

ADMISSIONS AND OCCUPANCY POLICY INDEX

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THE HOUSING AUTHORITY OF THE CITY OF FREDERICK, MARYLAND

ADMISSION AND OCCUPANCY POLICY

SECTION I

NON-DISCRIMINATION AND REASONABLE ACCOMMODATION

This Admissions and Occupancy Policy defines the Housing Authority of the City of Frederick's policies for the operation of the public housing program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

A. Non-discrimination

It is the policy of the Housing Authority of the City of Frederick to fully comply with all Federal, State and local nondiscrimination laws, the Americans with Disabilities Act, and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. No person shall, on the basis of race, color, sex, religion, national or ethnic origin, age, familial status, medical conditions or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Housing Authority of the City of Frederick's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority of the City of Frederick will provide Federal, State and local information to applicants/tenants of the Public Housing program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Housing Authority office. The Housing Authority will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms; by assisting them in completing the forms if requested; and by providing them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

B. Reasonable Accommodation

Persons with disabilities may request a reasonable accommodation in order to take full advantage of the Housing Authority's housing programs and related services. This policy clarifies how people can request accommodations and the guidelines the Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation.

A person with disabilities under this section is defined as a person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an

impairment, or is regarded as having such an impairment. If a person makes a request for a reasonable accommodation, and the disability is not apparent or documented, the Housing Authority will obtain verification that the person is a person with a disability. If it is not apparent whether the requested accommodation is needed, the Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The Housing Authority will not inquire as to the nature of the disability.

In order for the requested accommodation to be determined reasonable, the accommodation must meet two criteria. It must not constitute a fundamental alteration of the Housing Authority's programs, and it must not create an undue financial hardship or administrative burden. If the request would be an undue burden, the Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives. The Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Housing Authority's programs or services. If more than one accommodation is equally effective in providing access to the Housing Authority's programs and services, the Housing Authority retains the right to select the most efficient or economic choice.

If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, the Housing Authority will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

SECTION II

ADMISSIONS

A. Eligibility for Admission

This Authority will consider eligible as tenants of its public housing communities applicants who at the time of admission meet all of the following requirements (and any other that may be required by federal regulations set forth at 24 CFR part 913, 960.204, 960.205, 960.206, et. al.) and who have submitted a preliminary application for admission (Exhibit A).

1. Who qualify as a family (see definition), and
2. Whose family income does not exceed the applicable income limit for admission, and
3. Who owes no rent or other amounts to the Housing Authority or to another PHA in connection with Section 8 or Public Housing assistance under the United States Housing Act of 1937, and
4. Who have not committed any fraud in connection with any Federal Housing Assistance Program, including the intentional misrepresentation of information related to their housing application, and
5. Who have no record of being unsatisfactory public housing residents prior to the date of admission, and
6. Whose conduct in present or prior housing has been such as would not likely interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare, or to affect adversely the physical environment or financial stability of the project if the applicant were admitted to the project. Relevant information regarding habits or practices to be considered may include, but is not limited to:
 - a. An applicants' past performance in meeting financial obligations, especially rent,
 - b. A record of disturbance to neighbors, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants,
 - c. A record of criminal activity involving acts of physical violence to persons or property, or other criminal acts which would adversely affect the health, safety, or welfare of other tenants, or the applicant himself, to specifically include a record of drug-related criminal activity.
 - d. Information which results in a determination by the Housing Authority that there is reasonable cause to believe that a household member is currently engaging in

illegal use of a drug or 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.

- e. Information which results in a determination by the Authority that there is reasonable cause to believe that the applicant abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
7. Who are United States citizens or eligible noncitizens, and
8. Who have no family member who has been convicted of manufacturing or producing methamphetamine (speed) in a public housing community or Section 8 assisted property, and
9. Who do not otherwise exhibit a history of irresponsibility, which for this purpose is indicated by having been arrested or convicted for any charges 5 or more times in the past three (3) years, and
10. Who have no family member who has a lifetime registration under a State sex offender registration program.

