The Housing Authority of Prince George's County

Admissions and Continued Occupancy Policy (ACOP)

Drafted: Nov 2022

INTRODUCTION

THE HOUSING AUTHORITY'S MISSION STATEMENT

The mission of the Housing Authority of Prince George's County **(HAPGC)** is to serve the needs of the low-income, very low income, and extremely low-income families in the County, is to expand access to a broad range of quality housing, create safe, well planned, attractive residential communities and enable families to become self-sufficient and communities to become stable.

The beneficiaries of our efforts are individuals and families with housing and/or community improvement needs. Special emphasis is given to low and moderate income people who live in the County.

We carry out our mission through aggressive financing; innovative planning; and productive partnerships with the public, private and community- based organizations.

- **STRATEGIC GOALS**

The Housing Authority (HA) strives to meet the Department of Housing and Urban Development's (HUD) strategic goals, as well as, identify additional goals of its own.

HUD's Goals	**HAPGC's Goals**
Increase the availability of decent, safe, and affordable housing.	Expand the supply of assisted housing.
	Improve the quality of assisted housing.
	Create a greater balance of housing types and values throughout the County.
Improve community quality of life and economic vitality.	Provide an improved living environment.
Promote self-sufficiency and asset development of families and individuals.	Promote self-sufficiency and asset development of assisted households.
Ensure Equal Opportunity in Housing for all Americans.	Ensure equal opportunity and affirmatively further fair housing.
	Expand homeownership opportunities for all residents regardless of race, gender, color, national origin, familial status or disability.
	Develop a range of quality housing for all households, including families, the elderly, persons with disabilities, the homeless and those with HIV/AIDS.

OVERVIEW OF HOUSING AUTHORITY PROGRAMS POLICIES AND OPERATIONS

- **Housing Authority and Policy Purpose**

The conventional Public Housing Program is funded by the United States Department of Housing and Urban Development **(HUD)** and operated through an agreement with the local Housing Authority of Prince George's County **(HAPGC)**. Eligibility is restricted to persons whose income is below 50% of the area median income, with rent calculated at 30% of the adjusted gross income.

The HAPGC is a local Authority that provides low-rent housing in Prince George's County, Maryland , for the purpose of assisting in the development or operation of decent, safe, and affordable rental housing for lower

income families. Additionally, special emphasis is given to suitable living environments, and the fostering of economic and social diversity within the resident population as a whole. Family self-sufficiency is aggressively encouraged.

This policy is adopted by the Housing Authority **(HA)** in accordance with Federal, State, and local laws. HUD directives also contributed immensely to the formulation of this Admissions and Continued Occupancy Policy **(ACOP)**. Mentioned herein apply to applicants, continued residents, and staff. The ACOP provides for effective operations of Prince George's County, Public Housing Program.

The purpose of the adopted ACOP is to establish the guidelines by which the HAPGC and its' applicant pool/continued occupants should follow regarding operation of the Public Housing Program. In addition, new admissions and continued occupancy standards and criteria for conventional low-income housing are prescribed herein. This policy does not exclusively express all policies and agreements between the Housing Authority and residents, nor the operations of this public agency.

It is the policy of the HA to conduct outreach as needed to maintain an adequate application pool representative of the eligible population in the area. Outreach efforts take into consideration the level of vacancy in the HA's units, availability of units through turnover, and waiting list characteristics. Periodic assessments of these factors are conducted in order to determine the need for and scope of any marketing efforts.

- **Scope Of Policy**

The procedures contained herein shall apply to applicants, continued residents, administrative personnel and project management staff. Policy standards and criteria are in accordance with the U.S. Housing Act of 1937, 42 U.S.C. 1437, et seq., and the Annual Contribution Contract **(ACC)**, as amended.

- **Applicability**

This policy is intended for the admission, rent, and reexamination process for all persons involved in the selection of individuals interested in residing in apartments owned by the HAPGC.

In addition, it is the intent of the Housing Authority of Prince George's County to provide housing assistance only to eligible, qualified families, and to assure that each family pays no more or less than its correct share of the rent in accordance with Federal law. These objectives are:

- To prevent unintentional program violations due to misunderstanding, misinformation, or a lack of information.
- To prevent and detect program violations.
- To take effective administrative, civil, or criminal action as appropriate.

Covid-19 HAPGC Waivers from PIH 2020-33 & PIH 2021-14 (Insert 5/24/2021)

HAPGC has approved and used Covid-19 waivers since the inception of its applicability in March 2021 pursuant to HUD. In accordance with the approved COVID-19 Statutory and Regulatory Waivers and Alternative Requirements for the Public Housing, Housing Choice Voucher (including Mainstream and Mod Rehab), HAPGC is providing notice that all waivers adopted for the Public Housing department is listed on it website for review.

- **Public Housing Policies Governing Eligibility, Selection, and Admissions**

Public Housing Eligibility

Applicants on the Waiting List for Public Housing are presumed eligible. Screening is conducted and eligibility is verified before admission to public housing. Non-income (screening) factors that the Authority uses to establish

eligibility for admission to public housing include: criminal or drug-related activity, rental history, housekeeping, Federal Assistance Program fraud, employment, credit, and Sex Offender Life Registry.

The extent of the criminal record search goes back for the past three (3) years from the date that initial application processing begins. When probation/parole is involved, the three (3) year criminal record search period will begin ***after the required period of probation/parole has been satisfied. Probation before judgment (PBJ, Stets, Nolle Prosequi) will count as criminal activity whether applicant was charged or convicted.***

MANDATORY DENIAL OF ASSISTANCE

HUD requires the HAPGC to deny assistance in the following cases:
Any member of the household has been evicted from federally assisted housing in the last three 3 years for drug-related criminal activity. Exceptions The PHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past three (3) years for drug-related criminal activity, if the PHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug-rehabilitation program approved by the PHA, or the person who committed the crime, is no longer living in the household. In line with PIH Notice 2015-19, although a record of arrest(s) may not be used to deny a housing opportunity, PHAs and owners may make an adverse housing decision based on the conduct underlying an arrest if the conduct indicates that the individual is not suitable for tenancy and the PHA or owner has sufficient evidence other than the fact of arrest that the individual engaged in the conduct. The conduct, not the arrest, is what is relevant for admissions and tenancy decisions. *Approved 5.24.2021 via board resolution.*

Public Housing Eligibility

Any person who, within three (3) years of the date of application for assistance with the Authority, has previously been evicted from any assisted rental housing program because of criminal activity, or drug-related criminal activity shall not be eligible for with the Authority.

Criminal Activity

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past three (3) years, the family will be denied assistance.

Evidence of such criminal activity includes, but is not limited to:

Conviction for drug-related or violent criminal activity with the past three (3) years.

Circumstantial evidence, a preponderance of evidence, or any arrests for drug-related or violent criminal activity within the past three (3) years.

Any record of eviction from federally assisted housing as a result of criminal activity within the past three (3) years.

If the family's assistance was terminated for the following reasons the family will be denied assistance for three (3) years:

The family failed to request PHA approval prior to adding family members to the household (other than additions by birth, adoption, or court-awarded custody).

The family failed to primarily use the assisted unit for residence by the family and the unit was not the family's only residence (except owner-approved legal profit-making activities incidental to the use of the unit).

If any family member owned or had any interest in the assisted unit (other than in a cooperative, or the owner of a manufactured home leasing a manufactured home space).

If any family member committed any serious and/ or repeated violation of the lease and the lease violation(s) resulted in termination of housing assistance.

If the family subleased or let the unit or assigned the lease or transferred the unit.

If any family member received Section 8 tenant based program assistance while receiving another housing subsidy, for the same unit or a different unit under any Federal, state or local housing assistance program.
If any family member received housing program assistance while receiving another housing subsidy, for the same unit or a different unit under any Federal, state or local housing assistance program.

If any family member damaged the unit or premises (other than damage from ordinary wear and tear) or permitted any guest to damage the unit or premises, and such damage resulted in termination of assistance due to family's failure to repair the damages.

Any family member has been evicted from federally assisted housing in the last three (3) years.

Any PHA has ever terminated assistance under the program for any member of the family subject to timeframes as provided in this section.

Any family member has committed fraud, bribery, or any other corrupt criminal act in connection with any federal housing program in the last three (3) years.

A family member has engaged in or threatened violent or abusive behavior toward HAPGC personnel in the last three (3) years.

If the family's assistance was terminated for the following reasons the family will be denied assistance for three (3) years.

Admission policies further restrict the admission of applicants who pose a threat to the health, welfare, safety and right to peaceful enjoyment of other residents in occupancy. There is also consideration for the safety and well-being of staff and contractors on the sites carrying out official business for the HA.

In selecting residents from among eligible applicants, the HA will consider the needs of individual families for low-rent housing and the statutory purpose in developing and operating a socially and financially sound low income housing project, which provides a decent home, suitable living environment, and fosters economic and social diversity in the resident body as a whole. Family size and composition must be determined appropriate with the availability of the dwelling units.

Determination of applicant eligibility or ineligibility regarding new admissions and continued occupancy is based on a summary of information collected covering a range of policies including:

1. Applicant Admission

    - Procedures for selection of applicants,
    - Verification of applicant data,
    - Verification of rental history,
    - Verification of criminal-drug related history records,
    - Communication with applicants,
    - Maintenance of the waiting list; and
    - Tenant selection and assignment,

2. Provisions for Reexamination of Family Income,

3. Housing Security

4. Sound Management Practices.

- **<u>Organization of The Waiting List</u>**

It is the HAPGC's policy that each applicant shall be assigned his/her appropriate place on a single County-wide waiting list in sequence based upon a preference rankings, suitable type or size of unit, and factors affecting rankings preference or priority. HAPGC secondary sorting characteristic is date/time and priority 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 1964 and Title VIII of the Civil Rights Act of 1968 and the HUD regulations and requirements pursuant thereto. Any previous waitlist that are in use, will be purged and centralized into single waitlist with updated preferences as defined in the ACOP.

Local preference is applicable to the organization of this ACOP. Applicants are provided a preference which live and work in Prince George's County. Federal preferences are not applicable.

Exceptions to single County-wide lists will be permitted only to comply with court orders, settlement agreements, or when approved in advance by the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO).

The HA uses a community-wide, program based waiting list.
Interested persons can obtain more information about the waiting
list for admission to public housing at our main administrative office located at:

Housing Authority of Prince George's County
Attn: Central Intake Unit
9200 Basil Court
Suite 107
Largo, Maryland 20774
Phone: (301) 883-5501

The waitlist closing will be announced according to the ACOP; the new Public Housing waiting list created from this preliminary application process will be utilized until it has been exhausted.

- **Admission Preferences**

The HAPGC will select families based on the following local preference rankings within each bedroom size category. date/time is the secondary sort characteristics. Established local preferences for admission to public housing includes:

- Applicants who live and/or work in the jurisdiction or those who have been hired to work in the Prince George's County, Maryland;
- *Head of Household or Co-Head has paid employment for at least 30 hours/week. Documentation of paid employment for at least the past 30 days must be provided.*
- *Head of Household or Co-Head are 62 years of age or older.*
- Head of Household or Co-Head qualify as handicapped/ disabled.
- Any member of the household is medically verified as handicapped/disabled.
- Head of Household or Co-Head is in a verified full time training or educational program with the intent of securing employment within the next twelve (12) months as a result of completing the program.
- Household has successfully completed a transitional housing program under Prince George's County continuum of care program.
- Veterans – Head, spouse, co-head or sole member is a veteran of the United States military with an Honorable Discharge. A person who served in the military that was dishonorably discharged is not eligible for the veteran's preference.

- **Public Housing Rent Determination Policies**

Income-based rents in public housing are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions).

- **Choice of Rent**

Once a year, the HA will allow each family the opportunity to choose between the two rent methods for determining the amount of tenant rent payable monthly by the family. The family may choose to pay as tenant rent either a flat rent or an income-based rent.

- Income-based rent. An income-based rent is a tenant rent that is based on the family's income and the Housing Authority's rent policies for determination of such rents.

- Flat rent. The flat rent is based on the market rent charged for comparable units in the private unassisted rental market. It is equal to the estimated rent for which the Housing Authority could promptly lease the public housing unit after preparation for occupancy.

  Flat rents are set at no less than the lower 0f 80% of:

  1. HUD established Fair Market Rents (FMR's),
  2. PHA Comparable

- **Terminations**

The HAPGC, will take lease enforcement action to terminate tenancy against any household member(s), or their guest for engaging in criminal/drug activity on or near public housing premises; and for any other criminal behavior that pose a threat to other residents.

- **Supportive Service Programs**

Programs described within outline the resources and services made available to help the families achieve self-sufficiency.

Family Resource Academies (FRAs)

The Authority partners with other public and private, and non-profit organizations to provide technology mentoring to children who attend Family Resource Academies located at two of our public housing campuses. This program is designed in an effort to provide a wide range of technological opportunities to low income children to increase their ability to exceed in school and meet educational requirements for higher learning. The Authority also has plans to expand the academy concept to the three elderly sites.

A continued goal of the Authority is to encourage participation from all families to become involved in Academy operations. Students of the Prince George's County Public School System are encouraged to use Community Service hours received through the FRA towards Community Service Credits required for high school graduation.

Required Community Service Participation

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self sufficiency and economic independence.

Resident Services Programs

The Resident Services Program was developed in consultation with public housing residents, various County agencies and staff. The Housing Authority continues to make available through collaborative efforts of several County agencies and community-based organizations, services targeted for at-risk seniors and individuals with disabilities at four (4) public housing properties.

The ROSS program address issues to ensure that seniors are able to age in place and maintain their independence, by providing community-based services, as well as, other alternatives to institutional care. The focus for supportive services includes, but is not limited to: Health and Personal Care to meet activities of daily living, Housekeeping Services, Congregate Services, and Emergency Response/Crisis Intervention. Additional services include: Transportation, Education/Advocacy, Support for Primary and Secondary Caregivers, Case Management/Coordination and Physical Improvements to site facilities as appropriate.

The HA will create and maintain collaborative efforts and partnerships with law enforcement authorities, victim service providers, and other agencies and organizations that promote the safety and well-being of victims of actual and threatened domestic violence, date violence and victims who are stalked. Services and activities will emphasize community resources, both private and governmental organizations and entities that provide shelter, advocacy, victim violence education, prevention information and referral to victims of violence. The Housing Authority through its Resident Opportunity and Self-Sufficiency (ROSS) Program will refer individuals, who are victims of domestic violence, dating violence and/or stalking, to partnering agencies for services and follow-up, as appropriate.

Violence Against Women's Act (VAWA) Program

The HA will continue to develop policies and procedures, as needed, to implement the requirements of VAWA, and to collaborate with other agencies to prevent and respond to domestic violence, dating violence, sexual assault or stalking, as those criminal activities may affect public housing applicants and residents in public housing programs.

