued public housing occupancy, each family member who is 18 or older (and not exempted as defined in the Community Service and Self-Sufficiency Policy) must perform 8 hours of community service each month.

Eligible Community Service Activities

1. Eligible Community Service hours shall directly benefit the general public and/or public housing site under the direction of an organization that is deemed non-profit, faith-based and /or public section; located within Orange County, North Carolina. Residents participating in postsecondary institutions/job training programs are allowed to be enrolled with institutions outside of Orange County.
2. Community Service hours cannot be fulfilled with a for-profit or private sector entity; nor include any involvement with political activities.
3. In lieu of performing community service hours, non-exempt residents may participate in a self-sufficiency program. Involvement in a self-sufficiency program is defined as actively attending/participating in an official class/workshop training for a minimum of 8 hours per month.
4. Self-sufficiency program shall be defined as any program allowing residents to increase their capacity to become economically self-sufficient (literacy, postsecondary education, job training, employment service, etc.) and/or efforts to live independently (community-based support groups).
5. A combination of community service hours and self-sufficiency participation, of at least 8 hours each month, will be accepted.
6. DPH will not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its' employees.

Administering Community Service Policy

1. Household members 18 years of age or older (deemed as non-exempt) will be notified of the community service requirements prior to admission and again at each annual reexamination.
2. The DPH will provide non-exempt individuals with information clarifying what the qualifying activities are, forms for tracking completed service hours, verification of participation and the process for reporting any changes to exempt or non-exempt status of family members. Non-exempt residents are responsible for acquiring all required community service forms from management, for properly reporting the completion of monthly hours. Resident shall also be responsible for ensuring all documents/forms are

completed in its entirety. DPH can reject documentation that is incomplete and any other requirements governing community services hours.

Reporting Community Service Hours

1. DPH will review the household's community service compliance. Residents shall submit documentation to management indicating their completion of required community service hours. It shall be the responsibility of the head of household to ensure all non-exempt household members submit their documentation indicating their completion of service hours and/or participation forms. Residents shall also be required to retain copies of all completed service hours for future reference.
2. Household's failure to submit completed community service documentation shall be deemed as non-compliant and in violation of the lease and grounds for termination.
3. If DPH determines that a non-exempt household member has not met their service requirements, the resident and/or the head of household will be notified of the noncompliance determination. A notice of non-renewal of the lease will be issued unless a) the head of household and non-compliant resident enters into a written agreement (and follows through with the agreement) to cure the non-compliance matter before the current lease agreement expires or b) the head of household provides written evidence that can be verified that the noncompliant family member no longer lives in the unit. The DPH will retain all documentation of completed service requirement performance and/or exemption in the resident's file.

SECTION X. EARNED INCOME DISALLOWANCE

Earned Income Disallowance (EID): The purpose of the Earned Income Disallowance (EID) is to encourage self-sufficiency by rewarding household member who go to work or earn additional income. Under the EID regulations, all or part of the additional income earned by these persons is temporarily excluded from annual income so that it does not produce a rent increase. There will be a two-year phase in period of any rent increase for a newly employed household. The phase in applies when income of newly employed households, (and have been unemployed for at least one year) increases and there is a resulting increase in rent and their rental contribution. For the initial 12-month period, the household's rent will not be increased. For the second 12-month period, the household's rent will be increased by the amount representing up to 50 percent of the total rent increase normally applicable in the absence of the provision. In the third year the balance of the rent increase can be phased in. The disallowance of increased income of an individual household member is limited to a lifetime 48-month period. It only applies for a maximum of 12-month exclusion period for a disallowance of 100% and a 12-month exclusion period for a disallowance of 50% during the 48-month period.