B. Verification of Information

1. All information from each applicant must be certified to be true, signed by the applicant and be verified by the Authority's staff. False information shall be grounds for rejecting such applicant. Each applicant shall execute appropriate releases permitting the Authority to obtain information from all sources. Failure to promptly execute such releases shall render an applicant ineligible for housing. Any information relative to the acceptance or rejection of an applicant shall be documented and placed in the applicant's file. This may include reports of interviews, letters, or telephone conversation with reliable sources. At a minimum, these reports shall include the date, the source of the information, including the name and title of the individual contacted, and a summary of the information received.
2. Sources of information may include, but are not limited to, applicant (by means of interviews and/or home visits), landlords, employers, credit bureaus, family, social workers, parole officers, court records, drug treatment centers, clinics, physicians, schools, or police departments.

C. Notification of Applicant

Any applicant determined to be ineligible shall be promptly notified by the Authority in writing of such determination, with the reasons therefor, and of his right, upon his request within ten (10) days of the date of the mailing of notification of ineligibility, to an informal conference with the Executive Director, or his designee, in order for the applicant to make such reply or explanation as he/she may wish.

D. Re-Application

No person evicted from any of the Housing Authority of the City of Frederick's public housing communities shall be permitted to reapply for at least two (2) years following the date of eviction. An applicant determined to be ineligible for housing, whether or not an informal conference was requested and/or held, may not reapply for at least two (2) years following the determination of ineligibility.

Any person evicted from any federally assisted housing or terminated from any Section 8 program because of drug-related criminal activity is ineligible for admission, nor may they reapply for housing for a five-year period beginning on the date of such eviction or termination. Rehabilitation is not an element of an eligibility determination under this basis of ineligibility.

E. Maintaining the Waiting List

1. Opening and Closing the Waiting List

Closing of the waiting list will be announced with a public notice. The public notice will state the date the waiting list will be closed and for what bedroom sizes. The public notice will be published in a local newspaper of general circulation and also by any available minority media. Notice shall also be posted in the management office.

Re-opening of the waiting list will also be announced with a public notice stating that applications for public housing will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media. The public notice will state any limitations to who may apply. Notice shall also be posted in the management office.

2. Site Based Waiting Lists

The Housing Authority of the City of Frederick will maintain Site Based Waiting List effective December 1, 2004. All applicants will be given the opportunity to select which development they wish to apply for housing. They will be able to make a first and second choice, **if they so desire.**

All applicants on the active waiting list will be given the same opportunity. They will be mailed a form to make their selection(s) to sign, date and return within a reasonable time frame. The form will be mailed to the address furnished by the applicant. It is the responsibility of the applicant to keep the Housing Authority of the City of Frederick informed of any change of address.

The waiting list will be maintained by development and bedroom size needed.

The Housing Authority of the City of Frederick will certify to the following:

1. The waiting lists are consistent with all applicable Civil Rights and Fair Housing Laws and regulations.
2. The Housing Authority of the City of Frederick regularly submits required occupancy data to HUD's MTCS , in an accurate, complete and timely manner.
3. A system is in place to inform full disclosure to each applicant of any option available to the applicant in the section of the development in which to reside, including location, occupancy, number and size of accessible units, amenities such as; day care, security, transportation and training programs. An estimated time the applicant will have to wait to be admitted to units of different sizes and types (e.g. regular or accessible) at each site.
4. The adoption of a Site Based Waiting List would not violate any court or settlement agreement.
5. The Housing Authority of the City of Frederick includes reasonable measures to assure that such adoption is consistent with affirmatively furthering fair housing, such as reasonable marketing activities.
6. The Housing Authority of the City of Frederick provides for review of its Site Based Waiting List to determine if it is consistent with Civil Rights Laws and certification through the following steps:
 - A. As part of the submission of the Annual Plan, The Housing Authority of the City of Frederick shall assess changes in racial, ethnic or disability related composition at each Housing Authority City of Frederick site that may have occurred during implementation of Site Based Waiting List, based upon MTCS occupancy data that has been confirmed to be complete and accurate by an Independent Auditor (which may be the Independent Audit).
 - B. At least biannually, use independent testers or other means satisfactory to HUD, to assure that the Site Based Waiting List is not being implemented in a discriminatory manner, and that no patterns or practices of discrimination exist in providing the results to HUD; and
 - C. Taking any steps necessary to remedy the problems surfaced during the review and the steps necessary to affirmatively further fair housing.