The Authority will also provide written notice, explaining the VAWA protections to applicants for public housing assistance, public housing residents and to educate and train staff relative to domestic violence, date violence and stalking. Protections will extend to the rights and obligations relative to confidentiality, denial of assistance and termination of tenancy or assistance.

Smoke Free Program/Policy

This policy establishes standards and requirements to provide a smoke-free environment for all Housing Authority of Prince George's County public housing properties. Smoking is not permitted anywhere in the building including dwelling units and townhomes, in accordance with the following schedule. Effective on [July 01, 2015], all current tenants, guests, employees, contractors, and employees of contractors providing services at HAPGC, after this date will be prohibited from smoking within any building to include: apartment units and townhomes, except for residents with temporary exemptions from this policy.. Failure of any resident to follow the smoke-free policy will be considered a lease violation.

Capital Fund Program (CFP)

The Capital Fund Program is designed to ensure long-term physical and social viability of its public housing developments. Modernization work activities for public housing are scheduled and financed through the Capital Fund Program. The Capital Fund Program is a Five-Year Renovation Action Plan. Application is made annually.

Real Estate Assessment Center (REAC)

REAC is designed to give HUD a more comprehensive and consistent tool with which to assess its properties. REAC monitors and assesses the condition of properties for which HUD has an interest or obligation.

To adequately assess these four factors, REAC collects data from numerous sources, including:

- Physical inspections conducted on all public and HUD assisted properties,
- Independent financial audits of annual financial statement data collected electronically and scored based on project performance, financial risk, and compliance,
- Qualitative management assessments conducted on the management operations of Public Housing Agencies, and
- Resident satisfaction evaluations ensuring residents have a voice in management decisions.

Annually, REAC determines the overall performance of public housing by combining physical, financial, management and customer satisfaction assessment results under the – Public Housing Assessment System **(PHAS)**.

- **HOUSING PROGRAMS AND OTHER PUBLIC COLLABORATIONS**

Communication and cooperation with other housing programs and government agencies are important components of sound management. For this reason, this HA has reached agreements with other public agencies to ensure computer matching and other verifications can be performed. Information submitted in verification/participation of applicant data is not public information and is subject to statutory requirements concerning confidentiality (42 U.S.C. 1437d(q)(4)); as amended.

Fraud Prevention Program

It is the policy of this HA to prevent, detect, and report fraud.

The overall goal of the HA is to combat crime and abuse of HUD programs that result in unacceptable living conditions for numbers of needy people who look to HUD and housing agencies for living accommodation assistance. Fraud in public housing programs diminishes public support and reduces the already scarce resources available to provide better living conditions to needy applicants/residents.

Section 1001 of Title 18 of the United States Code makes it a criminal offense to make willfully false statements or misrepresentations to any Department or Agency of the United States as to any matter within its jurisdiction. Obtaining public assistance by fraud is punishable under the Maryland Annotated Code, Article 27, Section 230A.

The Housing Definition of fraud shall include any definition found under any Federal or State, civil or criminal statue; as well as deliberate misrepresentation made to the HA by the applicant, resident, or members of the household.

Family Outreach

The HAPGC will publicize the availability and nature of the Public Housing Program for extremely low-income, very and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach people who cannot or do not read the newspaper, the Authority will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The HA will also try to utilize public service announcements.

THE HOUSING AUTHORITY'S COMMITMENT TO INVESTIGATE MISREPRESENTATIONS AND PURSUE REMEDIES

Allegations, complaints, or other observations that indicate a family is receiving more benefits than they are entitled to will be investigated. False statements that result in favorable eligibility, tenant's paying less rent, family composition or housing need will be aggressively pursued. In the event such misrepresentations are verified, the HA will act to recover the un-entitled payments including administrative actions, civil or criminal court actions, or judgments, as deemed appropriate.

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

If an applicant/resident is found to have made misrepresentations at any time which results in his/her being classified as eligible when, in fact, he/she was ineligible, he/she will be required to vacate, even though he/she may since have become eligible. In justifiable instances, the Housing Authority may take such other action, as it deems necessary.

The commission of fraud by any member of the household violates the lease and is grounds for termination of application eligibility or tenancy.

Applicant/Tenant Cooperation Clause

All applicants or tenants are required to cooperate in supplying all information needed to determine eligibility, level of benefits, or verification of circumstances. Cooperation includes attending pre-scheduled meetings and completing and signing needed forms. Failure or refusal of knowingly supplying false, incomplete, or inaccurate information may result in processing delays, termination of housing assistance, or eviction.

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)

This Admissions and Continued Occupancy Policy (ACOP) defines the Housing Authority of Prince George's County's policies for the operation for 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.

1.0 FAIR HOUSING

It is the policy of the Housing Authority of Prince George's County 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 grounds of race, color, sex, religion, national or ethnic origin, familial status, sexual orientation, marital status, gender identity, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Housing Authority of Prince George's County's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority of Prince George's County will provide Federal/State/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 will be made available by request, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Housing Authority of Prince George's County office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The Housing Authority of Prince George's County will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. The Housing Authority of Prince George's County will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

The HA shall not deny any family or individual the equal opportunity to apply for or receive public housing assistance on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability gender identity, or sexual orientation.

The DHCD office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided at TTD number 771.

2.0 REASONABLE ACCOMMODATION

Insert (04/03/2019)

The HAPGC will create a centralized database for tracking reasonable accommodation request. The HAPGC shall ensure all HAPGC staff are trained on the HAPGC's Reasonable Accommodation Policy

The HA will identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988, HA will make structural modifications to its housing and non-housing facilities; make reasonable accommodations, or combinations of the two, to permit people with disabilities to take full advantage of the housing program. In making reasonable accommodations or structural modifications for otherwise qualified persons with disabilities, HA is not required to:

a. In existing housing programs, make each of its existing facilities accessible; or make structural alterations when other methods can be demonstrated to achieve the same effect.

b. Make structural alterations that require the removal or altering of load-bearing structural member;

c. Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below grade level;

d. Take any action that would result in a fundamental alteration in the nature of the program;

e. Take any action that would result in an undue financial and administrative burden on the Authority.

The Housing Authority's Public Housing (PH) Program will make a referral to the Housing Choice Voucher (HCV) Program when a reasonable accommodation request cannot be accomplished. Reasonable accommodation referrals will be made for new applicants and tenants residing in Public Housing who require transfers.

Alternative formats of communication are available for persons requiring auxiliary assistance. These may include foreign language interpreters, sign language interpretation, and oral explanations of materials by HA staff (in person or by phone), large type materials, information on tape, and having someone (friend, relative or advocate) accompany the applicant to receive, interpret, and explain housing materials.

American Sign Language interpreters are provided for the hearing impaired, however, the HA is not responsible for costs associated with having a foreign language interpreter.

The Authority will not permit these policies to be subverted to do personal or political favors. Accepting an applicant from a lower waiting list position before one in a higher position violates policy, federal law, and the civil rights of the other families on the waiting list.

2.1 THE HOUSING AUTHORITY OF PRINCE GEORGE'S COUNTY (HAPGC) REASONABLE ACCOMMODATION GUIDELINE

The purpose of this Reasonable Accommodation Guideline is to assure equal access to services, programs and activities for persons with disabilities, which includes approving reasonable accommodations for qualified individuals with a disability and more generally to set forth the policies and procedures of the Housing Authority of Prince George's County (HAPGC) with regard to reasonable accommodations. If an individual with a disability requires an accommodation, such as an accessible feature in a unit or a modification to an HAPGC policy, HAPGC will approve the accommodation unless it will result in a fundamental alteration in the nature of the program or an undue financial and administrative burden to the Agency.

Furthermore, the policies and procedures described herein are applied by HAPGC in a consistent and nondiscriminatory manner as directed by the fair housing requirements of the U.S. Department of Housing and Urban Development (HUD). HAPGC and Management Agent staff must comply with this procedure in accordance with the Fair Housing Act of 1968 (as amended by the Fair Housing Act of 1988), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990 (including the ADA Amendments Act of 2008), as well as Maryland State and Prince George's County Human Rights Laws, and the U.S. Department of Housing and Urban Development's (HUD) regulations governing Fair Housing andEqual Opportunity, as each may be amended. All terms and conditions described herein are offered equally to all prospective and current clients of HAPGC's housing programs. HAPGC encourages all residents orapplicants with disabilities who seek a reasonable accommodation, to request the specific change to a policy or unit through HAPGC's Request for Reasonable Accommodation form. This form is available at any HAPGC office and on HAPGC's website at https://www.hapgcmd.org/ www.princegeorgescountymd.gov/906/Housing-Authority.

GUIDELINE

A Reasonable Accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that is necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. A Reasonable Modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to common and public use areas.

HAPGC refers to all categories of reasonable accommodations and reasonable modifications jointly, as reasonable accommodations. HAPGC affirms its commitment to assuring equal access to services, programs, and activities for persons with disabilities, as it is HAPGC's policy to provide a reasonable

accommodation to a qualified person with a disability. If an individual with a disability requires an accommodation, such as an accessible feature added to a unit or an exception or modification to an HAPGC policy, HAPGC will provide the accommodation as long as it will not result in a fundamental alteration in the nature of the program or an undue financial burden to the Agency. In all situations, HAPGC staff will work with the participant family to discuss available options so that some, if not all, disability related accommodations are met for disabled individuals.

REQUEST FOR REASONABLE ACCOMMODATION FORM

A resident or applicant household member with a disability that wishes to request a reasonable accommodation must first request the specific change to a policy or unit, as an accommodation of his/her disability. The resident or applicant may visit any HAPGC Public Housing property site for additional information, or complete HAPGC's Request for Reasonable Accommodation Form for a quicker response. The form is available on HAPGC's website.

The individual making the request must first certify (if apparent) or verify (if not apparent) that they are a personwith a disability under the Americans with Disabilities Act (ADA) definition, as follows:

- Individuals with a physical or mental impairment that substantially limits one or more major life activities;
- Individuals who are regarded as having such an impairment; or
- Individuals with a record of such impairment.

Note: The definition stated above is not the same as the HUD definition used for purposes of determining allowances. Once HAPGC confirms a person's status as a qualified individual with a disability, the individual must provide the health provider verification of the relationship (nexus) between the requested accommodation and the individual's disability. For this purpose, a health provider is a medical doctor, social worker, therapist, caseworker, or some other third-party health provider. The health provider is familiar with the individual who submits the request and provides written verification that in their professional opinion, the individual needs the specific accommodation(s). Any attempt on the part of a health provider to falsify or exaggerate a Participant's disabilities may be construed as an attempt to defraud a government program.

If HAPGC determines that the requested accommodation creates an undue administrative and/or financial burden, HAPGC will either deny the request or present an alternate accommodation that will still meet the needs of the disabled individual. An undue administrative burden is described, as follows:

- Requires a fundamental alteration of the essential functions of HAPGC (e.g., waiving a family obligation); or
- An undue financial burden.

Note: An undue financial burden considers the available resources of the Agency as a whole, where the requested accommodation would impose a severe financial hardship on HAPGC.

HAPGC will provide a written decision to the individual requesting the accommodation within 45 days of receipt, provided that the request is complete. Incomplete requests will take longer to process dependingon the information lacking at the time of initial submission. If an individual is denied the accommodation requested or feels that the alternative suggestions are inadequate, they may request an informal hearingto appeal HAPGC's decision. Informal hearing requests to appeal a reasonable accommodation decision are submitted to HAPGC's Hearing Officer for processing and scheduling.

The Request for Reasonable Accommodation Form is designed to assist HAPGC and the individual to gain anunderstanding of the requested accommodation. If an individual is unable to use the form, HAPGC staff willcomplete the request on the behalf of the Participant. However, HAPGC cannot complete the health verification section on behalf of the Participant. Only an appropriate third-party health provider familiar with the relationship between the Participant's disabilities and the accommodation requested can submit the health verification portion of the request to HAPGC.

APPROVAL/DENIAL

A client may request a reasonable accommodation at any time. The decision on whether an accommodation is approved is based on reasonable cost, the likelihood that the accommodation is effective in reducing the barriers to equal housing opportunity, and whether or not it involves a fundamental change to HAPGC's operations. HAPGC considers each request for reasonable accommodation asa separate request. This meaning, that while an individual may have one accommodation approved, thatdoes not guarantee or imply that all requests, even those very similar, are approved. Each decision is madeon a case by case basis with the understanding that each individual has needs and circumstances that areunique.

HAPGC provides all reasonable accommodation approvals and denials in writing. If a reasonable accommodation request is approved or conditionally approved, the letter will describe:

- The accommodation decision to approve or deny;
- Any terms, conditions, or performance expectations subject to the Participant's agreement; and
- The date for implementation (if available), which in most cases is as soon as practicable (typically 30 days from the date of the decision).

All decisions to approve or deny reasonable accommodation requests are communicated in writing and within forty-five (30) business days from the date HAPGC receives sufficient information from a Participant to make a decision. HAPGC makes all necessary efforts to issue decisions as quickly as possible. If additional information is required, HAPGC contacts the Participant with a letter, email, fax, or phone call stating the information required to complete the request. All written decisions advise Participants of any right to appeal with the deadline for exercising those rights. The Participant may request an informal hearing to appeal the decision. HAPGC works to schedule informal hearings as soon as possible upon receipt of the appeal request.

Note: If an appeal is overturned, HAPGC attempts to implement the new accommodation no later than forty-five (30) days from receipt of the written decision from the Hearing Officer. If implementation requires additional time, HAPGC notifies the Participant when implementation is expected.

HAPGC uses the following methodology in approving reasonable accommodation requests:

- Is the applicant/resident a qualified individual with disabilities?
- Is the requested reasonable accommodation request related to the disability?
- Is the requested accommodation reasonable?

In some instances, HAPGC accepts the judgment of the person with a disability that a reasonable accommodation is necessary. However, HAPGC retains the option to require the person with a disability to provide the appropriate health verification, the need for an accommodation to enable him/her to accessand use the given housing program or physical feature. Furthermore, HAPGC may accept the judgment of the person with a disability that the requested reasonable accommodation is the most appropriate for him/her. However, HAPGC may also investigate alternatives to the requested accommodation, and/or alternative methods of providing the requested accommodation, depending on the request. This may include a program transfer within or without HAPGC programs and/or Prince George's County.
Note: If a number of potential reasonable accommodations will satisfy the needs of the person with disabilities, HAPGC reserves the right to select the accommodation which is most convenient and cost-effective for the Agency. This includes the option to select a change in procedure or policy, rather than to make a structural change, when the procedural change is equally effective.