SECTION XI. ENTERPRISE INCOME VERIFICATION

Enterprise Income Verification (EIV) Enterprise Income Verification is internet-based information maintained by HUD REAC used for verifying sources and amounts of income for residents before or during a resident recertification. EIV replaces Upfront Income Verification (UIV) system. Resident supplied income data is captured on Form HUD-50058 and maintained

in the Public Housing Information Center (PIC) database, Department of Health and Human Services, National Directory of New Hires (NDNH) and Social Security (SS), Supplemental Security Income (SSI), from the Social Security Administration (SSA). The data provided via the EIV System must be protected to ensure that it is only used for official purpose and not disclosed in any way that would violate the privacy of the individual presented in the system database. Under the Privacy Act, participants have the right to challenge the accuracy of information maintained by the Federal government that concerns them. If a participant disputes the employment and or income information, the participant must contact the employer. If the information is correct, SSA must correct the information and resubmit it to the State, IRS and HHD. The employer is the originator of the data. If the participant disputes the SS/SSI Information, the participant must contact SSA. If the SS/SSI information is incorrect, SSA must correct the information and update its database. SSA is the originator of the database.

SECTION XII. Transfer

Transfers shall be made without regard to race, creed, sexual preferences, family status, handicap, disability, religion, or national origin. The reexamination period provides an opportunity for the DPH to review changes in household size and make a determination as to whether or not the size of the apartment is appropriate to the resident's needs. If the apartment is no longer appropriate to the resident's needs the resident will be required to move to an apartment that is appropriate to the resident's needs when an apartment becomes available.

If the resident believes the size of the apartment is no longer appropriate, the resident may request a transfer to an appropriate size apartment. Residents shall bear the cost of transfers; however, where transfers requested or required by the DPH, including those for temporary relocation will be paid for by the DPH.

Insofar as possible, transfer to meet occupancy standards shall be made within the neighborhood. However, if the neighborhood has no units large enough or small enough for the household, the household shall be transferred to an appropriate unit in another neighborhood.

The order of priority for transfer is as follows:

- Emergency transfers – **Mandatory** when Town of Chapel Hill determines that conditions pose an immediate threat to resident's life, health or safety due to hazardous defects;
- Health and Modernization Administrative transfers – **Mandatory** transfers to alleviate verified medical problems of a serious (but not life-threatening) nature; permit modernization or household that requires a unit with accessible features.
- Occupancy Standards Correction Transfers – Correct serious occupancy standards problems: i.e., apartment is too small or apartment is too large.

Transfers shall be made as follows:

- Transfers shall not be made to apartments of equal size except for health reasons or relocation.
- If possible, transfer shall be made within resident's current neighborhood.
- Transfers shall be made in accordance with the occupancy standards.

- Residents determined to have documented resident- caused maintenance problems or other lease violations such as rent paying problems as evidence by proposed eviction action, may be denied transfers until the problem has been corrected.
- Needed transfers shall have priority over new admissions when solvency permits.
- Required transfers will occur in conjunction with comprehensive renovation work.

Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in the removal of the household from the transfer list. The good cause standards applicable to new admissions shall apply to transfers.

XIII. Notice of Termination

A Notice of Termination shall state the reasons for proposed eviction and inform the resident of their right to an appeal. The resident shall be informed of their right to an impartial hearing, except that no hearing will be offered for failure to pay rent unless all rent and other charges due are paid to the DPH to be held in an escrow account until disposition of the hearing.

Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically; any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or Town employees; and any drug-related criminal activity.

A written record of every eviction shall be maintained by the DPH and shall contain the following information:

- Name of resident and identification of unit occupied.
- Copy of Notice of Termination.
- Specific reason(s) for Notice of Termination. (For example: If a resident is being evicted for a specific lease violation the record shall detail the lease violation for which the eviction has been instituted.)
- Summary of final action taken.

BB guns will not be allowed in any DPH property. The discharge of a bb gun on any DPH property may be grounds for termination of lease, upon review and at the discretion of the Director of Public Housing or appointee.

SECTION XIV. Utilities

Residents are responsible for paying the utility bill under the Lease. Failure to pay utilities is grounds for lease termination and eviction. Each resident will received a monthly utility allowance that reflects a reasonable amount of utilities for the specific size and type of unit occupied. When a resident's Total Tenant Payment is less than the utility allowance, the DPH will issue a utility reimbursement, equal to the difference between one month's total tenant payment and the utility allowance.