The application will contain the following information:

1. The flat rent set for each development by bedroom size.
2. Amenities available at each development.

3. Estimate of time on waiting list for the applicable bedroom size for each development.
4. Each applicant will be given the choice to be placed on two separate development waiting lists. This will be a choice, not a requirement.

3. Purging the Waiting List

The Housing Authority will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the interested families for whom the Housing Authority has current information, i.e. applicant's address, family composition, income category, and preferences.

4. Removal of Applicants from the Waiting List

The Housing Authority will remove an applicant's name from the waiting list under the following circumstances:

- a. The applicant requests in writing that the name be removed;
- b. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program; or
- c. The applicant does not meet either the eligibility or suitability criteria for the program.

SECTION III

TENANT SELECTION

A. Preference in Selection of Tenants

The procedure used for selection of tenants has been designed to attain a tenant body in each public housing community composed of families with a broad range of incomes and rent paying ability.

The procedures used for selection of tenants are designed to result in projects being occupied by the groups for which they were designed. Elderly projects are to be occupied by elderly households, and barrier-free units are to the extent possible without incurring vacancy loss, to be occupied by persons with impaired mobility.

Eligible tenants will be selected from among applicants for dwellings of given sizes in accordance with Section VI of this policy, with separate listings for Elderly and Family Communities.

Preference for admission to the Housing Authority of the City of Frederick shall be given to applicants as follows:

- First:* Head of household and/or any co-head is employed as defined below, is age 62 or older, or is receiving any payments based on the individual's inability to work; family is homeless by definition below; or family is displaced for reasons defined below.
- Second:* Applicant lives or works in Frederick City or County.
- Third:* Head of household or spouse is a disabled veteran.
- Fourth:* Other veterans or servicemen and their families.

Preference Definitions

- Displaced:** Includes displacement by fire or natural disaster or by government action. An applicant qualifies for this preference if they have been involuntarily displaced and are not living in standard replacement housing, or if they will be involuntarily displaced within six months.
- Employed:** Working an average of at least 30 hours per week for 6 months prior to being housed; working an average of 20 hours per week for 6 months prior to being housed **and** actively participating in attending college or instructional program of professional or career development on at least a half-time basis for two (2) consecutive semesters. One (1) gap in employment of no more than twelve (12) weeks for a verified medical reason shall not disqualify applicant for this preference. Also included within this definition is an applicant who is currently receiving unemployment payments after having been

employed on a continuous basis for at least one (1) year.

Homeless: A homeless family is defined as any person or family that has a primary nighttime residence that is a supervised publicly or privately operated shelter (includes transitional housing), or currently resides in a hotel/motel in Frederick City or County for a minimum of thirty (30) days.

Preference points for each ranking category will be aggregated to determine the applicant's place on the waiting list.

Notwithstanding the above, persons who are elderly or disabled will be offered housing before other single persons.

Qualification and Verification

At the time of application, the family must certify to any applicable preferences. The Housing Authority accepts this certification and places the family on the waiting list according to the preference category they claim. At that time verification is not performed.

Before the family can be assisted, the family's eligibility for the preference claimed must be verified by providing the following:

Homeless: Certification from a shelter, police or social service agency or other appropriate verification.

Employed/Elderly/Disabled: Based upon verification of income.