If an applicant requests an accommodation in order to overcome negative information or a resident requests an accommodation in order to overcome a lease violation, HAPGC assesses the impact and severityof each situation on a case by case basis. HAPGC seeks to determine if the requested accommodation eliminates, or satisfactorily reduces, the impact or severity, so that the person can occupy the unit with areasonable expectation of success.

Note: HAPGC's Property and Resident Managers are encouraged to accept an "eligible" request for their specific housing program, if the request for a reasonable accommodation does not exceed $500 and does not involve program changes and/or transfers, residency and eviction decisions. Following any decision, HAPGC or its Management Agent staff must forward a copy of the Request for a Reasonable Accommodation Form to HAPGC's FHEO Officer.

ADMINISTRATION

HAPGC's FHEO Officer administers this guideline in accordance with HUD regulations governing fair housing and equal opportunity. Participants have the option to submit the Request for a Reasonable Accommodation Form via email, fax, or regular mail. The contact information for submitting the completed form, along with health verification to HAPGC is as follows:

ATTN: HAPGC Fair Housing
Coordinator
Housing Authority of Prince
Georges County
9200 Basil Court Suite 500
Largo , Maryland 20745
301-883-5576
DHCD-504@co.pg.md.us

HAPGC reviews all complete reasonable accommodation requests to determine eligibility and approve or deny each request, as stated in the previous section. Participants also have the option to make a verbal accommodation request to HAPGC staff, where HAPGC staff will submit a request on the Participant's behalf. However, HAPGC staff cannot assist with completing the health verification portion of the form. Only a qualified health provider may complete that portion of the request. Communicationsunder this guideline are sent to Participants in plain language and in a format appropriate to meet the communication needs of the person with disabilities. If a client requires an in person meeting with an HAPGCstaff member regarding their reasonable accommodation request, HAPGC staff will schedule the meeting in an accessible location.

LIVE IN AIDES

A live-in aide is described as a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the person(s);
- Is not obligated for the support of the person(s); and
- Would not be living in the unit except to provide the necessary supportive services.

HAPGC's Hearing Office Officer and Fair Housing Coordinator (or designee) are responsible for approval of live- in aides. HAPGC approves a person as a live-in aide if the person will reside with one or more elderly persons,near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the person(s);
- Will provide the care;
- Is not obligated for the support of the person(s);
- Would not be living in the unit except to provide the necessary supportive services; and
- Meets the relevant occupancy requirements of the housing program.

The person(s) requesting a live-in aide must demonstrate that he/she has the resources, either personal or third-party, to compensate the aide, if payment is required. Also, the person(s) requesting the aide must provide HAPGC with a completed Health Provider's Verification of Need for a Reasonable Accommodation in Housing, or similar documentation from a provider. HAPGC may consider a relative as a live-in aide/attendant, if they meet the above requirements, including the occupancy requirements of theprogram. The live-in aide qualifies for occupancy, only as long as the individual requiring supportive services requires the live-in-aide's services and remains a resident. The live-in-aide will also not qualify for continued occupancy as a remaining family member in the event of death or some other departure fromthe unit by the person for whom the aide is needed. HAPGC staff may require that the household member is evaluated for his/her capacity to accomplish Activities of Daily Living (ADL). This evaluation would include a statement from a health care provider explaining how many hours per day of care is required. HAPGC requires a minimum of 12 hours of assistance per day in order to approve a live-in aide.

HAPGC may refuse to approve a live-in aide if:

- The person does not meet at least one of the criteria described above;
- The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to HAPGC or to another Public Housing Agency (PHA) in connection with another housing program or public housing assistance under the 1937 Act.

If approved, the individual is required to sign a residency agreement or similar document. The householdis also required to document the services that the aide provides. Finally, the live-in aide's income is not calculated as part of annual household income, in accordance with HAPGC and program regulations.

UTILITY ALLOWANCE INCREASE

Some HAPGC programs require the Agency to provide a utility allowance for participating households. In such instances, HAPGC develops utility allowance schedules detailing dollar amounts per unit size and unit type for all tenant-paid utilities, excluding telephone services. This includes gas, electric, and water as wellas the cost of tenant-supplied refrigerators and ranges, and any other tenant-paid housing services such as trash collection and disposal of waste and refuse.

HAPGC Participants participating in programs which provide a utility allowance may request a higher utility allowance as reasonable accommodation for a household member with disabilities. As with all other reasonable accommodation request, the family that includes a person with disabilities must provide health verification which explains how the disabled Participant's disabilities are assisted by an increase in utility allowance which is higher than the applicable amount on the utility allowance schedule for the given unit. HAPGC also requires provision of at least six (6) months of utility bills to further demonstrate the need for this accommodation.

All reasonable accommodation requests for Utility Allowance Increases are subject to review by HAPGC's Executive Director or designee prior to final approval.

COMPLIANCE OVERSIGHT

Compliance is responsible for enforcement of this guideline and reviews a percentage of completed reasonable accommodation requests annually. A secure file is established for each individual Request fora Reasonable Accommodation Form with all subsequent correspondence and information. Compliance conducts a monthly review of all reasonable accommodations submitted evaluating the number of requests, the disposition of those requests, timely response to requests, and any outstanding issues.

Upon Request, Copies of this guideline are available in an accessible format to persons with disabilities.

2.2. Assistance Service Animal Policy *(In process of FHEO Approval (Nov 2022)*

Overview

This policy contains the standards on the assistance/service animals in any criteria or standards associated with this policy for the Housing Authority of Prince Georges County (HAPGC or housing authority). The rules adopted are related to the legitimate business interests and operating needs of HAPGC to provide a decent, safe, and sanitary living environment for all tenants, to protect and preserve the physical condition of the property as well as pecuniary interests of HAPGC.

Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to the housing authority's Pet Policy. However, residents possessing assistance animals will be required to comply with specific rules related to the registration and maintenance of assistance animals as outlined in this policy. The resident shall furnish the housing authority information at each reexamination as to the status of the animal, the continued need for the animal, and other information outlined in this policy. This policy will be in Compliance with all FHEO guidelines, any city/local or country requirements that do not meet the approval of FHEO assistance animal policy .

Assistance Animal Definition

Assistance animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or animals that provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals – often referred to as

"service animals," "assistive animals," "support animals," or "therapy animals" – perform many disability-related functions, including but not limited to the following:

- Guiding individuals who are blind or have low vision;
- Alerting individuals who are deaf or hearing impaired;
- Providing minimal protection or rescue assistance;
- Pulling a wheelchair;
- Fetching items;
- Alerting persons to impending seizures; or
- Providing emotional support to persons with disabilities who have a disability-related need for such support.

Verification of Need for an Assistance Animal

The housing authority will not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. However, the animal must actually perform the assistance or provide the benefit needed by the person with the disability.

The housing authority will permit a person with a disability to use and live with an assistance animal in accordance with Section 504 of the Rehabilitation Act and the Fair Housing Act unless:

- There is a reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation;
- There is reliable objective evidence that the animal would or has caused substantial physical damage to the property of others;
- The presence of the assistance animal would pose an undue financial and administrative burden to the housing authority; or
- The presence of the assistance animal would fundamentally alter the nature of the housing authority's services.

Assistance animals are a means to provide a reasonable accommodation for an individual with a disability, but a person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal. The housing authority will verify that the individual requesting the assistance animal is a person with a disability and that the animal is needed to assist with the disability. The housing authority will also verify that the person is capable of taking care of the animal or has made suitable arrangements for care of the animal in a sanitary manner. As with all other disability- related inquiries, the housing authority will not ask about the nature or severity of the resident's disability. However, the housing authority will ask for third party verification.

The U.S. Department of Justice's ADA regulations define "service animal" narrowly as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The regulations specify that "the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purpose of this definition." Thus, trained dogs are the only species of animal that may qualify as service animals the ADA and emotional support animals are expressly

precluded from qualifying as service animals under ADA. An individual's use of a service animal must be handled as a request for reasonable accommodation. Rather, an animal need only meet the definition of "service animal" to be allowed into a covered facility.

To determine if an animal is a service animal, the HAPGC shall not ask about the nature or extent of a person's disability but may make two inquiries to determine whether an animal qualifies as a service animal.
The HAPGC may ask: (1) Is this a service animal that is required because of a disability? and (2) What work, or tasks has the animal been trained to perform? The PHA shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

The PHA may not make the two permissible inquiries set out above when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability. The animal may not be denied access to the facility unless: (1) The animal is out of control and its handler does not take effective action to control it: (2) The animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination); or (3) The animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices and procedures. A determination that a service animal poses a direct threat must be based on an individualized assessment of the specific service animal's actual conduct – not on fears, stereotypes, or generalizations. The service animal must be permitted to accompany the individual with a disability to all areas of the facility where members of the public are normally allowed to go.

Registration

Prior to housing any assistance animal on the premises, the resident must apply via written application to the housing authority for approval.t. In order to receive approval the following documentation must be submitted:

1. Evidence that the assistance animal has received current rabies and distemper inoculations or booster, as applicable.
2. Evidence that the assistance animal has been spayed or neutered, as applicable.
3. A current license issued by the appropriate authority, if applicable by local or state order or law.
4. Third party verification that the resident has a need for and the physical/mental ability to properly care for the requested assistance animal.
5. Persons who are seeking a reasonable accommodation for an emotional support animal will be required to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides support that alleviates at least one of the identified symptoms or effects of the existing disability.

Regulations /Rules

All residents keeping permitted assistance animals on the premises shall comply with the following rules. Failure to comply may constitute a lease violation and any remedy under the Lease, ACOP, or law may apply:

1. Dogs and cats must be licensed/registered yearly with the local government, if required, and residents must show proof of annual rabies and distemper booster inoculations on request and or during each lease recertification.
2. All dogs and cats must be spayed or neutered, as applicable.

3. Animals shall remain inside the resident's unit. No animal shall be permitted to be loose in yards or any common areas of the housing authority properties or kept in storage buildings. No animal shall be tied outside or left unattended. Animals that are not properly restrained may be controlled and taken to the proper authorities. Prompt notice will be given to the Resident or left at the Resident's address if the Resident is not home.

4. When taken outside the unit, animals must be kept on a leash and controlled by an adult. For animals for which a lease is not used, appropriate animal transport containers are required.

5. Residents must restrain assistance animals, as required, when the housing authority maintenance workers enter their apartment to perform work orders, during inspections, and when any contractor of the housing authority requires entry into their apartment. The Resident shall either be at home or shall have all animals restrained or caged. If a maintenance person enters an apartment where an animal is not leashed or otherwise controlled , maintenance shall not be performed, and Resident shall be advised of the reason maintenance could not be performed. If this same situation occurs, more than three times in a year, the assistance animal at the Housing Authority's discretion may need to be removed from the unit so maintenance work can be completed. Assistance animals that are not properly restrained may be controlled by housing authority staff or its agent and taken to the proper authorities. Prompt notice will be given to the Resident or left at the Resident's address if the Resident is not home. The housing authority shall not be responsible if any animal escapes from the residence due to maintenance, inspections or other activities of the housing authority. No work will be done in a unit where an assistance animal is housed, unless the resident is at home to control the assistance animal.

6. Birds must be confined to a cage at all times.

7. Aquariums must be placed in a safe location in the unit and maintained in a safe and non-hazardous manner.

8. Residents shall not permit their animal to disturb, interfere or diminish the peaceful enjoyment of other residents. The term "disturb, interfere and diminish" shall include, but not be limited to: barking, howling, chirping, biting, scratching and other like activities.

9. Residents are solely responsible for cleaning animal droppings, if any, outside the unit and on housing authority property. Droppings/waste must be disposed of by being placed in a plastic sack and then placed in a container outside the building/apartment.

10. Residents must provide waterproof and leak proof litter boxes for cat, bird, or other animal waste, which must be kept inside the dwelling unit. Cardboard boxes are not acceptable and will not be approved. Residents must not permit refuse from litter boxes to accumulate or to become unsightly or unsanitary. Litter may not be deposited in sinks, tubs, or toilets.

11. Residents shall take adequate precautions and measures necessary to eliminate assistance animal odors within or around the unit and shall maintain the unit in a sanitary condition at all times. Such measures shall include, but not are not limited to, regular and frequent disposal of animal waste in a plastic sack and placement in a container outside the building/apartment and washing of floors and surfaces where animal waste occurs.

12. If assistance animals are left unattended for a period of 24 hours or more, the housing authority may enter the dwelling unit, remove the animal, and transfer it to the proper authorities, subject to the provisions of State Law and pertinent local ordinances. The Housing Authority accepts no responsibility for the animal under such circumstances.

13. Residents shall not alter their unit or yard in any manner in order to create an enclosure for any assistance animal.

14. Residents are responsible for all damages caused by their assistance animals, including the cost of cleaning and replacing finishes, flooring, and/or fumigation of the unit or units.

15. If an animal should become destructive, create a nuisance; represent a threat to the safety and security of other residents, housing authority staff or contractor's personnel, or create a problem in the area of cleanliness and sanitation, the Housing Authority will notify the resident, in writing, that the animal must be removed. The written notice will contain the date by which the animal must be removed, and this date must be complied with by the head of household. This date will be immediate if the animal may be a danger or threat to the safety and security of other residents. The resident may request a hearing, which will be handled in accordance with the housing authority's established grievance procedure. Provided, however, the animal must be immediately removed from the unit upon notice during the hearing process if the removal is related to safety and security.

16. Residents are responsible for any damage caused by their assistance animals. It is highly recommended that assistance animal owners purchase liability insurance that would protect the owner in the event that their assistance animal bites, scratches or in any way harms anyone.

17. Should any assistance animal housed by a resident give birth to a litter, the resident shall remove newborn animals from the premises.

18. Residents must identify an alternate custodian for assistance animals in the event of resident illness or other absence from the dwelling unit. The identification of an alternate custodian must occur prior to the Housing Authority issuing a assistance animal registration permit. Resident shall update the alternate custodian as necessary.

19. Maintaining an assistance animal in a facility owned and/or operated by the housing authority shall be subject to the rules herein. Permission to have an assistance animal may be revoked at any time subject to the housing authority Grievance Hearing Procedures, if the animal should become destructive, create a nuisance, represent a threat to safety and security of other residents, or create a problem in the area of cleanliness and sanitation. Residents may not be allowed to own any type of assistance animal in the future while occupying a housing authority unit if this policy is violated.

20. No assistance animal shall be allowed in an apartment prior to the full compliance with the term of this Assistance Animal Policy. Such violation shall be considered a violation of the Lease. Failure to provide timely proof of current license and/or vaccination(s) shall require the immediate removal of the assistance animal until the requisite proof is provided to the Housing Authority.

21. In the event of the death of an assistance animal, the resident must properly dispose of the remains in accordance with the local public health regulations, and under no circumstances on the property of the housing authority.

