

## **CHAPTER 3- Resident Selection and Occupancy Standards Criteria**

This chapter sets forth the criteria and method of selection of eligible applicants for residency in HUD assisted housing operated by HACK. Included in this chapter are the overall objectives in selecting residents and occupancy standards.

### ***3-1 Objectives***

It shall be the policy of HACK to try to gain economic stability and social diversity within each development by the housing of families with a broad range of incomes, representative of the range of income of low-income families in the area of its operation, and with rent paying ability sufficient to achieve and maintain financial solvency, decent homes and a suitable living environment for its resident body as a whole.

Residents, or prospective residents, whose living habits and practices may reasonably be expected to have detrimental or adverse effect on other residents or the community environment, or whose presence would deny other residents peaceful occupancy of their housing, or pose a danger to HACK premises or property may be denied admission to or continued occupancy in HUD assisted housing operated by HACK (See Chapter 2).

### ***3-2 Method of Resident Selection***

The plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on the grounds of race, color, creed, age, sex, religion, handicap, disability or national origin is as follows: HACK hereby establishes a plan in accordance with the Quality Housing and Work Responsibility Act of 1998 under which at least forty percent (40%) of newly admitted families housed from the waiting list in any fiscal year must have annual income at or below thirty percent (30%) of the area median income. To insure this requirement is met, HACK staff will quarterly monitor the incomes of newly admitted families and income of families on the waiting list. If it appears that the requirement to house extremely low income families will not be met, we will skip higher income families on the waiting list to reach extremely low income families.

#### **3-2(A)**

If admissions of extremely low-income families to HACK's voucher program during a fiscal year exceed the 75 % minimum targeting requirement for HACK's voucher program, such excess shall be credited (subject to the limitations in this paragraph) against HACK's basic targeting requirement for the same fiscal year.

The fiscal year credit for voucher program admissions that exceeds the minimum voucher program targeting requirement shall not exceed the lower of:

1. Ten(10) percent of public housing waiting list admissions during HACK fiscal year;
2. Ten (10) percent of waiting list admissions to HACK's Section 8 tenant-based assistance program during the PHA fiscal year; or
3. The number of qualifying low income families who commence occupancy during the fiscal year of HACK's public housing units located in census tracts with a poverty rate of 30 % or more. For this purpose, qualifying low income family means a low-income family other than an extremely low-income family.

### **3-2 (B)**

If there are not enough extremely low income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

### **3-2 (C)**

In the event of two or more eligible applicants for the same unit size with identical preference status within each community or area as designated above, the date and time sequence of applications shall govern selection with the applicant who filed the earliest being offered the first available vacancy of appropriate size.

### **3-3 *Affirmative Action***

It shall be the goal of HACK to insure that no less than 20% of the total dwelling units in any HACK development are occupied by families of racial/ethnic groups different than that of families whose racial/ethnic group occupies the majority of the dwelling units in that development. In keeping with this goal, eligible applicants shall be offered units on a "first come-first served" basis, regardless of location of the units.

### **3-4 *Deconcentration of Poverty and Income Mixing in the Public Housing***

Under the Quality Housing and Work Responsibility Act of 1998, HACK is required to administer all housing programs in a manner that promotes the purpose and intent of the initiative. A provision of this Act requires HACK to facilitate mixed income communities and decrease concentrations of poverty in public housing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, we will skip families on the waiting list to reach other families with lower or higher income. We will accomplish this in a uniform and non-discriminatory manner.

HACK will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our developments, and the income levels of the families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement.

#### **3-4(A)**

To the extent necessary to obtain a mix of incomes at each development, HACK has the option to skip over families on the waiting list who do not wish to live at the site where most incomes are either significantly higher or significantly lower than that of the family. This will be accomplished in a uniform and non-discriminating manner.

#### **3-4(B)**

When necessary to accomplish the deconcentration of poverty and income mixing objectives, HACK may offer one or more incentives to eligible applicant families having higher incomes to occupy a dwelling unit in developments predominantly occupied by families having lower incomes, and provide for occupancy of eligible families having lower incomes in developments predominantly occupied by families with higher incomes.

#### **3-4(C)**

Incentives provided by HACK will always be provided in a consistent and non-discriminating manner.

#### **3-4 (D)**

An applicant-family has the sole discretion in determining whether to accept the incentive(s) offered. HACK may not take any adverse action toward any eligible family for choosing not to accept an incentive and/or unit as described above. In any instance where an applicant rejects the incentive or accompanying unit, the applicant shall retain his/her position on the waiting list and be offered the next available, suitable unit.

### ***3-5 Offer of a Unit***

When HACK discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development and whose income category would help to meet the deconcentration goal and/or the income targeting goal.

The family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact HACK regarding the offer.

After determining the family is eligible to be housed, the family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision will be documented in the tenant file. If the family rejects the offer of the unit, HACK will send the family a letter documenting the offer and/or the rejection.

### **3-6 *Justified Rejection of a Unit***

Eligible applicants shall be required to accept the first appropriately sized dwelling unit offered or be moved to the bottom of the waiting list unless:

1. The applicant informs HACK verbally or in writing at the time the vacancy is offered that the applicant desires only to live in a development where the applicant's race does not predominate; or
2. The applicant is willing to accept the unit offered, but is unable to do so at the time due to unusual financial circumstances and can show clear proof that such circumstances were beyond the applicant's control, and the applicant is presently unable to pay initial rent and security deposit; or
3. The applicant is willing to accept the unit offered, but is unable to do so due to poor health or physical disability and can show clear proof of the applicant's poor health or disability, such as a doctor's certification; or
4. The applicant rejects a unit for other good cause. Good cause includes reasons related to health, proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decisions to alter their application status.