SECTION V. FLAT RENTS

Flat Rents are market-based rents. They vary by unit size and type and also by development location. Once a year, at the annual recertification, all residents are offered the choice of paying an income-based rent or the Flat Rent. Flat Rents represent the actual market value of the DPH's housing units.

Flat Rents shall be at least equal to 80 percent of the current Fair Market Rent for the area.

The DPH shall review the Flat Rent structure annually and adjust the rents as needed.

SECTION XV. Compliance with Equal Opportunity Requirements and Posting of Information

There shall be maintained in the DPH waiting room a large bulletin board, which accommodates the following materials in such a manner as to be readily available to all visitors:

- a. Statement of Admission and Continued Occupancy Policies and Procedures
- b. Tenant Selection and Assignment Plan
- c. Directory of Projects including names, perimeter streets, number of units by bedroom size, number of units specifically designed for the elderly
- d. Statutory Minimum and Maximum Rent Schedule
- e. Income Limits
- f. Utility Allowance
- g. Current schedule of routine maintenance and tenant maintenance charges
- h. Grievance Procedure
- i. Fair Housing Poster
- j. Complaint Procedures (Form HUD 3053) with addresses to which complaints may be sent
- k. "Equal Opportunity in Employment" poster
- l. Tenant Oriented Notices

SECTION XV. DEFINITIONS AND TERMS

1) Adjusted Family Income - Adjusted Income means the annual income less the following allowances in accordance with HUD instructions.

- a. \$400 for an elderly family
- b. \$480 for each dependent

2) Adult - A person who is at least 18 years old, or is under 18 and married (not common law), or a minor who has been emancipated by the court.

3) Annual (Gross) Income - Annual income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and each additional member of the family, including all net income derived from assets, for the 12 month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporary, nonrecurring, or sporadic. This includes but is not limited to the following:

- The full amount, before any payroll deduction, of wages, salaries, overtime pay, commissions, fees, tips, bonuses, and other compensation of personal services.
- The net income from operation of a business or profession. Expenditure for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets is used as provided in the Internal Revenue Service regulations. Any withdrawals of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
- Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deduction in determining net income. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family had Net Family Asset in excess of \$5000, Annual Income shall include the greater of actual income derived from all Net family Assets or a percentage of the value of such Assets, based on the current passbook savings rate as determined by HUD.
- The full amount of periodic payments received from Social Security annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of periodic payment.
- Payments in lieu of earnings such as unemployment and disability compensation, workers' compensation and severance pay.
- Welfare assistance.
- Periodic and determinable allowances received from persons not residing in the dwelling such as alimony, child support payments, and regular contributions or gifts.

- Any earned income tax credit to the extent that it exceeds income tax liability.

4) Annual Income – Annual income is the anticipated total income from all sources, including derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date of initial determination or reexamination of income.

5) Assets - The reasonable value as determined by the Chapel Hill Housing Department of interest therein of all realty and/or personal property, including imputed value of property that has been transferred within the 2 years preceding admission, and excluding household furnishing, insurance, occupational tools and automobiles. The following are considered asset:

- Checking and savings accounts
- Real Estate
- Stocks and Bonds

6) Child Care Deductions - Amount anticipated to be paid by the family for:

- Care for children under 13 years of age.
- The amount deducted shall reflect reasonable charges for childcare in the case of care necessary to permit employment; the amount deducted shall not exceed the amount earned.
- When such care is necessary to enable a family member to be gainfully employed or to further his/her education.

7) Community Service - The performance of voluntary work or duties that are a public benefit that serve to improve the quality of life, enhance resident self-sufficiency or increase self-responsibility of a resident within the community in which the resident resides. Community service is not employed and may not include political activities.

8) Computing Rent - The first step in computing rent is to determine each family's Total Tenant Payment. Then, if the family the Utility Allowance is subtracted from the Total Tenant Payment. The result of this computation, if a positive number, is the Tenant Rent. If the Total Tenant Payment less the Utility Allowance is a negative number, the result is the utility reimbursement.