Involuntarily Displaced: Certification from a local government agency that the family has been or must be displaced.

The use of a residency preference will not have the purpose of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

Tenant Selection and Assignment Plan A

Each applicant shall be assigned his appropriate place on a site basis in sequence based upon date and time his application is received, suitable type or size of unit, and factors affecting preferences or priority established by the local Authority's regulations, which are not inconsistent with the objectives of Title VI of the Civil Rights Act of 1964 and HUD regulations and requirements.

The plan provides for selection of application and assignments of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, religion, sex, national origin, age, familial status, medical conditions or handicap.

- A. This plan is not based on the distribution of vacancies in the PHA's project.
- B. The applicant is offered a suitable unit. If the applicant refuses it, the applicant's name goes to the bottom of the waiting list.

The Housing Authority must maintain a record of the units offered, including location, date and circumstances of each offer, and rejection or acceptance. The reason for any rejection must be noted.

- A. An applicant would not be considered to have been offered a unit if:
 - 1. the unit is not of the proper size and type and the applicant would be able to reside there only temporarily (e.g., a specially designed unit that is awaiting a handicapped applicant needing such a unit.)
 - 2. the unit contains lead-based paint, and accepting the offer could result in subjecting the applicant's children under seven years of age to lead-based paint poisoning.
 - 3. the applicant is unable to move at the time of the offer and presents clear evidence which substantiates this to the Housing Authority's satisfaction.
- B. For purpose of this agreement, good cause shall exist where it can be established by clear evidence that an applicant will not be able to move at the time the unit will be available or that accepting the offer would result in undue hardship, unrelated to race, color, religion, sex, national origin, age, familial status, medical conditions or handicap, such as making employment or day care facilities inaccessible. HUD will monitor the provision and if it determines it is being misapplied or abused, HUD may modify or delete good cause reason from the Agreement, upon written notice to the PHA.
- C. A "location" (site) is not always the same as a project.
 - 1. A location may have more than one project.

A site is defined as any common geographic area undivided by natural or man-made barriers (such as rivers, highways, railroads or other man-made obstructions) that block or impede normal pedestrian traffic.

2. Individual dwelling units in a scattered site project may be grouped and identified as one location if they are within a block of each other.
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- D. If there is more than one unit of appropriate size available at two or more project locations, the Authority will offer the unit at the location with the highest number of vacancies (all unit sizes combined).
 - E. Applicants who are working or who have been notified that they are hired to work in Frederick County will be treated as residents. Residing standards are not based on the length of time applicants have lived or worked in Frederick County. This is consistent with the objective of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968.
 - F. The Authority agrees that no tenant selection and assignment or Certificate/Voucher holder selection criterion shall include race, color, religion, sex, national origin, age, familial status, medical conditions or handicap.
 - G. With regard to filling a vacancy of a barrier-free or hearing-impaired unit, first priority will be given to a tenant family in need of this type of unit. If no such tenant family exists, the unit will be filled from the waiting list by an applicant in need of this type of unit. If no such applicant exists, the Housing Authority will perform outreach to local agencies in an attempt to locate a family in need of such a unit. If no such family is located as a result of this outreach, the unit will be filled by the next eligible family on the waiting list.
 - H. Catoclin View Apartments has been approved by HUD as being designated for elderly only. In filling vacancies in this development, first priority will be given to elderly families. If there are no elderly families on the list, next priority will be given to the near-elderly. If there are no near-elderly, units will be offered to families who qualify for the appropriate bedroom size. Using these priorities, families will be selected from the waiting list using the preferences as outlined above.

SECTION IV

CONTINUED OCCUPANCY

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement

The following adult family members of tenant families are exempt from this requirement.