22. Residents must ensure that assistance animal does not cause an infestation of insects such as fleas and ticks. Where this occurs, residents are responsible for contracting the services of a professional pest control company to eradicate the infestation.

23. Residents must ensure that the assistance animal is properly cared for and fed. Animal cruelty by a resident or guest of the household may be a lease violation and any remedy allowed by lease, ACOP, or law applied.

24. If the resident for whom the assistance animal leaves the household permanently or for an extended period of time, the assistance animal shall be removed from the home.

Deposits

A deposit will not be charged for assistance animals; however, the housing authority will charge the resident for damages "beyond normal wear and tear" caused by the assistance animal or for any other damages to the housing authority's property caused by the assistance animal, including spraying for ticks, fleas or other insects.

Grievance Rights

Any action or decision under this policy shall be subject to the Housing Authority's policy regarding grievance rights.

3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS

The Housing Authority of Prince George's County will endeavor to have bilingual staff or access to people who speak languages other than English in order to assist non-English speaking families.

4.0 FAMILY OUTREACH

The HAPGC will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach people who cannot or do not read the newspapers; the HAPGC will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The HAPGC will also try to utilize public service announcements.

The HAPGC will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

It is the policy of the HAPGC to conduct outreach as needed to maintain an adequate applicant pool representative of the eligible population in the area. Outreach efforts will take into consideration the level of vacancy in the HA's dwelling unit stock, availability of units through turnover, and waiting list characteristics. The HA will periodically access these factors in order to determine the need for any marketing efforts.

When the Authority opens the waiting list, it will advertise in print and electronic news medians. Particularly print will be made in the newspaper of record for Prince George's County and minority media.

The notice will contain:

1. The dates, times, and the locations where families may apply.
2. The programs for which applications will be taken.
3. A brief description of the program.
4. Limitations, if any, on whom may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the HA address and telephone number, how to

submit an application, information on eligibility requirements, and the availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation can only exceed the closing date by 10 working days.

Marketing and informational materials will be subject to the following:

a. All marketing materials will comply with the Fair Housing Act requirements with respect to wording, logo, size of type, etc.

b. Marketing will describe the housing units, application process and waiting list accurately.

c. An effort will be made to target all agencies that serve and advocate for potentially qualified applicants (e.g. the disabled, to ensure that accessible/adaptable units are used by people who can best take advantage of their features)

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d. Marketing materials will make clear who is eligible: individuals and families, people with both physical and mental disabilities.

e. HA's will make reasonable accommodations to people with disabilities.

5.0 RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to sign HUD form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement. The authorization for the release of information HUD Form #9886 must be signed by applicants and participants authorizing the HA to request the release of wage and claim information from a State Wage Information Collection Agency (SWICA).

Upon review of the application, all adult members of the family will be required to sign the following forms: Personal Declaration, Tenant Certification and Authorization for the Release of Information (HUD form #9886), and the Application for Admission form. The applicant and each member of the applicant's household, age 6 years and older, are required to disclose and verify social security numbers (SSN).

If the applicant or any member of the applicant's household has not been assigned a SSN, a certification must be executed.

Consent must be awarded for each member of an Applicant Family or Participant Family who is at least 18 years of age, including the family head and spouse regardless of age.

Penalties for failing to disclose and verify Social Security Number, and to sign consent forms are:

- Denial of assistance
- Termination of assistance or residency

Any request for applicant or resident information will not be released unless there is a signed release of information request from the applicant or resident.

6.0 REQUIRED POSTINGS

In each of its offices, the HAPGC will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

A. Statement of Policies and Procedures governing Admission and Continued Occupancy

B. Notice of the status of the waiting list (opened or closed)

C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours

D. Income Limits for Admission

E. Excess Utility Charges

F. Utility Allowance Schedule

G. Current Schedule of Routine Maintenance Charges

H. Dwelling Lease

I. Grievance Procedure

J. Fair Housing Poster

K. Equal Opportunity in Employment Poster

L. Any current Housing Authority of Prince George's County Notices

7.0 Taking Applications

7.1 Applying For Admission

The policy of the HA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. The primary purpose of the intake function is to gather information about the family, but the Authority will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

The HAPGC will be accepting Public Housing pre-applications from Prince George's County residents, pre-applicants that are hired to work in Prince George's County or pre-applicants that work in Prince George's County only.

The purpose of application taking is to permit the HAPGC to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information.

Families who wish to apply for any of the HA's programs must complete an online pre-application form when application-taking is open. Pre-applications will be made available online only.

When the waiting list is open, any family asking to be placed on the waiting list for public housing will be given the opportunity to complete a pre-application.

Applications are taken to compile a waiting list. Due to the demand for housing in the HAPGC jurisdiction, the HAPGC may take applications on an open enrollment basis, depending on the length of the waiting list.

Completed pre-applications will be accepted for all Prince George's County residents that apply during the period of open enrollment. The HAPGC will verify the information.

All preliminary applications submitted during the waitlist opening period have the same date and time of their applications. The computer-generated waitlist will create a unique list number for each selected.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Housing Authority of Prince George's County to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is 711.

Normally, the application process will involve <u>two phases</u>. Phase one is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the family's pre-application, the HAPGC will make a preliminary determination of eligibility. The HAPGC will notify the family in writing of the date and time of placement on the waiting list, and the approximate wait before housing may be offered. If the HAPGC determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The HAPGC will annotate the applicant's file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

The <u>second phase</u> is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. The HAPGC will ensure that verification of all preferences, eligibility, suitability and selection factors are current in order to determine the family's final eligibility for admission into the Public Housing Program.

The central office is also the place where interviews for perspective applicants are conducted. The address of the Housing Authority is shown below.

The Housing Authority of Prince George's County
Attn: Central Intake Unit
9200 Basil Court
Suite 107
Largo, Maryland 20774
Phone: (301) 883-5501 or
TDD (For hearing Impaired ONLY): 711

Normal business hours of operation:
Monday through Friday
8:30 a.m. to 5:00 p.m.

The central office and all development management offices are closed in observance of federal holidays.

The Authority reserves the right to suspend the acceptance of applications for a specific unit size when the demand for that unit size exceeds a number reasonably expected to be housed within the next year.

The Authority shall not, on account of race, color, creed, sex, age, national origin, sexual orientation marital status, or gender identity, deny any family the opportunity to apply for admission to the Low-Income Housing Program. Attempts have been made to make public housing programs, facilities, and activities accessible for those persons with disabilities; in accordance with Section 504 of the Rehabilitation Act of 1973.

No qualified individual with handicaps shall, solely on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination.

7.2 Receipt of Applications

All admissions to public housing shall be made on the basis of an application. The application shall constitute the basic record of each family applying for admission. All supplemental materials pertaining to eligibility shall also be considered a part of the record. Such materials include verifications of income and family composition.

Every application constitutes the basic legal record which supports the Housing Authority's determination of eligibility status, rent, and size of the unit for which the applicant and/or resident is qualified. The Application for Admission also constitutes the basis for establishing the applicant's local or preference ranking status, for selection.

All pre-applications for admission shall be processed to determine eligibility. This preliminary application process is referred to as Presumptive Eligibility. Throughout the intake process, new applicants will retain tentative eligibility status until screened for admission. Only those applicants who satisfy requirements of the screening process will be qualified for admission.

8.0 ELIGIBILITY FOR ADMISSIONS

8.1 INTRODUCTION

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security Numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the HAPGC screening criteria in order to be admitted to public housing.

The HA will not take any adverse action(s) to deny housing assistance/admission to public housing to an applicant solely on the basis of his or her being a victim of such criminal activity as domestic violence, date violence and/or stalking, including threats of such activity.

8.2 ELIGIBILITY CRITERIA

A. Family status.

1. A family with or without children. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.

    a. Children temporarily absent from the home due to placement in foster care are considered family members.

    b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

2. An elderly family, which is:

    a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;

    b. Two or more persons who are at least 62 years of age living together; or

    c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A disabled family, which is:

   a. A family whose head, spouse, or sole member is a person with disabilities;

   b. Two or more persons with disabilities living together; or

   c. One or more persons with disabilities living with one or more live-in aides.

4. A displaced family, which is a family in which each member, or whose sole member, has been displaced by governmental action, or 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.

5. A remaining member of a tenant family.

6. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

B. Income eligibility

1. To be eligible for admission to developments that became available on or after 10/1/81, the family's annual income must be within the very low-income limit set by HUD, unless HUD grants an exception. This means that without a HUD exception, the family income cannot exceed 50 percent of the median income for the area.

2. Income limits apply only at admission and are not applicable for continued occupancy.

3. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the Housing Authority of Prince George's County.

4. If the HAPGC acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing tenants.
5. Income limit restrictions do not apply to families transferring within the Public Housing Program.

C. Citizenship/Eligibility Status

To be eligible each member of the family must be a citizen national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).

Family eligibility for assistance.

   a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.

b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the noncitizen rule)

c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security Number or certify that they do not have one.

E. Signing Consent Forms

In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.

2. The consent form must contain, at a minimum, the following:

a. A provision authorizing HUD or the Housing Authority of Prince George's County to obtain from State Wage Information Collection Agencies (SWICAs), Upfront Income Verification (UIV)/Enterprise Income Verification (EIV), any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;

b. A provision authorizing HUD or the Housing Authority of Prince George's County to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;

c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits via Upfront Income Verification (UIV)/Enterprise Income Verification (EIV) practices; and

d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

8.3 SUITABILITY

A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The Housing Authority of Prince George's County will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, HAPGC employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families with be denied admission if they fail to meet the suitability criteria.

B. The HAPGC will consider objective and reasonable aspects of the family's background, including the following:

1. History of meeting financial obligations, especially rent;

2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;

3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;

4. History of disturbing neighbors or destruction of property;

5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and

6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

C. VIOLENCE AGAINST WOMEN ACT (VAWA) SCREENING

The Housing Authority will observe the following specific screening protections relative to VAWA:

1. Housing assistance will not be denied to an individual solely on the basis of him/her being a victim of such criminal activity.

2. Housing assistance will not be terminated to an applicant as a result of an unsatisfactory credit history, rental reference, criminal activity, or other screening criteria, if it is directly related to domestic violence, dating violence, or stalking engaged in by a member of the assisted household, or is a victim or threatened victim of this criminal activity. The protection described in this paragraph is subject to the following limitations;

   Verification of Domestic Violence, Date Violence or Stalking

   The law allows, but does not require, the Housing Authority to verify that an incident(s) of actual or threatened domestic violence, dating violence, or stalking claimed by an applicant is bona fide and meets the requirements of VAWA. The Housing Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority.
   Verification of a claimed incident(s) or incidents of actual or threatened domestic violence, dating violence or stalking may ne accomplished by one of the following three (3) ways:

   a. HUD-approved form – providing written verification on form approved by the U.S. Department of Housing and Community Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking that the incident(s) in

question are bona fide incidents of actual or threatened abuse meeting the requirements of the definitions set forth relative to VAWA. The incident(s) in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator.

b. Other documentation – by providing to the Housing Authority documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence, or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident(s) in question are bona fide incidents of abuse meeting the requirements of the definitions set forth relative to VAWA. The victim of the incident(s) of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.

c. Police or court records – by providing to the Housing Authority a Federal, State, tribal, territorial, or local police or court record describing the incident(s) in question.

3. Time allowed to provide verification/failure to provide. An individual who claims protection against adverse action based on an incident(s) of actual or threatened domestic violence, dating violence, or stalking, and who is requested by the Housing Authority, to provide verification, must provide such verification within fourteen (14) business days (i.e., 14 calendar days, excluding Saturdays. Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

4. Waiver of verification requirement. The Executive Director or his designee may, with respect to any specific case, waive
the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director or his designee. Any such waiver must be in writing. Waiver in a particular instance(s) shall not operate as precedent for, or create any right to, waiver in any other case(s), regardless of similarity in circumstances.

D. The HAPGC will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Housing Authority of Prince George's County will verify the information provided. Such verification may include but may not be limited to the following:

1. A credit check of the head, spouse and co-head;

2. A rental history check of all adult family members;

3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the HAPGC may contact law enforcement agencies where the individual had lived or request additional criminal background information; and

4. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

Emergency VAWA Transfers

Survivors need only to self-certify in order to exercise their rights under VAWA. Conditions for which a resident is eligible for VAWA:

The following are conditions for which a resident may qualify for an Emergency VAWA transfer:

- A resident or an immediate family member is a victim of domestic violence, dating violence, sexual assault, or stalking;
- The resident reasonably believes that harm or further violence is imminent if the resident remains in the unit;
- Supporting documentation of the abuse is provided

Notification and Victim Documentation

HAPGC acknowledges that a victim of domestic violence, dating violence, sexual assault or stalking may have an unfavorable history that would warren denial under HAPGC's policies.

HAPGC will supply the "Notice of Occupancy Rights" and Certification Form under the Violence Against Women Act to each applicant and participant. These forms will be distributed during the following times:

- At the time the applicant is denied assistance or admission under a covered housing program;
- At the time the individual is provided assistance or admission under the covered housing program;
- With any notification of eviction or notification of termination of assistance.

Therefore, if HAPGC makes a determination to deny admission to an applicant family on the basis of an unfavorable history, HAPGC will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, sexual assault or stalking.

The applicant or participant may submit, as documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, any one of the following forms of documentation, where it is at the discretion of the tenant or applicant which one of the following dorms of documentation to submit:

I. The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation form or

II. A document;

(A) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;

(B) Signed by the applicant or tenant; and that specifies, under the penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 5.2003; or

(C) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

Compliance with Violence Against Women Act (VAWA)
Reauthorization Act of 2013 when screening and terminating tenants.

8.4 GROUNDS FOR DENIAL

The HAPGC is not required or obligated to assist applicants who:

A. Do not meet any one or more of the eligibility criteria;

B. Do not supply information or documentation required by the application process;

C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;

D. Have a history of not meeting financial obligations, especially rent;

E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;

F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;

G. Have a history of disturbing neighbors or destruction of property;

H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;

I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;

J. Were evicted from assisted housing within three (3) years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;

K. Were evicted from assisted housing within three (3) years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;

L. Have engaged in or threatened abusive or violent behavior towards any Housing Authority of Prince George's County staff or residents;

M. Have a household member who has ever been evicted from public housing;

N. Have a family household member who has been terminated under the certificate or voucher program;

O. Denied for Life: If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;

P. Denied for Life: Has a lifetime registration under a State sex offender registration program.

8.5 CREDIT SCREENING POLICY

Screening Applicants For Past History In Meeting Financial Obligations

The Housing Authority operating as a landlord is a grantor of credit. The lease signed with a resident is a form of promissory note. To carry out its mission to provide housing that is decent, safe and sanitary, the Authority must also operate a program that is fiscally sound.