Total Tenant Payment is the highest of:

- **30% of adjusted monthly income;** or
- **10% of monthly income;** but never less than the
- **Minimum Rent;** and never more than the
- **Flat Rent, if chosen by the family**

9) 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 disabled person or handicapped person or is a full-time student.

10) Disabled Family - A family whose head, spouse, or sole member is a person with disabilities as defined in 42 U.S.C. 423; or two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides. The Chapel Hill Housing Department may verify a person's disability only to the extent necessary to ensure that applicants are qualified for the housing for which they are applying; that applicants are qualified for deductions used in determining adjusted income; that applicants are entitled to any preference they may claim; and that applicants who have requested a reasonable accommodation. A Chapel Hill Housing Department may not require applicants to provide access to confidential medical records in order to verify a disability nor may the Chapel Hill Housing Department require specific details as to the disability. The Chapel Hill Housing Department may not ask what the specific disability is.

11) Displaced Family - A person or family who has been displaced by government 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.

12) Familial Status - A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy (unit size) the same as single persons, and are only entitled to a one bedroom unit. Once the child is born and/or the custody is obtained, the family will qualify for a two-bedroom unit and authorized to transfer as outlined in the Transfer Section.

13) Family –

- a. A group of two or more persons related by blood, marriage or operation of law (including foster children) or who give evidence of a stable relationship which has existed over a long period of time and who live regularly together as a single household.
- b. Two or more unrelated individuals who live together as a single household
- c. An individual who has reached retirement age as defined in Section 216(a) of the Social Security Act (now 62, but any future amendments to the Act will apply to this definition); or is disabled as defined in Section 223 of the Social Security Act or in Section 102 (5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970.
- d. A single person who is not elderly or disabled.

14) Flat Rents – Rents based on the reasonable market value of public housing units. Flat rents shall be comparable to rent charged for similar apartments on the private market.

15) Flat Rent Annual Update – The Chapel Hill Housing Department shall review the Flat Rent Schedule annually and adjust the rents as needed. When a resident chooses Flat Rent, his/her rent shall be adjusted only at the next regular reexamination/recertification rather than at the point the Flat Rent may change.

16) Full-Time Student - A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An

educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

17) Guest - Is anyone who is invited or allowed to enter the unit or be on the property by anyone named on the lease.

18) Handicapped Assistance Expenses - Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled family member and that are necessary to enable a family member (including the handicapped or disabled member) to be employed, provided that the expenses are neither paid to member of the family nor reimbursed by an outside source.

19) Handicapped Person - A person with a physical or mental impairment is expected to be long, continued and indefinite duration, substantially impedes the ability to live independently and is of such nature that such disability could be improved by a more suitable housing condition.

20) Head of Household - The family member who is held responsible and accountable for the family and is normally considered to be the lessee.

21) Income Limits - The income limits established for Admission to its low-rent projects(s) are determined by HUD.

22) Interim Adjustments or Re-determination of Rent - Changes in rent which occur after admissions or reexamination and before the next succeeding reexamination. An interim adjustment may be requested by a resident because of a change in family circumstances or income.

23) Involuntary Displacement - An applicant is or will be involuntarily displaced if the applicant has vacated or will have to vacate his or her housing unit as a result of one or more of the following actions:

1. A disaster, such as fire or flood, that results in the inability to inhabit an applicant's unit.
2. Activity carried on by an agency of the United States, State, or local government body, agency in connection with code enforcement, public improvement or development programs or action by a housing owner that results in an applicant having to vacate his/her unit where:
3. The reason for the owner's action is beyond an applicant's ability to control or prevent.
4. The action occurs despite an applicant's having met all previously imposed conditions.
5. The action taken is other than a rent increase.
6. The applicant has vacated his or her housing unit as a result of actual or threatened physical violence directed against the applicant or one or more members of the applicant's family by a spouse or other member of the applicant's household.