- A. Family members who are 62 or older
- B. Family members who are blind or disabled
- C. Family members who are the primary care giver for someone who is blind or disabled
- D. Family members engaged in work activity
- E. Family members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program
- F. Family members receiving assistance under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

An economic self sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

At the time of each family's reexamination appointment, the Housing Authority shall identify all adult family members who are apparently not exempt from the community service requirement, and shall advise all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The Housing Authority shall verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 04/01/2001. For families paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

The Housing Authority will coordinate with social service agencies, local schools, and the Human Resources Office in identifying a list of volunteer community service positions, as well as a list of community service which can be performed in the public housing communities. In addition, the family member may propose his or her own community service plan.

At the first annual reexamination which becomes effective on or after April 1, 2001, and each annual reexamination thereafter, the Housing Authority will do the following:

- A. Provide a list of volunteer opportunities to the family members.
- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet to the family member. Instructions for the time sheet will require the individual to complete the form and have a supervisor sign and date for each period of work.
- D. At the next annual reexamination appointment, any family with a member who is subject to the community service requirements will be required to furnish the Housing Authority with all applicable time sheets so that the Housing Authority can determine whether each applicable adult family member is in compliance with the community service requirement. At the election of the family member, time sheets may also be submitted to the Authority periodically during the year.

The Housing Authority will notify any family found to be in noncompliance of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated.

The Housing Authority will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement.

If any applicable family member does not accept the terms of the agreement or does not fulfill their obligation to participate in an economic self-sufficiency program or perform the required community service within the 12-month cure period, the Housing Authority shall take action to terminate the tenancy.

SECTION V

RENTS

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the formula method (income-based) or having their rent set at the flat rent amount.

THE FORMULA METHOD

Under the formula method, the total tenant payment is equal to the highest of 10% of monthly income or 30% of adjusted monthly income. All income calculations shall be as stated in federal regulations. The family will pay the greater of the total tenant payment or the minimum rent of \$50.

Minimum Rent

The Housing Authority of the City of Frederick has set the minimum rent at \$50. However, if the family requests a hardship exemption, the Housing Authority will immediately suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
 - 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
 - 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - 3. When the income of the family has decreased because of changed circumstances, including loss of employment;
 - 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 - 5. When a death has occurred in the family.
- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will be not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

With regard to the formula calculation of rental amounts, rent of eligible families shall not be increased as a result of increased income due to employment during the 12-month period beginning on the date on which the employment is commenced. Eligible families are those: (1) whose income increases as a result of employment of a family member who was previously unemployed for one or more years. Previously unemployed is defined as having earned, in the previous 12 months, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage; (2) whose employment income increases during the participation of a family member in any family self-sufficiency or other job training program; or (3) who is or was, within 6 months, assisted under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act and whose earned income increases.

In the case of a family who has qualified for this 12-month income exclusion, upon the expiration of the 12-month period of disallowance, for the following 12 month period the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

Annual income will not be reduced because of a reduction in the family's welfare assistance specifically because of fraud or failure to participate in an economic self-sufficiency program or to comply with a work activities requirement.

If the family reports changes in income for 30 days or more due to short term disability, long term disability, short term illness, long term illness, hospitalizations, complications of pregnancy or maternity leave, the rent will be adjusted commencing the following month the change was reported.

THE FLAT RENT

The Housing Authority has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The Housing Authority determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family.

The Housing Authority will post the flat rents at each of the developments and at the central office and they shall be incorporated in this policy upon approval by the Board of Commissioners.

Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo.

Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons:

1. The family's income has decreased.

2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

Families who switch from a flat rent to the formula based method cannot switch back to the flat rent until their next annual reexamination.

SECTION VI
OCCUPANCY STANDARDS

- A. The following standards will determine the number of bedrooms required to properly accommodate a family of a given size (except that such standards will be waived when necessary to achieve or maintain full occupancy of the projects).