An Authority is expected, not only to collect all rents due from its tenants, but also to do it on time. The ability to do that is determined by the extent to which residents in possession are willing to pay their rent every month when due. A reasonable predictor of which applicants may be expected to do this may be determined by how they have discharged their responsibility to meet past financial obligations, including rent. Authorization for this is derived from the code of Federal Regulations; 24 CFR 960.203(1).

The method used to carry this out will be a process of third party verification requesting rental references from previous landlords for rent paying history and a check with a national credit bureau for a credit report on each applicant who applies for admission. This will enable the Authority to make reasonable assumptions regarding how applicants may be expected to discharge their obligation to pay rent based on their past performance as measured by the credit report and the rent paying history.

For purpose of screening, staff will review for an applicant's pattern of responsibility in meeting financial obligations. The Authority will also consider the immediacy of information in the credit reporting and landlord reference. Applicant information two (2) years preceding the date of inquiry will be reviewed as part of the screening process. The Department will not count on "time payment history" and negative credit history for student loans, medical bills, settled/satisfied judgments, voluntary repossessions and foreclosures, and overpayments on public benefits (unless result of fraud) or tax liens. Additionally, the Authority will not include phone bills, cable, any debts/judgments under $500.00; excluding returned checks. Delinquent child support payments will be considered as a factor for credit screening. Further,

consideration will be given to efforts to improve or rehabilitate credit history including, but not limited to enrollment in consumer credit counseling, voluntary repossession, and working out repayment agreements. Likewise the Department will review for bankruptcy (7 years preceding the date of the screening inquiry), judgments, collections and a pattern of applicants seeking and/or obtaining new credit, pattern of bad debts, or charge-off accounts, unpaid utility charges, while failing to meet past due obligations.

Hearing Rights of Applicants

In accordance with the established policy, applicants denied admission based on credit history will be given an opportunity to request a hearing to offer extenuating circumstances for their poor credit history. If the applicant is able to prove that poor credit history is directly attributable to circumstances beyond their control and that it does not represent a continuing pattern of non-payment of financial obligations, the Authority may, at its discretion, reconsider its decision and approve admissions.

In appealing to the Authority to reverse a decision, the burden of proof shall be the sole responsibility of the applicant. It does not obligate the Authority to rely on the information presented or assist in gathering the data that the applicant wants to have evaluated. The Authority will be the final arbiter of whether the information presented meets the criteria. The most commonly accepted extenuating circumstances may include, but not be limited to the following:

1. Financial reverses that occur as a result of loss or significant change/shift of employment

2. Uncompensated accident or illness

3. Sustained period (s) of hospitalization

4. Change in family composition of primary of secondary household earner

5. Loss of significant reduction of income other than from wages.

The process of an informal hearing procedure based on denial of admission due to poor credit history will be handled in the same manner as any other reason for denial. All requests for hearings must be made in writing and received in the Department within fifteen (15) days from the date of the notice of decision to deny admission. Requests For Hearings Must Contain Original Signatures. Facsimile (Faxed) Requests Will Not Be Honored.

8.6 INFORMAL REVIEW

A. If the HAPGC determines that an applicant does not meet the criteria for receiving public housing assistance, the Housing Authority of Prince George's County will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within fifteen (15) calendar days of the denial.

All requests for hearings must be made in writing and received in the Department within fifteen (15) calendar days from the date of the notice of decision to deny admission. Requests For Hearings Must Contain Original Signatures. Facsimile (Faxed) Requests Will Not Be Honored.

The informal review may be conducted by any person designated by the Housing Authority of Prince George's County, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to the Housing Authority of Prince George's County's decision. The Housing Authority of Prince George's County must notify the applicant of the final decision within fifteen (15) calendar days after the informal review, including a brief statement of the reasons for the final decision.

B. The participant family may request that the HAPGC provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

9.0 Managing the Waiting List

9.1 INTRODUCTION

It is the policy of the HAPGC to administer its waiting list as required by the regulations at 24 CFR 912, 913, 945, & 960.211 through 960.401. Each applicant is assigned his/her appropriate place on a single county-wide waiting list in sequence based upon a preference selection, suitable type or size of unit, and factors affecting preference or priority. The secondary sorting characteristic is date and time. Preference and priority 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 1964 and Title VIII of the Civil Rights Act of 1968 and the HUD regulations and requirements pursuant thereto. Exceptions to applicant placement on Prince George's County's centralized public housing waiting list will be permitted only in instances requiring compliance with court orders, settlement agreements, or when approved in advance by the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO).

One computerized waiting list is kept on all Public Housing Applicants throughout Prince George's County's application pool and any remaining waitlist will be merged into one waitlist . The list of applicants presumed eligible is maintained pending screening and unit assignment. Applicant position on the waiting list is based upon a random lottery selection and priority ranking. Since the HA uses *"Presumptive Eligibility"*, in-depth third party verifications, and other investigations will be postponed until the applicant's name is at the top of the waiting list.

The Authority will match the characteristics of the applicant to the unit available, including any preference priorities for admission required for designated or mixed population housing. In the selecting a family for a unit with accessible features, the HA will give preference to families that include a member with disabilities who could benefit from the unit features. The first unit assignment shall be presented to the first applicant on the waiting list that meets appropriate family composition, priority ranking (if applicable), and dwelling unit size/type.

The PHA standards must prohibit admission of an applicant to the PHA's public housing program for three (3) years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity, **CFR §960.204.**

At the time of initial intake, applicants are advised that it is the responsibility of the families to notify the Housing Authority of any change of address or phone number in writing, while on

the waiting list. Applicants that cannot be reached will be dropped from the waiting list.

9.2 ***OPENING AND CLOSING THE WAITING LIST***

Opening of the waiting list will be announced with a public notice stating that applications for public housing will be accepted online only. 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.

The HAPGC Public Housing will only accept online applications from residents that currently work or live in Prince George's County, Maryland for the Public Housing Waitlist.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Closing of the waiting list will also 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.

At the discretion of the Authority, application intake may be restricted, suspended, and the waiting lists may be closed either in whole or in part. The Housing Authority may open or close the list by preference ranking category.

If the Authority's highest waiting list category has sufficient applications to fill anticipated vacancies for the coming twelve (12) months, the Authority may elect to:

A. Close the waiting list completely;

B. Close the list during certain times of the year; or

C. Restrict intake by preference ranking, type of project, by size and type of dwelling unit and the secondary sorting characteristics is time and date.

Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a preference, and the ability of the Authority to house an applicant in an appropriate unit within a reasonable period of time.

During the period when the waiting list is closed, the Authority will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

9.3 ORGANIZATION OF THE WAITING LIST

It is the Housing Authority's policy to accept and process applications in accordance with applicable HUD regulations. Applications will be processed according to the Authority's Intake and Processing Procedures. Each applicant shall be assigned his/her appropriate place in a central pool of eligible applicants as required by the Local selection of preferences. Within these preferences, the waiting list is sequenced based upon:

A. Applicant name,

B. Preference Ranking

C. Suitable type or size of unit,

D. Date and Time, and

E. Range of income.

All vacancies will be filled from the waiting list. The applicant at the top of the list receives the first offer. The applicant must accept the vacancy offered within three (3) business days of the date the offer is communicated. Applicants refusing a first unit assignment must provide proof of an undue hardship; otherwise, they will be dropped from the list. The process continues until an offer is accepted.

The third step will require the family to provide all the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list and provide detailed information via a waitlist survey. The waitlist survey provides visibility via HAPGC's Voluntary Compliance Agreement. It provides the selected Applicants the ability to provide unit and accommodation needs prior to lease up and unit selection.
Approved via 5/24/2021 board resolution.

All active waiting list files that are to be compiled into one comprehensive waitlist shall be reviewed annually. Confirmation letters shall be sent to each applicant on the waiting list to make determination of the applicant's continued interest in the admission to a public housing apartment. The applicant must return the confirmation letter to the Central Office within ten (10) calendar days from the date of the letter. Returned confirmation letters will be placed in the applicant's admission file.

Retired applications shall be annotated with the date of retirement, the reason for retirement, and the initials of the person who makes the determination. The file shall show the dates of any telephone attempts, personal contacts made, and the results of each attempt at contact made by the Housing Authority.

The waiting list will be maintained in accordance with the following guidelines:

A. The application will be a permanent file;

B. All applications will be maintained in order of bedroom size, preference rankings, and then in order of date/time; and

C. Any contacts between the HAPGC and the applicant will be documented in the applicant file.

9.4 UPDATING AND PURGING THE WAITING LIST

The HAPGC 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 Authority has current information, i.e. applicant's address, family composition, income category, and preferences.

Updating of Active Applicants On The Waiting List:

The HA will update the waiting list at least once a year by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by telephone or mail. All applicants on the list should be actively seeking housing assistance. To ensure this, the Authority will update applications twelve (12) months from the anniversary of the original date of filing. Applicants must complete and return the updated form within ten calendar (10) days. Failure to return the update will cause the application to be removed from the files and made inactive.

a) If the update indicates that the applicant still meets presumptive eligibility requirements, his/her name will remain on the active list.

b) Changes in ranking status while on the waiting list.

Changes In Ranking Status While On The Waiting List

Occasionally families on the waiting list who did not qualify for a local preference at the time of application intake will experience a change in circumstances that qualifies them for a local preference. In such instances, it will be the family's duty to contact the HA so that their status may be recertified or, depending on application processing status, re-verified.

To the extent that the Authority determines that the family *does* now qualify for a local ranking preference, they will be moved up on the waiting list in accordance with their ranking preference(s), and their date and time of application. They will then be informed in writing of how the change in status has affected their place on the waiting list.

Purging of Inactive Applicants from the Waiting List:

The HA will not remove an applicant's name from the waiting list except in accordance with these Waiting List Management procedures. Retired applications shall be annotated with the date of retirement, the reason for retirement, and the initials for the person who makes the determination. The file shall show the dates of any telephone attempts, personal contacts made, and the results of each attempt at contact made by the Housing Authority.

If the following circumstances occur as a result of the update, the applicant's name will be purged from the rolls:

a. Letter returned by the post office as undeliverable.

b. Applicant is no longer eligible.

c. Applicant request that his/her number be removed.

d. Applicant does not respond to the HA's request for additional information or update letter

9.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The HAPGC will remove an applicant's name from the waiting list if:

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.

9.6 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment with the HAPGC will be sent a notice of termination of the process for eligibility.

The HAPGC will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, the Housing Authority will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

9.7 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the HAPGC, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The Housing Authority's system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the HAPGC will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

10.0 TENANT SELECTION AND ASSIGNMENT PLAN

10.1 LOCAL RANKING PREFERENCES

The HAPGC will select families based on the following preference rankings within each bedroom size category and then based upon date and time as the second sorting characteristins

(INSERTED 04/02/2019)

Residency preference is for families who live, work, or hired to work in Prince George's County. A family must first qualify under this preference in order to receive any of the following preferences.

The HAPGC will use the following ranking preferences then based upon date and time. These rankings are not applicable to the occupancy of Accessible Units or Units with Accessible Features, which units will be first leased to families with a household Member requiring the accessible features of the unit. An "Accessible Unit" is a housing unit that is on an accessible route and meets the specific accessibility requirements in the **Uniform Federal Accessibility Standards (UFAS) at Section 4.34** for persons with disabilities who use wheelchairs. "Units with Accessible Features" includes units designed to comply with the Fair Housing Act Accessible Guidelines.

The HAPGC rankings and their points are as follows. An applicant may qualify for more than one ranking but will only be awarded the highest applicable ranking and then selected based upon date/time.

Public Housing FSS Preference **30 Points**

HAPGC will provide a preference for Public Housing Residents that have successfully completed all requirements within their action plan and that apply to the waitlist. These applicants will be selected from the HAPGC's Housing Choice Voucher (HCV) program waiting list in accordance with the PHA's standard selection policies.

Involuntary Displaced Preference **25 Points**

This ranking applies to applicants who are:

(a) Victims of a natural disaster that has been declared by a local, state, or federal government entity;
(b) Subjected to a documented action by a local, state, or federal government entity related to code enforcement;
(c) Participant in State or federal Witness Protection Program;

(d) A victim of Domestic Violence dating violence, sexual assault, or stalking as defined in the Violence Against Women Act.

Residency Preference **20 Points**

This preference applies to applicants who, at the time of application live, work, or hired to work in Prince Georges County on a permanent basis.

Working Family Preference **15 Points**

This preference applies to applicants where:

(a) The head, spouse, co-head or sole member is employed fulltime at least 30 hours per week;
(b) The head, spouse, co-head or sole member is a person age 62 or older or is a person with disabilities;
(c) The head, spouse, co-head or sole member is a person with disabilities.

Disabled Family Member Preference **10 Points**

This preference applies to applicants where any member of the household is verified by a medical or other qualified professional as disabled.

Veteran Preference **5 Points**

This preference applies where the head, spouse, co-head or sole member was discharged from any branch of United States military service

Transitional Housing Program Preference **4 Points**

This preference applies to the head, spouse, co-head or sole member that has successfully completed a transitional housing program under the Prince George's County Continuum of care Program.

Educational/ Training Preference **2 Points**

This preference applies where the head, spouse, co-head or sole member is currently a student enrolled in or a graduate in the last six months of a school/training program designed to prepare enrollees for the job market.

The application number selected from the preference ranking will be noted and utilized to determine the sequence within the above prescribed preferences.

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

Buildings Designed for the Elderly and Disabled: Preference will be given to elderly and disabled families. All such families will be selected from the waiting list using the preferences as outlined above.

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 as outlined above. 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, however, must sign a release form stating they will

accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a thirty (30) day notice.

10.2 ASSIGNMENT OF BEDROOM SIZES

The following guidelines will determine each family's unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero bedroom units will only be assigned to one-person families.

In determining bedroom size, the HAPGC will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care.

In addition, the following considerations may be taken in determining bedroom size:

A. Children of the same sex will share a bedroom.
B. Children of the opposite sex, both under the age of two (2) will share a bedroom.
C. Adults and children will not be required to share a bedroom.
D. Foster – adults and/or foster - children will not be required to share a bedroom with family members.
E. Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

A. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. The HAPGC will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for five (5) years or until the family size changes, whichever may occur first.

B. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family

needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.

C. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

Insert (04/03/2019)

10.3 Accessible Units in Public Housing

Accessible Units will be located at the following public housing sites:

- 1100 Owens Road
- Cottage City Towers
- Rollingcrest Villages
- Marlborough Towne

HAPGC shall identify a third-party expert to certify each of the 20 PH units to comply with the definition of an Accessible Unit.

Any adverse decision regarding a request for auxiliary aids or services or other methods of effective communication under this policy request is subject to HAPGC's grievance policy.