7. The applicant lives in a housing unit with such an individual who engages in such violence.

24) Live-in Aide - is a person who resides with an elderly person, a near elderly person, or a person with disabilities for the purpose of providing supportive services. The income of a Live-in Aide is not included in the tenant's household income. Live-in Aides shall be required to meet the screening requirements as determined by the Department of Housing:

25) Medical Expenses - Those expenses, including medical insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. For those 62 and over these expenses must be in excess of 3% of gross income.

26) Minimum Rent - The minimum rent amount shall be \$50.00.

27) Mixed Family – a household whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

28) Near-Elderly Family - A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62.

29) Occupancy Standards - The following standards shall determine the number of bedrooms required for accommodating each family without overcrowding or over housing the standards may be waived only when necessary to achieve or maintain full occupancy and after every effort has been made to stimulate applications from families appropriate to the existing vacancies.

| Number of Bedrooms | Number of Persons | |
|--------------------|-------------------|---------|
| | Minimum | Maximum |
| 1 | 1 | 2 |
| 2 | 2 | 4 |
| 3 | 3 | 6 |
| 4 | 4 | 8 |
| 5 | 5 | 10 |

30) Resident Rent Choice - Families may choose rental payments annually based on either a flat rent or the income-based rental method. Tenants may choose to pay the income-based rental payment, which does not exceed 30 percent of their adjusted monthly income.

31) Reexamination/Recertification Date –The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility and rent. The Department of Housing has established reexamination dates according to the following schedule.

| February 1 | May 1 | August 1 | November 1 |
|---|-----------------------------|---|---|
| Oakwood Rainbow Heights South Estes Drive (98) | Colony Woods West 30 | Pritchard Park Airport Gardens S. Roberson Street Eastwood Church/Caldwell (108) | Craig-Gomains Lindsay Street N. Columbia St (60) |

32) Recertification of Families on Flat Rents - ??

33) Spouse - The husband or wife of the head of household, or the partner in a stable relationship.

34) Temporary, Non-recurring and Sporadic Income - The following are not considered as income determining an Annual Income:

- Casual, sporadic and irregular gifts.
- Amounts that are specifically for or in reimbursement of the cost of medical expenses.
- Lump-sum additions to family asset, such as inheritance, insurance payments (including payments under health and accident insurance and workmen's compensation), capital gains and settlements for personal or property losses.
- Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran for use in meeting the cost of tuition, fees and books, and equipment. Any amounts of such scholarship, or payments to veteran, not used for the above purposes that are available for subsistence are to be included in income.
- Payments received for the care of foster children.
- Income from employment of children under 18 years of age.
- Relocation payments made pursuant to the Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970.
- The value of the coupon or the allotment provided to an eligible household for coupons under the Food Stamp Act of 1997.
- Payments to volunteers under the Domestic Volunteer Services Act of 1973.
- Payments received under the Alaska native Claims Settlement Act.
- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program.
- Payments received from the Job Training Partnership Act.

35) Tenant Rent - The amount payable monthly by the family as rent to the Department of Housing. Tenant rent equals total tenant payment less the utility allowance.

36) Total Tenant Payment (TTP) - Total tenant payment shall be the highest of the following, rounded to the nearest whole dollar:

- 30% of monthly-adjusted income
- 10% of monthly income
- The current Minimum Rent

37) UFAS-Accessible Unit – A dwelling unit that can be approached, entered and used by individuals with disabilities, including individuals who use wheelchairs, and is located on an accessible route.

38) Utility Allowance - An amount equal to the estimate made or approved by the Chapel Hill Housing Department or HUD, of the monthly cost of a reasonable consumption of utilities (except telephone) and other services for the unit by an energy-conservative household of modest circumstance consistent with the requirements of a safe, sanitary and healthy living environment.