NUMBER OF BEDROOMS	NUMBER OF PERSONS	
	Minimum	Maximum
0	1	1
1	1	2
2	2*	4
3	3	6
4	4	8
5	5	10

**This applies to mother and children, not couples.*

- B. Dwellings will be assigned so that, except in the case of infants or very young children, it will not be necessary for persons of the opposite sex, other than husband and wife, to occupy the same bedroom. Reassignment or transfers to other dwelling units shall be made without regard to race, color, sex, religion, age, handicap, familial status or national origin: Transfers within projects shall be made to accommodate a medical need, or to correct over-housing or under-housing with under-housing having a priority over over-housing. Transfers between projects shall be made only in cases where units of the appropriate size are not located in the project in which the tenant currently lives. Failure of a tenant to transfer to a proper size unit may mean termination of their lease and eviction.
- C. At each annual re-examination, a determination is made, based upon the current household composition, of whether the unit size is still appropriate for the family. If not, the family is placed on the transfer list for the appropriate size unit. If a family provides medical certification regarding the need for a first floor apartment, the family is immediately placed on the transfer list. Priority is given to transfers of tenant families based upon a certified medical need.
- D. Categories of Transfers
- Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of or damages to the unit or the building in which it is located, or the health condition of a family member. These transfers take precedence over new admissions.

Category 2: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed. These transfers take precedence over new admissions.

Category 3: Regular administrative transfers. These transfers are made to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the Housing Authority when a transfer is the only or best way of solving a serious problem. These transfers do not generally take precedence over new admissions, but shall be performed at the rate of approximately one such transfer for each four new admissions. Before a resident is considered for a regular administrative transfer, they must comply with the following: 1) Must have a zero balance; 2) Housekeeping inspections for the past year must have been rated "good" or above; and 3) Must not have received any serious complaints regarding tenancy for the past year.

E. Transfer Policy for Catoctin View 1 bedroom units

In the event that there is a vacant 1-bedroom unit at Catoctin View Apartments and there is no applicant family on the Catoctin View 1-bedroom waiting list, an existing resident of an efficiency unit at Catoctin View Apartments will be eligible to transfer to the 1-bedroom apartment. Selection of the resident to be offered the unit will be made as follows:

Residents of efficiency units who have resided at Catoctin View Apartments continuously for a five-year period and who have good or better housekeeping will be eligible to request a transfer to a 1-bedroom unit. Request must be made in writing. The Authority will maintain a list of interested residents, ranked in order of date of the resident's initial occupancy at Catoctin View Apartments. When a 1-bedroom unit becomes available and there is no applicant family for said unit, the unit will be offered to the first person on the transfer list. In the event that there is no resident on the transfer list or all residents on the list turn down the offer of a transfer, the unit will be offered to the first person on the waiting list of applicants for efficiency apartments at Catoctin View.

SECTION VII

LEASING OF DWELLING UNITS

- A. A Lease Agreement (Exhibit C) shall be signed by the head/heads of the household and by the Executive Director or his designee prior to the family's admission.
- B. If a tenant family transfers from one dwelling unit to another, a new lease shall be executed for the dwelling to be occupied.
- C. During term of a Lease, changes in rent or family composition shall be made in the following manner:
 - 1. Any change in family composition shall be reported to the Management Office within 10 days.
 - 7. For families paying the formula-based rent, any change in family income shall be reported to the Management Office within 10 days.
 - 2. For any change in income or family composition, an Application for Rent Adjustment (Appendix D) shall be signed by Tenant. Upon verification of the information, rent is adjusted accordingly. Tenant shall be sent a Supplement to Dwelling Lease, showing change in rent, by first class mail. Such notice shall become part of the existing lease.
 - 3. Changes in family composition shall become part of the existing lease only upon the expressed approval thereof by the Authority. Prior to granting approval for another adult to reside in the unit, said adult shall be required to meet the Authority's eligibility criteria. Prior to adding a child onto a lease, other than a child of the tenant, proof of custody of said child must be provided.