Occupancy of Twenty (20) Accessible Units in Public Housing

66. HAPGC shall lease the Twenty (20) Accessible Units of Public Units.

67. When HAPGC has knowledge that a Resident Family or Public Housing Applicant Family is a Family that Needs an Accessible Unit, HAPGC shall place the family on HAPGC's list for an Accessible Unit in Public Housing.

68. HAPGC is considered to have knowledge of a family's need for an Accessible Unit or a Unit with Accessible Features when the need is apparent based on information obtained from: a recent document; a family's outstanding request for an Accessible Unit or a Unit with Accessible Features; a request to transfer to such a unit; or, a request for unit modifications to convert an existing unit to an Accessible Unit or a Unit with Accessible Features.

69. HAPGC may ask the Resident Family or a Public Housing Applicant Family for clarification or supporting documentation of their disability related need, and HAPGC is not obligated to take further action until such clarification or documentation is provided.

70. If a Resident Family or Public Housing Applicant Family that needs an Accessible Unit requests accessibility features needed to meet a family's disability related needs and modifications cannot be made to a Resident Family's current Public Housing unit or to an Applicant Family's offered Public Housing unit, either because the modification is not structurally feasible or would pose an undue administrative and financial burden; HAPGC shall place the Resident or Applicant Family on HAPGC'S list for an Accessible Public Housing Unit.

71. Accessible Units shall be occupied by a Family that Needs an Accessible Unit. If an occupying family of such unit no longer has a disability related need for an Accessible Unit, the family will be required to move within thirty (30) days when HAPGC identifies a Resident Family or a Public Housing Applicant Family that needs the features of the Accessible Unit and an alternative housing unit can be offered to the occupying family.

72. If it appears that any of the Accessible Units in Public Housing may not be leased by a Family that Needs an Accessible Unit as set forth in Section IV, G, Paragraph 73, HAPGC shall open the

Public Housing wait list for application from eligible families who are Families that Need an Accessible Unit.

73. *Priority* for occupancy of an Accessible Unit in Public Housing shall be in the following order.

a. First, a Resident Family that Needs an Accessible Unit that includes at least one Family member who uses a wheelchair or a scooter as an assistive device and requires, and is not currently living in, an Accessible Unit. Priority among this group of Resident Families is based upon the date that HAPGC has knowledge the resident Family is a Family that Needs an Accessible Unit as indicated in Section IV, G, Paragraph 68.

b. Second, after families in the first priority have been served, a Resident Family that Needs an Accessible Unit that does not include at least on family member who uses a wheelchair or a scooter as an assistive device, and is not living in a unit that accommodates their disability related needs, and no other unit that addresses the family's disability related need is Available for Occupancy. Priority among this group of Resident Families is based upon the date that HAPGC has knowledge the Resident Family is a Family that Needs an Accessible Unit as indicated in Section IV, G, Paragraph 68.

c. Third, after families in the first and second priorities have been served, a Public Housing Applicant Family that Needs an accessible Unit that includes at least on family member who uses a wheelchair or scooter as an assistive device and is on HAPGC'S Public Housing waiting list. Priority among this group of Applicant Families is based upon the date that HAPGC has knowledge the applicant Family is a Family that Needs an Accessible Unit, based upon the family's application or response the Survey pursuant to Section IV, E and the family's date of application.

d. Fourth, after families in the first, second and third priorities have been served, a Public Housing Applicant Family that Needs an Accessible Unit that does not include at least one family member who uses a wheelchair or scooter as an assistive device. Priority among this group of Applicant Families is based upon the date that HAPGC has knowledge the Applicant Family is a Family that Needs an Accessible Unit, based upon the family's application or response to the Survey pursuant to Section IV, E and the family's date of application.

e. Notwithstanding subparagraphs a-d above, HAPGC need not follow these priorities for a family when it has offered the family an Accessible Unit and the family rejects two offers without good cause as defined in Section IV, G, Paragraph 74.b.iii, below.

74. HAPGC shall follow the procedures in this paragraph when leasing an Accessible Unit:

a. When an Accessible Unit becomes vacant, or is anticipated to become vacant, HAPGC will contact a Family that Needs an Accessible Unit according to the priority order set forth in Section IV, G, Paragraph 73 of this Part.

b. The family will be offered an opportunity to inspect the offered housing unit.

(i) If a Resident Family rejects two (2) Accessible Units without Good Cause, the family will be moved to the bottom of the priority category established in Section IV, G, Paragraph 73.

(ii) If an Applicant Family rejects two (2) Accessible Units without Good Cause, the family will be removed from the Public Housing Waiting List.

(iii) "Good Cause" includes reasons related to health, proximity to work, school, childcare (for those working or going to school), the offered housing units does not match the family's disability related needs or the bedroom size needed by the family, or that the housing unit is not serviced by public transportation. When a family rejects a units(s) based on 'good

Cause, they will maintain their priority for a Public Housing Accessible Unit.

75. HAPGC shall pay the reasonable transfer costs for any Public Housing transfer of a Resident Family that Needs, and Accessible Unit made pursuant to this Section. Transfer costs includes costs such as security deposits, out of pocket transportation costs for a resident to view a unit, costs of packing, moving, unloading, and the costs of connecting, or disconnecting and reconnecting, the same level of service for any utility, telephone and cable television fees. Transfer costs must be reasonably documented.

76. If there are no public housing units Available for Occupancy that can meet the disability related needs of a i) resident Family or ii) Public Housing Applicant Family who has come to the top of the waiting list and is eligible to be offered a public housing unit, HAPGC shall refer the Resident or Applicant Family to the 504 Coordinator to facilitate participation in HAPGC's HVC program as set forth in Section IV, H and J, HAPGC shall also inform the Resident or Applicant Family of their right to apply for a Project Based Voucher Accessible Unit.

77. Referral to either the TBV or PBV programs shall not affect any family's priority for a Public Housing Accessible Unit, nor shall a family's placement on the PBV or TBV waiting list be affected by the family's priority for a Public Housing Accessible Unit.

78. This section shall be in addition to HAPGC's obligation to provide or offer transfers as reasonable accommodations, or to make reasonable modifications for qualified Families with Disabilities.

H. Referral to Voucher Programs to Resident Families and Public Housing Applicant Families with Disabilities Who Need Reasonable Accommodations or Modifications

79. Both direct referrals from Disability Rights Maryland &Public Housing Applicant Families with Disabilities who come to the top of the public housing waiting list and are eligible to be offered a public housing unit, and Resident Families with Disabilities are eligible for a referral to the HVC Program when:

a. HAPGC has knowledge as defined in Section IV, G, Paragraph 68 that a Resident Family or Public Housing Applicant Family is a Family that Needs an Accessible Unit, and:

i. A unit with those features does not exist in the bedroom size needed by the family and modifications to a unit cannot be reasonably made to accommodate the family; or

ii. An appropriately sized unit with the features needed to meet the family's disability related needs is not Available for Occupancy at the time the reasonable accommodation request is approved, or at the time the family attends their initial eligibility appointment.

80. Direct approved referrals under the VCA & Resident Families and Public Housing Applicant Families eligible for referral for a TBV under the terms of this Settlement Agreement will be referred to the 504 Coordinator. Such families will receive written notice of the referral with a copy to be

maintained in the Resident or Applicant Family's file.

81. The 504 Coordinator shall promptly contact the family to facilitate the Resident or Applicant Family's receipt of the TBV, HAPGC shall ensure that issuance of a TBV includes the following procedures:

a. Within seven (7) days of making contact with the family, the Applicant or Resident Family shall be sent written notice of their opportunity to receive a TBV as a reasonable accommodation. The same written notice shall inform the family of all documentation they must supply to HAPGC in order to be issued a TBV. The written notice shall include information that if the family disputes HAPGC's action or inaction in providing this accommodation, the family has the right to invoke HAPGC's Reasonable Accommodation grievance process.

b. Within seven (7) days of HAPGC receiving all necessary documentation from the Applicant or Resident family, HAPGC shall contact the family to schedule an eligibility appointment to receive a voucher.

c. If a Family with Disabilities leases a unit with a TBV issued pursuant to this Settlement Agreement, HAPGC will pay for reasonable security deposits, holding fees, application fees and the reasonable moving costs of the family to include, but not limited to, packing, moving, and the costs of connecting, or disconnecting and reconnecting, the same level of services for any utility, telephone and cable television fees.

   i. Families may apply to have the reasonable security deposit and application fees paid directly by HAPGC upon presentation of supporting documentation. Any security deposit paid by HAPGC is returnable to HAPGC and not the Family at the end of the tenancy.

   ii. Families may apply for reimbursement to HAPGC for reasonable moving cost upon presentation of supporting documentation; and

   iii. Families may request HAPGC advance reasonable moving costs if paying those costs would impose a financial hardship on the family and the family provides a reasonable quote or estimate of the moving cost and a reasonable justification for a hardship exception to HAPGC's reimbursement process set forth above. Advance payment in the form tendered by HAPGC

d. Families with Disabilities who receive vouchers under the Section IV, H will maintain their placement on any Public Housing waiting list until they lease a unit using a TBV.

e. Families with Disabilities shall have their rights to extension, exception rents, and other reasonable accommodations explained in writing.

f. Families that need Accessible Units who receive a TBV pursuant to this Settlement Agreement shall also receive a list of potential accessible properties and other assistance as set forth in Section IV, K and L.

82. Resident Families who receive a TBV pursuant to this Settlement Agreement shall remain Public Housing tenants under the existing terms and conditions of their Public Housing lease until they lease a TBV unit.

83. HAPGC shall hold harmless any Resident Family who leases a unit with a TBV provider under this Section IV, H and fails to provide HAPGC with a thirty (30) day written move notice from Public Housing.

84. HAPGC shall ensure that all Public Housing Resident and Applicant Families who receive a voucher under this Part are provided written information on applying to the Modification Fund in Section IV, L.

85. HAPGC shall include information about receiving a voucher as a Reasonable Accommodation or Modification as set forth herein, at its annual recertification for Resident Family households as well as information at Public Housing eligibility briefings.

10.3 SELECTION FROM THE WAITING LIST

The HAPGC shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To insure this requirement is met we shall quarterly monitor the incomes of newly admitted families and the incomes of the 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.

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.

10.4 DECONCENTRATION POLICY

Under this policy the HAPGC may provide for de-concentration of poverty and encourage income mixing 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 a lower or higher income. We will accomplish this in a uniform and non-discriminating manner.

The HAPGC 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, the income levels of census tracts in which our developments are located, and the income levels of the families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and de-concentration incentives to implement.

10.5 DECONCENTRATION INCENTIVES

The HAPGC may offer one or more incentives to encourage applicant families whose income classification would help to meet the de-concentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

10.6 OFFER OF A UNIT

When the HAPGC 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.

The HAPGC will contact the family to make a unit offer via first class mail. The family will be given ten (10) business days from the date the letter was mailed to contact the Housing Authority of Prince George's County regarding the offer. If the letter is returned without a forwarding address, the applicant will be removed from the waitlist.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have three (3) business days to accept or reject the unit. This written offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the HAPGC will send the family a letter documenting the offer and the rejection.

10.7 REJECTION OF UNIT

If the family rejects the unit offer without good cause, the family will forfeit their number on the waitlist. The family will keep their preferences, but the applicants' waitlist number will be moved to the bottom of the list the date the unit was rejected.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. 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 decision to alter their application status.

10.8 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.

The head of household will be required to execute the lease prior to admission. Power of Attorney will not allow an individual to sign and execute a lease on behalf of a perspective public housing tenant. The head of household must sign to execute the lease for it to be a binding document. One executed copy of the lease will be furnished to the head of household and the Housing Authority will retain the original executed lease in the tenant's file.

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

A. The Total Tenant Payment or $200.00 whichever is greater or

In exceptional situations, the HAPGC 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.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit to accommodate the family's request for size accommodation.

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

10.9 APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION

[Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

Inserted (04/03/2019)

After a request for an accommodation is presented, the HAPGC will provide a receipt within (five) 5 business days. The receipt will include the time and date of the request.

Requests from HAPGC for additional documentation to verify a disability shall be made in writing as soon as possible and no later than twenty (20) days from the reasonable accommodation request being received.

Decisions on requests for reasonable accommodation shall be made within thirty (30) days after the date on which the request is complete. A request shall be considered complete when HAPGC receives the request and any other information reasonably required by HAPGC to evaluate the request, such as verification of any aspects of the request. If HAPGC requests that an individual supply additional information that is reasonably necessary for HAPGC to make a decision on the individual's request for an accommodation, the individual should provide the requested information, or otherwise respond to HAPGC's request, within a reasonable time period.

11.0 Income, Exclusions From Income, and Deductions From Income

To determine annual income, the HAPGC counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the HAPGC subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

11.1 INCOME

Annual income means all amounts, monetary or not, that:

A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or

B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

C. Are not specifically excluded from annual income.

Annual income includes, but is not limited to:

A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.

B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.

C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in

determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income includes the greater of the 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.

D. The full amount of periodic amounts 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 amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.) If the amount of Social Security, annuities, insurance policies retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts are reduced due to an act of fraud by the individual or because he/she has failed to comply with the requirements of a program, the amount of rent required to be paid by the individual will not be decreased. In such cases, the amount of income attributable to the family will include what the individual would have received had they complied with the requirements and/or had not committed an act of fraud.

E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)

F. Welfare assistance.

1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:

   a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

   b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

2. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

3. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.

G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing

in the dwelling.

H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

11.2 ANNUAL INCOME

Annual income does not include the following:

A. Income from employment of children (including foster children) under the age of 18 years;

B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;

D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

E. Income of a live-in aide;

F. The full amount of student financial assistance paid directly to the student or to the educational institution;

G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

H. The amounts received from the following programs:

1. Amounts received under training programs funded by HUD;

2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;

4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;

5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training

programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;

6. Temporary, nonrecurring or sporadic income (including gifts);

7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

8. Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);

9. Adoption assistance payments in excess of $480 per adopted child;

10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:

    a. Comparable Federal, State or local law means a program providing employment training and supportive services that:

        i. Is authorized by a Federal, State or local law;
        ii. Is funded by the Federal, State or local government;
        iii. Is operated or administered by a public agency; and
        iv. Has as its objective to assist participants in acquiring employment skills.

    b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.

    c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:

    a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.

    b. Families whose income increases during the participation of a family member in any family self-sufficiency program.

    c. Families who are or were, within 6 months, assisted under a State

TANF program.

(While HUD regulations allow for the housing authority to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing authority to provide the exclusion in all cases.)