In any instance where an applicant rejects a suitable unit offered to them for either reason 2, 3, or 4 above, the applicant shall retain his/her position on the waiting list and be offered the next available, suitable unit. Rejection of the next suitable unit offered, for any reason other than the same, exact reason provided at the time of the first rejection, (that is, the applicant can show proof that the same financial circumstances or physical disability has continued to exist), shall result in the applicant being moved to the bottom of the waiting list.

In any instance where an applicant rejects a suitable unit offered to them for reason 1 above, the applicant shall not lose his/her place on the waiting list, regardless of the number of suitable units offered so long as said units are located in developments where the applicant's race predominates. However, should an applicant reject a unit which is located in a development in which the applicant's race does not predominate, the applicant shall be moved to the bottom of the waiting list.

#### **3-6 (A)**

If in making the offer to the family HACK skipped over other families on the waiting list in order to meet their deconcentration goal or offered the family any other deconcentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

### **3-6 (B)**

Applicants sent to the bottom of the waiting list shall have their applications time-stamped and re-dated to coincide with the time of the unit rejection, and the application shall then be returned to the waiting list, taking into consideration the new time and date, preference category of the applicant and unit size and type required.

### **3-6 (C)**

HACK shall maintain a record of the units offered, including location, date, and circumstances of each offer, and each rejection or acceptance. HACK will note the reason for any rejection.

## **3-7 *Acceptance of Unit***

The family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

### **3-7(A)**

Prior to signing the lease, the Head of Household and other adult family members will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the cancellation of the occupancy process.

### **3-7 (B)**

The applicant will be provided a copy of the lease, the grievance procedure, utility allowances, the current schedule of routine maintenance charges, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Housing Authority personnel. The certification will be filed in the tenant's file.

### **3-7 (C)**

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and HACK will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

### **3-7 (D)**

The family will pay a security deposit at the time of lease signing. The security deposit will be equal to:

A. The amount designated by the bedroom size in Appendix III.

**3-7 (E)**

In exceptional situations, HACK reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance, one third with their second rent payment, and one third with their third rent payment. This shall be at the sole discretion of the Housing Authority.

**3-7 (F)**

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

**3-7(G)**

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

**3-8 *Occupancy Standards***

In establishing occupancy standards, HACK will comply with all reasonable State and local health and safety restrictions regarding the maximum number of occupants permitted to occupy a dwelling. In accordance with the Uniform Housing Codes overcrowding shall occur when the TOTAL occupancy level in a housing unit exceeds two (2) people per habitable sleeping room, providing that the room meets local Building Code requirements. A habitable sleeping room shall not include a kitchen, bathroom, hallway, or dining area. Any exception to these provisions must be approved by the Housing Administrator on a case by case basis.

**3-8 (A)**

To avoid overcrowding and prevent waste of space, dwellings are to be leased in accordance with the occupancy standards set forth below. These minimum and maximum limitations may be waived when necessary to:

1. Make temporary use of available vacant dwellings where financial solvency is threatened due to there being no eligible family waiting of appropriate size;
2. House families in urgent need;
3. Permit sharing of the parents' bedroom by an infant (of either sex) up to age 1 for admission and age 2 for continued occupancy;
4. Permit 3 small children (of either sex) under age 5 to share one bedroom; and
5. Conform to state or federal law or HUD regulations regarding fair housing and equal opportunity.

6. Accommodate a family with a member who has a disabling condition.

**3-8 (B)**

A waiver of the standards must be requested in writing by the applicant and approval of the request is at the discretion of the Housing Administrator or designee.

**OCCUPANCY STANDARDS CHART**

No. Bedrooms	Minimum # of Occupants	Maximum # of Occupants
0	1	2
1	1	4
2	2	6
3	3	8
4	5	10
5	7	12

Where it is found the dwelling size is no longer suitable for the family in accordance with these standards, the family is to be required to move as soon as a dwelling of appropriate size becomes available (see Appendix 7, B.3.). To the maximum extent possible, where development solvency is not threatened, needed transfers will take precedence over new admissions.

**3-8 (C)**

Dwellings are to be assigned so that it will not be necessary for persons of the opposite sex, other than husband and wife, to occupy the same bedroom except in cases as specified above. If necessary, at admission, two children of opposite sex under 4 years of age may occupy the same bedroom; and if necessary for continued occupancy, two children of the opposite sex under 6 years of age may occupy the same bedroom.

**3-8 (D)**

Every family member regardless of age is to be counted as a person.

**3-8 (E)**

Use of One Dwelling by Two or More Unrelated, Elderly Single Persons:

When it is determined that two or more single, elderly persons, or the remaining single members of resident families are each eligible as individuals either for admission or continued occupancy and it is determined necessary to conserve space, such persons may be permitted to live in the same unit even though the combined income of the group exceeds the income limit for a family of the same number of persons. In the case of such occupancy, eligibility and rents will be determined separately for each person in accordance with the Schedule of Income Limits contained herein in Appendix 1.

**3-8 (F)**

An elderly or disabled single-person household planning to live with an unrelated person essential to his or her care may be assigned a 2-bedroom unit.