SECTION VIII
REGULAR RE-EXAMINATION OF TENANTS

At least annually, the Housing Authority will conduct a reexamination of family income and circumstances, with the exception of families choosing a flat rent, whose income shall be reexamined every three (3) years. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

The Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose.

The annual letter to families regarding the reexamination process will state the following:

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- B. The amount of the flat rent for the unit in which the family resides.
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories of allowances that can be deducted from income.
- D. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
 - 1. The family's income has decreased.
 - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
 - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- E. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- F. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, Housing Authority will send a reexamination letter to the family offering the choice between a flat or a formula rent. The opportunity to select the flat rent is available only at this time. At the reexamination appointment, the Housing Authority will assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the Housing Authority representative, they may make the selection on the form and return the form to the Housing Authority. In such case, the

Housing Authority will cancel the appointment.

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. In addition, every adult family member shall execute any additional releases necessary to allow the Authority to obtain all the information required to determine rent and eligibility. Failure to provide said releases shall result in immediate termination of the lease.

Upon receipt of verification, the Housing Authority will determine the family's annual income and will calculate their rent as follows. The total tenant payment is equal to the highest of 10% of monthly income or 30% of adjusted monthly income. The family will pay the greater of the total tenant payment or the minimum rent of \$50.

The new rent will generally be effective upon the anniversary date with thirty (30) days notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

SECTION IX
SPECIAL RE-EXAMINATION OF TENANTS

- A. For families choosing the formula rent, if it is not possible at the time of admission or regular re-examination of a tenant to determine annual family income with any reasonable degree of accuracy, including families that temporarily have no income or have a temporary decrease in income, a temporary determination of income and rent is to be made and a special re-examination scheduled every 60 days until the income stabilizes and an annual income can be determined. The tenant is to be notified in writing of the date of any special re-examination.

SECTION X
INTERIM ADJUSTMENTS OF RENT

A. Reporting Changes in Income and Family Composition

Families are required to report the following changes to the Housing Authority between regular reexaminations. If the family's rent is being determined under the formula method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) days of their occurrence.

- A. A member has been added to the family through birth or adoption or court-awarded custody;
- B. A household member is leaving or has left the family unit;
- C. Receipt or discontinuance of Temporary Cash Assistance or unemployment compensation;
- D. Increase or decrease in wages of employment of record. Increases in gross wages of \$20.00 per week or less are not required to be reported until the annual reexamination;
- E. Any change in employment;
- F. Any change in income or assets.

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease the individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. The new family member will go through the screening process similar to the process for applicants. The Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. If the family's rent is a flat rent, the new family member will be added to the lease with no change in the rental amount.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the Housing Authority will take timely action to process the interim reexamination and recalculate the tenant's rent.

- B. Verification of Information: At the time a change in any of the above circumstances is reported, the tenant shall provide the Authority with any additional releases permitting it to obtain information necessary to determine rent adjustment. Failure to provide the Authority with said releases shall result in termination of the Lease. During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

- C. Unless there is a delay in interim reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).
- D. If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed. If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is reported. Decreases will not be made until after the reported changes have been verified by the Authority. Pending such verification, the tenant shall pay the previously established rent, but on verification the tenant will be credited with any excess rent paid.
- E. If the Authority determines that the tenant has misrepresented any facts upon which the rent is based or failed to report change in a timely manner, any increase in rent shall be computed retroactively. The increase shall be payable as determined by the Authority.
- F. Rent adjustments shall require an execution of an application for rent adjustment to the Lease Agreement by a tenant and the Authority (Exhibit D).

SECTION XI

EVICCTIONS

Evictions shall be according to Paragraph #13 of the Residential Lease (Exhibit C).

In addition, after 04/01/2002, the Housing Authority will not renew the lease of any family that is not in compliance with the community service requirement or under an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will be instituted.

SECTION XII

PETS

Pets are allowed only in full compliance with the Housing Authority Pet Policy (Exhibit D) and Paragraph #6(S) of the Residential Lease (Exhibit C).