12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;

13. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:

    a. The value of the allotment of food stamps

    b. Payments to volunteers under the Domestic Volunteer Services Act of 1973

    c. Payments received under the Alaska Native Claims Settlement Act

    d. Income from sub-marginal land of the U.S. that is held in trust for certain Indian tribes

    e. Payments made under HHS's Low-Income Energy Assistance Program

    f. Payments received under the Job Training Partnership Act

g. Income from the disposition of funds of the Grand River Band of Ottawa Indians

h. The first $2000 per capita received from judgment funds awarded for certain Indian claims

i. Amount of scholarships awarded under Title IV including Work Study

j. Payments received under the Older Americans Act of 1965

k. Payments from Agent Orange Settlement

l. Payments received under the Maine Indian Claims Act

m. The value of childcare under the Child Care and Development Block Grant Act of 1990

n. Earned income tax credit refund payments

o. Payments for living expenses under the AmeriCorps Program

p. Additional income exclusions provided by and funded by the HAPGC

The HAPGC will not provide exclusions from income in addition to those already provided for by HUD.

11.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

A. $480 for each dependent;

B. $400 for any elderly family or disabled family;

C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.

D. For any elderly or disabled family:

2. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;

3. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;

4. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that are equal to the total of these expenses less 3% of annual income.

E. Child care expenses.

12.0 Verification

The HAPGC will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security Numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

The goal of the intake process is to obtain complete and accurate information on applicants and tenants. It is the intent of the Housing Authority to provide public housing only to eligible, qualified families, and to assure that each family pays its correct share of the rent in accordance with Federal Law. Additional goals include:

A. To prevent unintentional program violations due to misunderstanding, misinformation, or a lack of information. Federal Fraud Statements will be included as part of all third-party verifications and notices to applicants/residents regarding income documentation.

B. To prevent and detect program violations.

C. To take effective administrative, civil, or criminal action, as appropriate.

Eligibility for Public Housing is based on two criteria:

A. Verification of Family Status, and

B. Verification of the Total Household Income and Assets

12.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security Numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

The primary and most preferred method of third party verification is Upfront Income Verification (UIV) or Enterprise Income Verification (EIV). This type of third party verification may be a report generated by a request from the HAPGC or automatically by another government agency, i.e. the Social Security Administration, wages and unemployment compensation.

Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone.

Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

Statements used to verify income and assets must be no more than one hundred twenty (120) days prior to the tenant's recertification anniversary date. If third party oral verifications are used, written documentation must be entered in the records, signed and dated by the Authority's staff. If it is not possible to obtain either type of third party verification, the Authority will accept notarized statements. Under no circumstances will the Authority copy, or accept for proof, any government issued check that has been reproduced.

Any individual or organization, including any governmental organization, may be asked to release information required in the screening process.

Applicants who claim joint ownership of assets may, at the discretion of the Authority, be required to prove that joint ownership is not being claimed to evade asset or income limits, or to avoid paying fair share of rent based on total income produced.

Applicants reporting zero income will be asked to complete a family expense form. This form will be the first form completed in the interview process. The form will ask residents to estimate how much they spend on food, transportation, health care, child care, household items, debts, etc. It will also ask applicants about the status of any application or benefits through AFDC or other similar programs. If a zero income family is admitted, a redetermination of income will be performed every 90 days.

When third party verification cannot be obtained, the HAPGC will accept documentation received from the applicant/tenant. Hand-carried documentation will be accepted if the Authority has been unable to obtain third party verification in time to meet timely admission or Recertification decision. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, the HAPGC will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

12.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. The HAPGC will verify all statements and circumstances which pertain to eligibility.

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Hand-carried verification
General Eligibility Items		

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Hand-carried verification
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
	N/A	

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Hand-carried verification
Assets disposed of for less than fair market value		Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers compensation, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating - whether enrolled or completed - whether training is HUD-funded - whether Federal, State, local govt., or local program - whether it is employment training - whether it has clearly defined goals and objectives - whether program has supportive services - whether payments are for out-of-pocket expenses incurred in order to participate in a program - date of first job after program completion	N/A Evidence of job start

12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The HAPGC will make a copy of the individual's INS documentation and place the copy in the file. The Housing Authority will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the HAPGC will mail information to the INS in order that a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of noneligible members and the list must be signed by the head of the household.

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

Any family member who does not choose to declare their status must be listed on the statement of noneligible members.

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If the HAPGC determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security Number and who is at least 6 years of age must provide verification of their Social Security Number. New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, the Housing Authority of Prince George's County will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's

licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be housed until verification is provided.

12.5 TIMING OF VERIFICATION

As families approach the top of the waiting list, the following items will be verified to determine eligibility for admission to public housing:

- Family Composition and Type (Elderly/Non-Elderly)
- Annual Income
- Assets and Asset Income
- Allowance Information
- Local Preferences
- Social Security Numbers of all Family Members
- Information Used in Applicant Screening
- Citizenship or Eligible Immigration Status

As a condition of admission to or continued occupancy of Public Housing, the Authority shall require the Family Head and other such Family Members as it designates, to execute a HUD approved release and consent form.

No applicant declarations will require verification prior to a unit offer. Once an offer of a unit is made, the Authority will verify all declarations which affect eligibility and suitability for admission. Applicants must cooperate fully and provide the necessary information.

Should it be proven that an applicant or tenant willfully failed to provide the necessary verification, the Authority will move to deny admission or to evict. In addition to the initial verification process for admissions, re-examinations, annual, interim, and special examinations may be conducted.

Verification information must be dated within one hundred twenty (120) days of certification or one hundred twenty (120) days of the tenant's recertification/reexamination anniversary date. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update all information related to family circumstances and level of assistance.

In accordance with HUD policy, the income of each tenant family must be re-examined every twelve (12) months. Verification data shall be reviewed for completeness and accuracy.

12.6 FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible noncitizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible noncitizen status will be verified.

For each family member age 6 and above, verification of Social Security Number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security Number at admission receives a Social Security

Number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

13.0 Determination of Total Tenant Payment and Tenant Rent

13.1 FAMILY CHOICE

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 or having their rent set at the flat rent amount.

A. 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.

B. 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.

13.2 THE FORMULA METHOD

The total tenant payment is equal to the highest of:

A. 10% of monthly income; or

B. 30% of adjusted monthly income

In the case of a family who has qualified for the income exclusion at Section 11.2(H) (11), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

13.3 MINIMUM RENT

The HAPGC has set the minimum rent at **$50.00.**

13.4 THE FLAT RENT

The HAPGC 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 HAPGC 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 (for more information on flat rents, see Section 15.3).

The HAPGC will post the flat rents at each of the developments and at the central office.

13.5 CEILING RENT

The HAPGC has not set a ceiling rent for each public housing unit.

13.6 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

A mixed family will receive full continuation of assistance if all of the following conditions are met:

A. The family was receiving assistance on June 19, 1995;

B. The family was granted continuation of assistance before November 29, 1996;

C. The family's head or spouse has eligible immigration status; and

D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. The HAPGC will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, the HAPGC will provide additional search periods up to the maximum time allowable.
Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

The family's assistance is prorated in the following manner:

A. Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for the HAPGC. The 95th percentile is called the maximum rent.

B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.

C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.

D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

13.7 UTILITY ALLOWANCE

For HAPGC paid utilities, the Housing Authority will monitor the utility consumption of each household. Any consumption in excess of the allowance established by the HAPGC will be billed to the tenant monthly.

Request for relief from surcharges for excess consumption of HAPGC purchased utilities may be granted by the Housing Authority on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy.

13.8 PAYING RENT

Rent and other charges are due and payable on the first day of the month.
All rents should be paid at:

Rent Billing
P.O. Box 73052
Baltimore, Maryland 21263

Make checks payable to: **Housing Authority of Prince George's County (HAPGC).**
Include address/unit # on all forms of payment.

Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment.

If the rent is not paid by the fifth (5th) of the month, the tenant is assessed a 5% late charge (monthly rent amount). If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus a non-sufficient funds fee of $35 for processing costs.

The Resident understands that the Authority will not count the Security Deposit towards the last month's rent or toward repair charges owed by the Resident while the resident resides in the unit.

If the resident fails to pay the cost of all resident related repairs within thirty-(30) days after receipt of written notice of charges, the cost or repairs will be taken out of the next monies received. Rent payment will be applied to damage charges and fees first (1st), and then the remainder of the rent payment will be applied against the monthly rent.

In the event legal proceedings are required to recover possession of the premises, the Resident will be charged with the actual cost of such proceedings, including attorney's fees payable to the attorney for the Authority.

14.0 Community Service and Community Service

14.1 GENERAL

Federal regulation provide that 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

14.2 EXEMPTIONS

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

14.3 NOTIFICATION OF THE REQUIREMENT

The HAPGC shall identify all adult family members who are apparently not exempt from the community service requirement.

The HAPGC shall notify 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 HAPGC 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 for family's 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.

14.4 VOLUNTEER OPPORTUNITIES

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).

The HAPGC will coordinate with social service agencies, local schools, and the Human Resources Office in identifying a list of volunteer community service positions.

Together with the resident advisory councils, the HAPGC may create volunteer positions such as hall monitoring, litter patrols, and supervising and record keeping for volunteers.

14.5 THE PROCESS

Community Serviced was re-instated effective October 1, 2003 and those in non-compliance can be terminated beginning October 1, 2004. At the first annual reexamination on or after

October 1, 2004, and each annual reexamination thereafter, the HAPGC 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 require the individual to complete the form and have a supervisor date and sign for each period of work.

D. Assign family members to a volunteer coordinator who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator will track the family member's progress monthly and will meet with the family member as needed to best encourage compliance.

E. Thirty (30) days before the family's next lease anniversary date, the volunteer coordinator will advise the HAPGC whether each applicable adult family member is in compliance with the community service requirement.

14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

The HAPGC 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;

14.7 OPPORTUNITY FOR CURE

The HAPGC 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. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

The volunteer coordinator will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, the HAPGC shall take action to terminate the lease.

15.0 Re-Certifications

At least annually, the HAPGC will conduct a reexamination of family income and circumstances. 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.

15.1 GENERAL

The HAPGC 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.

During the appointment, the HAPGC will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will placed on the transfer list.

15.2 MISSED APPOINTMENTS

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview without good cause may be take the family to market rent that will remain in effect until the family has met the Recertification requirements. HAPGC may take eviction actions against the family.

15.3 FLAT RENTS

Annual flat rent schedules will be posted.

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

C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.

D. Families who opt for the flat rent will be required to go through the income reexamination process every three (3) years, rather than the annual review they otherwise would undergo.

E. 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 childcare, 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.

F. The dates upon which the HAPGC expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.

G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.

H. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, HAPGC 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 appointment, the HAPGC may 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 HAPGC. In such case, the HAPGC will cancel the appointment.

15.4 THE FORMULA METHOD

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. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

The primary third party verification method is Upfront Verification (UIV) or Enterprise Income Verification (EIV). This type of third party verification may be report generated by a request from Housing Authority of Prince George's County or automatically by another government, i.e. the Social Security Administration, wages and unemployment compensation. Verification information must be dated within one hundred twenty (120) days of certification/reexamination.

Upon receipt of verification, the HAPGC will determine the family's annual income and will calculate their rent as follows.

The total tenant payment is equal to the highest of:

A. 10% of monthly income;

B. 30% of adjusted monthly income; or

15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

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.

15.6 INTERIM REEXAMINATIONS

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Families are required to report the following changes to the HAPGC 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.

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 household/ lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant, including the release of information. The individual must provide their Social Security Number (SSN) if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The HAPGC 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. In cases of marriage, the family will be advised that eligibility must be determined prior to the ceremony. Should they not comply with this requirement, and the new family member is denied, the entire family is at risk of losing its housing assistance. If they are found to be eligible and pass the screening criteria, the resident making the request must be a tenant in good standing in order to add the applicant's name to the lease. Tenants in "good standing" are defined in Section 16.6 of the ACOP. 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. The effective date of the new rent will be in accordance with paragraph below 15.8.

Families are not required to, but may up to three (3) times in a twelve (12) month period, 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 HAPGC will take timely action to process the interim reexamination and recalculate the tenant's rent.

15.8 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the HAPGC may schedule special reexaminations every 90 days until the income stabilizes and an annual income can be determined. Minimum rent resulting from unstable income, at the Authority's discretion, will be reviewed and adjusted every ninety-(90) days. In addition, all applicants/ tenants claiming zero or extremely low income, will be required to complete the Zero Income Declaration Form. Calculations obtained will be used to set rent if it results in amount higher than the minimum rent.

If a resident quits/resigns employment without "good cause" that results in a reduced household income, at the Housing Authority's discretion, the tenant may be held at current rent for a ninety (90) day period before the Authority is required to perform an interim re-certification. A "good cause" determination will include, qualifying for unemployment insurance payments, the Family Medical Leave Act and the Americans with Disability Act.

15.9 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

Unless there is a delay in 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). Rent will take affect on the 1st day of the effective month.

In cases of program fraud, The Housing Authority *will not* extend or grant a thirty (30) day notice for any rent increase that may result. All increases will be retroactive and effective to the date that program fraud has been determined. Rent will take effect on the 1st day of the effective month.

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 determined.

16.0 Unit Transfers

16.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

A. To address emergency situations, including reasonable accommodations.

B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.

C. To facilitate a relocation when required for modernization or other management purposes.

D. To facilitate relocation of families with inadequate housing accommodations.

E. To eliminate vacancy loss and other expense due to unnecessary transfers.

F. To approve transfers due to reasonable accommodations in which the Housing Authority will approve transferring the subsidy from Public Housing to Section 8. Applies only when a unit cannot be modified or is available based upon an approved reasonable accommodation.

16.2 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 the unit or the building in which it is located, the health condition of a family member (a reasonable accommodation), a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood. Priority given to reasonable accommodations; the tenant will advance to the top of the transfer waiting list. Under Category 1, Emergency Transfers, the Executive Director may issue a voucher to a public housing resident in extreme and extenuating circumstances. A tenant based voucher

(TPV) is only applicable for emergency transfers. The transfer request must be recommended by the Senior Management within the Public Housing team with proper documentation of the request and if approved or denied by the Executive Director, documentation will be submitted to HUD to notate the approval within 90 days of issuance of voucher

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.

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 such as a transfer due to a reasonable accommodation approved by the HAPGC when a transfer is the only or best way of solving a serious problem.

An elderly/disabled person requesting to add a minor child(ren) to their household composition will not be considered for transfer/reassignment to a family property.

16.3 DOCUMENTATION

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

16.4 PROCESSING TRANSFERS

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Upon offer and acceptance of a unit, the tenant family will execute a new lease. The tenant will be refunded the security deposit on the unit being vacated and a new security will be collected on the new unit being occupied. This process will be completed within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete the transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and new security deposit) must be paid at the time of lease execution.

The following is the policy for the rejection of an offer to transfer:

A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.

B. If the transfer is being made at the request of the Housing Authority of Prince George's County and the family rejects two offers without good cause, the HAPGC will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the Housing Authority optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.