39) Utility Reimbursement - The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

APPENDIX

1. Service and Emotional Support Animal
2. Community Service and Self-Sufficiency Policy
3. Complaint Policy
4. Effective Communication Policy
5. Grievance Procedures
6. Lease Agreement
7. Nondiscrimination Policy
8. Pet Policy
9. Reasonable Accommodation Policy
10. Transfer Policy
11. Trespass Policy
12. Violence Against Women Act (VAWA) Policy
13. Tenant Charges Policy and Maintenance Charges

Foundations: Roles and Responsibilities

Board of Commissioners

Being named a commissioner is a great opportunity to serve your community, and with your appointment you have assumed significant responsibilities. The Board of Commissioners is the legally and financially responsible governing body of a PHA and the first line of accountability for the PHAs performance.

What Boards of Commissioners Do

Provide Leadership

- Set and champion the mission of the PHA
- Make strategic decisions to ensure the financial solvency of the agency
- Speak up when concerns arise

Provide Oversight

- Monitor the agency's ability to meet statutory, regulatory, and contractual obligations
- Assure PHAs meet obligations on audit recommendations
- Approve internal controls to safeguard the agency's assets
- Safeguard the financial integrity of the PHA, preventing fraud, waste, mismanagement, and abuse
- Approve, review, and monitor budgets, contracts, and other financial documents
- Conduct monthly reviews of budgets with actual expenses and revenues
- Ensure ethical, legal, and effective work performance
- Keep informed of subsidized housing industry rules and regulations

Actively Participate in Board Meetings

- Conduct and maintain an accurate record of board proceedings
- Follow open meeting requirements

What Commissioners Should Know

- The agency's history, mission, programs, financials, and strategic plan
- Agency policies and procedures
- Agency-owned developments and properties
- Board and committee meeting processes, including open meeting requirements and confidentiality
- Federal and state laws and regulations

Executive Director and Executive Staff

The commissioner's role is governance—establishing policy and ensuring oversight. The executive director's role is management. Commissioners and executive directors need to be cognizant of one another's roles without overstepping or undermining the other. Specifically, the executive director:

- Keeps commissioners informed
- Develops, implements, and oversees the operating budgets
- Ensures compliance with all federal laws and HUD guidelines
- Manages the day-to-day operations of the PHA
- Hires, evaluates, trains, and terminates staff
- Executes board-approved policies

The executive team at an authority includes more than the executive director or chief executive officer. Depending on the size of the PHA, there may also be other executive staff. These staff members are hired by the executive director, and are concerned with the day-to-day management of the PHA.

RESIDENTS: AN ESSENTIAL VOICE

All PHAs must have a Resident Advisory Board (RAB) and Resident Commissioners. These voices can provide an important perspective on the most pressing issues facing the community of residents.

You should also get out, walk around these communities, and get to know the people you serve.

U.S. Department of Housing and Urban Development (HUD)

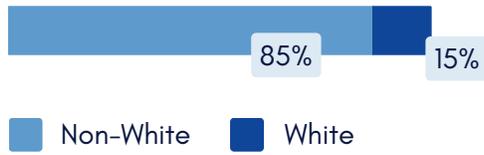
HUD interprets the laws handed down by Congress, developing regulations to guide PHAs. These regulations are distilled in the Annual Contributions Contract (ACC), a legally-binding contract between HUD and the PHA. HUD is a resource for PHAs. HUD guidebooks, notices, and handbooks are important tools to guide your oversight. The PHA may also contact the HUD Field Office, Regional Office, and Headquarters for resources and support.



Public Housing Demographics



Race Breakdown

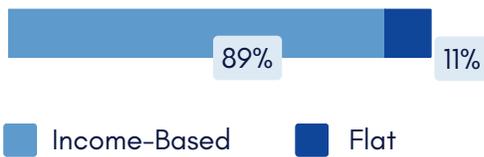


Employment Status

30% Employed



Rent Type Breakdown



Average Tenure by Race



745 Total Residents

15 Languages Spoken

\$337 Average Rent

13 Countries Represented

\$2,118 Median Monthly Income

35 Average Age

\$25,418 Median Annual Income

22% Over the age of 55

41% Whose primary language is not English

12% Identify as living with a disability

25% Households pay zero rent

57% Households with children 18 and under