DEFINITIONS

APPLICANT - A person of statutory legal age that is the head of household, whose family conforms to all the requirements for admission, and who has filled out completely an application at the Housing Authority rental office.

ASSETS - The value in equity in real property, savings, stocks, bonds, checking and other forms of capital investments (the value of necessary minimal items of personal property such as furniture and automobile is not to be considered as assets).

DISABLED PERSON - Disabled person means a person who is under a disability 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 or is handicapped as defined in this section. Section 223 of the Social Security Act defines as:

- A. Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for continuous period of not less than 12 months; or
- B. In the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in Section 416(1) of this title). Inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 defines disability as ...a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary (of Health, Education and Welfare) to be closely related to mental retardation or to require treatment similar to that for mentally retarded individual, which disability originated before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

DRUG - A controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

DRUG-RELATED CRIMINAL ACTIVITY - The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

ELDERLY FAMILY - A single person or the head of household (or spouse) who is 62 years of age or older, or a Disabled Person as defined in this section, or a Handicapped Person as defined in this section.

FAMILY - A person or group of persons, as determined by the PHA consistent with 24 CFR 5.403, approved to reside in a unit with assistance under the program. The term "family" includes, but it not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or

- (2) A group of persons residing together and such group includes, but is not limited to:
 - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (ii) An elderly family;
 - (iii) A near-elderly family;
 - (iv) A disabled family;
 - (v) A displaced family; and
 - (vi) The remaining member of a tenant family.

In the event of death of a leaseholder(s), a remaining member of said tenant family must make a request, within fifteen (15) days from the date of death(s), to be granted "remaining member of a tenant family" status, rights and obligations. In all other cases where remaining member of a tenant family status is sought, leaseholder(s) must provide fifteen (15) days written notice of their intention to continue the lease and state in that notice the name(s) of the member(s) of the tenant family who desire to become head(s) of the tenant family/leaseholder in order for the Authority to properly place the remaining member(s) of said tenant family in its entirety in a appropriate dwelling unit.

A remaining member of a tenant family must meet all requirements for housing and accept in writing full responsibility for all financial obligations and repairs to the property, if any, of the previous tenant family of which he or she was a part, prior to the Authority accepting said remaining member(s) of a tenant family as leaseholder(s). Such remaining member of said tenant family must be of legal age and conform to all rules, regulations and policies of the Housing Authority.

HANDICAPPED PERSON - A person having a physical or mental impairment which 1) is expected to be of a long-continued and indefinite duration. 2) Substantially impedes his or her ability to live independently, and is of such a nature that such ability could be improved by more suitable housing conditions.

HEAD OF HOUSEHOLD - The family member who is held responsible and accountable for the family.

HOUSING AUTHORITY - The Housing Authority of the City of Frederick, 209 Madison Street, Frederick, Maryland 21701.

LESSEE - Member/members of the tenant's family who must sign the lease in order for it to be legal and binding. See VII.A.

RESIDENT OF FREDERICK, MARYLAND - A family that has established their place of residence in Frederick, Maryland, or whose head or spouse is working or has been notified that they have been hired to work in Frederick, Maryland.

RESIDENT OF FREDERICK COUNTY - A family that has established their place of residence in Frederick County, or whose head or spouse is working or has been notified that they have been hired to work in Frederick County, Maryland.

SINGLE PERSON - A person who lives alone or intends to live alone, who is not an elderly person, a person with disabilities, a displaced person, or the remaining member of a tenant family.

TENANT FAMILY - Persons who together meet the definition of a family and have all resided with the Housing Authority's permission in a Housing Authority unit.

DEFINITIONS OF RENT, GROSS FAMILY INCOME, FAMILY INCOME, MEDICAL EXPENSES, HANDICAPPED EXPENSES, DEDUCTIONS, AND FULL-TIME STUDENTS SHALL BE THE SAME AS EXPRESSED IN CURRENT HUD REGULATIONS.