C. If the transfer is being made at the family's request the family will maintain their place on the transfer list and will not otherwise be penalized.

D. If the transfer is being made at the family's request, the family may, with good cause and without penalty, turn down one offer. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

16.5 COST OF THE FAMILY'S MOVE

The cost of the transfer generally will be borne by the family in the following circumstances:

A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);

B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;

C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or

D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The cost of the transfer will be borne by the HAPGC in the following circumstances:

A. When the transfer is needed in order to carry out rehabilitation activities; or

B. When action or inaction by the HAPGC has caused the unit to be unsafe or inhabitable.

C. The transfer is required to make reasonable accommodations.

The responsibility for moving costs in other circumstances will be determined on a case by case basis.

16.6 TENANTS IN GOOD STANDING

WHEN THE TRANSFER IS AT THE REQUEST OF THE FAMILY, IT WILL NOT BE APPROVED UNLESS THE FAMILY IS IN GOOD STANDING WITH THE HAPGC. THIS MEANS THE FAMILY MUST BE IN COMPLIANCE WITH THEIR LEASE, CURRENT IN ALL PAYMENTS TO THE HOUSING AUTHORITY, AND MUST PASS A HOUSEKEEPING INSPECTION.

16.7 TRANSFER REQUESTS

A tenant may request a transfer at any time by completing a transfer request form. In considering the request, the Housing Authority may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The HAPGC will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting.

The HAPGC will grant or deny the transfer request in writing within ten (10) business days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

16.8 RIGHT OF THE HOUSING AUTHORITY OF PRINCE GEORGE'S COUNTY IN TRANSFER POLICY

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

17.0 Inspections

An authorized representative of the Housing Authority and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition of

the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the HAPGC file and a copy given to the family member. An authorized HAPGC representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any HAPGC damages to the unit.

17.1 MOVE-IN INSPECTIONS

The HAPGC and an adult member of the family will inspect the unit during the initial lease up process. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file that is maintained at the property. At time of lease execution, new tenants will be provided written information regarding housekeeping requirements and a standard schedule of the various inspections, including housekeeping. All new tenants will be on a schedule for 30, 60, and 90 days. If housekeeping standards are met, tenant will go on semi-annual inspection schedule. Those failing will continue on more frequent schedule and may be subject to damage claims and/or lease termination.

17.2 ANNUAL INSPECTIONS

The HAPGC will inspect each public housing unit annually to ensure that each unit meets the Housing Authority of Prince George's County's housing standards, Uniform Physical Conditions Standard (UPCS) as defined by HUD. Work orders will be submitted and completed to correct any deficiencies.

17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, carbon monoxide detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

Fines and damage charges for disconnecting/disabling smoke detectors, and/or carbon monoxide detectors are as follows:

1st offense: $25.00 fine plus damage, (parts plus labor)
2nd offense: $50.00 fine plus damage, (parts plus labor)
3rd offense: Lease termination plus damage, (parts plus labor)

17.4 SPECIAL INSPECTIONS

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the HAPGC.

17.5 HOUSEKEEPING INSPECTIONS

Generally, at the time of annual reexamination, or at other times as necessary, the HAPGC will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

17.6 NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections the HAPGC will give the tenant at least two (2) days written notice.

17.7 EMERGENCY INSPECTIONS

If any employee and/or agent of the HAPGC has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

17.8 PRE-MOVE-OUT INSPECTIONS

When a tenant gives notice that they intend to move, the HAPGC will offer to schedule a pre-move-out inspection with the family. The inspection allows the Housing Authority to help the family identify any problems which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling the HAPGC to ready units more quickly for the future occupants.

17.9 MOVE-OUT INSPECTIONS

The HAPGC conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

18.0 Pet Policy

Housing Authority of Prince George's County

Pet Ownership Policy

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701n-1) provides that no "owner or manager of federally assisted rental housing for the elderly or handicapped may prohibit or prevent a tenant from owning or having common household pets living in the tenants dwelling unit, or restrict or discriminate against any person regarding admission to or continued occupancy of such housing because of the person's ownership of pets or the presence of pets in the person's dwelling unit." The Department of Housing and Urban Development has published the final rule which implements the statute, and established guidelines under which owners or managers of covered housing 91) may prescribe reasonable rules governing the keeping of common household pets and 92) must consult with tenants when prescribing the rule.

The Pet Policy as implemented by the Housing Authority of Prince George's County complies with 24 CFR Subpart C-Section 5.303: Exclusions for animals that assist, support or provide services to persons with disabilities.

The Pet Policy of the Housing Authority specifically does not apply to animals that assist, support, or provide services to persons with disabilities. The HAPGC will not establish, enforce or apply rules under this policy against animals that are necessary as a reasonable accommodation to assist, support or provide services to persons with disabilities. This exclusion applies to animals that reside

on Authority property sites where persons with disabilities live, as well as those that visit the properties.

In accordance with the rule, the Prince George's County Department of Housing and Community Development, hereafter referred to as the Department, amends its Admissions and Occupancy Policy (ACOP) to include rules to govern pet ownership in housing for the elderly and handicapped. For purposes of this rule, the following definitions contained in the Animal Control Ordinance of Prince George's Maryland, shall apply:

I. Definitions

1. **Animal** – every non-human species of animal, both domesticated and wild, including, but not limited to dogs, cats, livestock and fowl.

2. **Animal Control Facility** – any facility operated by or under contract with Prince George's County, Maryland, for the care, confinement, detention, or euthanasia or other disposition of animals.

3. **Attack Dog** – any dog trained to attack on demand.

4. **Cage** – any enclosure of limited space, enclosed on the bottom, top and all sides by a wall or otherwise, in which animals or other creatures are placed for any purpose, including confinement or display.

5. **Cat** - domesticated feline. Term "cat" does not include wild or exotic felines.

6. **Disposition** – adoption or placement as a pet in an approved home or humane administration of euthanasia.

7. **Dog** – domesticated male or female canine.

8. **Domesticated Animal** – any animal of a species that has been bred, raised, and is accustomed to living in or about the habitation of man, and is dependent on man for food or shelter.

9. **Exotic Animal** – any animal of a species that is not indigenous to the State of Maryland, and is not a domesticated animal, including any hybrid animal, which is part exotic.

10. **Guard Dog** – dog will detect and warn its handlers that an intruder is present and/or near an area that is being secured.

11. **Keeping or Harboring** – act of permitting or sufferance by an owner or occupant of real property either of feeding or sheltering any domesticated animal on the premises.

12. **Owner** – any person who keeps, has temporary or permanent custody, possesses, harbors, exercises control over or had property right in any animal, livestock or fowl, excluding veterinary hospitals, kennels, pet shops and their employees.

13. **Pet** – domesticated animal kept for pleasure rather than utility.

14. **Public Nuisance Animal** – any animal that unreasonably (1) annoys humans, (2) endangers the life or health of other animals or persons, or (3) gives offense to human senses; or which substantially interferes with the rights of the citizens, other than its owner, to enjoyment of life or citizens other than its owner, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal which:

(a) is repeatedly found at large; or

(b) damages the property of anyone other than its owner;

(c) molests or intimidates pedestrians or passersby;

(d) chases vehicles; or

(e) excessively make disturbing noise, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept on harbored; or

(f) causes fouling of the air by odor and causing thereby unreasonable annoyance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or

(g) causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or

(h) by virtue of the number or types of animals maintained, is offensive or dangerous to the public health, safety, or welfare; or

(i) attacks other domestic animals; or

(j) has been found by the Commission for Animal Control after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

15. **Sanitary** – condition of good order and cleanliness, which minimizes the probability of transmission of disease.

16. **Vaccination** – anti-rabies vaccination using a vaccine type approved by the Maryland State Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

17. **Vicious Animal** – animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training, has known propensity to attack, bite or injure human beings or domesticated animals. An animal, which has on one or more occasions caused significant injury to persons, or domesticated animals may be deemed to be a vicious animal.

18. **Wild Animal** – animal, which is not included in the definition of "domesticated animal" and shall include any hybrid animal, which is part wild animal.

II. Eligibility for Pet Ownership

Residents living in housing for the elderly or handicapped are eligible to keep common household pets. The pets allowed are birds in cages, fish in aquariums and domesticated dogs and cats. In accordance with the definition contained in Part I of The Rule, the following animals are specifically excluded:

(a) attack dog
(b) guard dog
(c) exotic animal

(d) "vicious" animal
(e) "wild" animal

III. Registration

All applicants for admission and residents in occupancy who wish to own a pet must complete a registration form prior to bringing a dog or cat on the premises. Registration for ownership of birds or fish is not required. If the pet remains in occupancy, the registration must be updated annually as a part of the re-certification process. The registration must include:

1. A certificate, signed by a state licensed veterinarian or local authority empowered to inoculate animals, stating that the pet has received all inoculations required by applicable State and Local laws;

2. Information sufficient to identify the pet and to demonstrate that it is a common household pet; and

3. The name, address, and phone number of one or more responsible parties who will care for the pet if the owner dies, becomes incapacitated, or is otherwise unable to care for the pet; and

4. Proof that a dog or cat has been spayed or neutered; and

5. Proof that a flea control program is being maintained.

At the time of registration, staff completing certification must see the pet and sufficient information to identify it must be entered on the registration form. This is to ensure that the animal being registered will be the same as that bought on site. The information on the form may include, but not limited to heights, weight, color(s) identifying marks, name to which animal answers, and in the case of a dog, demonstration that it responds to voice commands. The pet owner will be given a copy of the pet rules and required to sign a statement indicating that he or she has read the rules and agrees to comply with them.

IV. Restrictions

1. Regardless of the number of residents occupying a unit, pet ownership is restricted to one dog or cat per household.

2. The adult weight of a dog or cat must not exceed 25 pounds.

3. Birds must not be allowed to fly around the apartment, they must remain caged except when owners are cleaning or changing cages.

4. Fish aquariums shall not exceed 15 gallons in weights.

5. Pets are not allowed to roam the building unattended. When they are outside of their apartments, they must be controlled by their owner on a leash or in a carrier.

6. Pets are restricted from the common areas of the building, except for entering or leaving the building under control of the owner. At each site, the common areas in which pets are restricted will be prominently posted. These areas may include, but are not limited to the following:

a. elevators
b. hallways

c. laundry room
d. community room
e. lobby
f. dining room
g. kitchen
h. stairwells
i. offices
j. gardens, park areas, building grounds
k. reception/sitting areas

7. Pets other than those registered to tenants, are not allowed in the building. This specifically excludes visitors or guests from bringing pets into the building.

8. Residents are prohibited from “keeping or harboring” unregistered pets in their units. The definition of keeping or harboring is defined in Part I of this rule.

9. Pets may not be left unattended for more than 24 hours at a time. If the Department determines that pets are left unattended for more than this time period, by virtue of the voluntary or involuntary absence of the pet owner, the Department will contact the Humane Society or the Animal Control Facility to notify them of the presence and condition of the unattended animal. Their recommendation regarding care, attendance or disposition of the animal will prevail. The Department accepts no responsibility or liability for pet or decision regarding removal.

10. Residents are prohibited from feeding pets outside of their apartment.

V. Financial Obligations

1. As a result of residents’ pet ownership, the Authority incurs additional financial responsibility. Under the final rules establishing the policy, the HA is allowed to assess certain fees to pet owners. Pet owners will be required to pay a fee of $125.00 at time of registration. This fee is made as a security deposit and is refundable upon written notification to management that tenant no longer has a pet or upon lease termination. Upon notification, management will schedule a walk through with tenant to assess any damages by the pet. A resident may opt to replace a pet without an additional security deposit, but must make a new application and meet all pet policy requirements. The fee may be utilized by the Authority to cover damages or charges associated with pet ownership.

2. If during the tenancy of a pet owner, he animal dies, is sold or otherwise is no longer living in the unit, the owner may notify the Authority of the change. If the owner has no plan to replace the pet, and makes such a declaration in writing, he/she may ask for return of the security pet deposit. The HA will conduct a unit inspection for pet related damages and in accordance with established policy, will make a decision on return of the deposit.

3. A resident may also opt to replace a pet without an additional security deposit, but must make a new application and meet all et policy requirements.

VI. Pet Owners’ Responsibilities

1. Sanitary and Health Standards

Owners must take care to ensure that pets registered to their care do not contribute to the spread of disease or unsanitary conditions. Apartments must be kept clean and free of pet odors at all times.

The Department will designate specific areas at each site where dogs may be curbed. The site will be prominently posted. If dogs are curbed on-site, it must be done in the designated restricted area. Pet owners are responsible for cleaning up the waste left by their pets at the curbing site. Waste must be put in plastic bags, tied and placed in receptacle provided at the curbing site. Under no circumstances should animal waste be brought back in the building.

Cat owners must change litter boxes daily. Litter is not to be flushed down the toilet or deposited in sinks or drains in the apartment. It must be placed in a sealed plastic trash bag and put in the receptacle provided at each site. Kitty litter waste is not to be left outside the apartment or on the floor of the trash room.

2. Control of Pets' Behavior/Actions

In addition to the financial obligation discussed in Part IV of this policy, pet owners assume responsibility for the well-being of their pets. No Department or on-site employee will assume any responsibility for the care and attendance of residents' pets. This includes, but is not limited to feeding, providing kennel service, checking on pets in owners' absence, and removing them to another location.
The Department will also hold owners responsible for the actions and behavior of pets registered to their care. Residents are liable for any and all damage, and disturbance caused by their pets. Owners will be assessed charges for damages attributable to pets registered to them. If damage actions of pet are of a nature other than financial, the pet owner is still held liable.

In holding residents responsible for the behavior of their pets, the Department will require owners to rectify damages. Should residents be either unwilling or unable to control the action of their pets, the Department will require that the offending animal be removed from the premises. Any animal that becomes a "public nuisance", as defined in the Prince George's County ordinance (Part I, page 2), will also require removal from site. Failure of the resident to correct animal's behavior/actions or remove it, could result in eviction proceedings.

19.0 Repayment Agreements

When a resident owes the HAPGC back charges and is unable to pay the balance by the due date, the resident may request that the Housing Authority allow them to enter into a Repayment Agreement. The HAPGC has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

20.0 Termination

20.1 TERMINATION BY TENANT

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

20.2 TERMINATION BY THE HOUSING AUTHORITY

The HAPGC after 10/1/2004 will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

The HAPGC will terminate the lease for serious or repeated violations of material lease terms. Such violations include but are not limited to the following:

A. Nonpayment of rent or other charges;

B. **A history of late rental payments**; The Authority will at its discretion, enforce the lease portions which lists four (4) late rent payments in a preceding twelve (12) month period as grounds for good cause not to renew lease when it comes up for recertification. Should the four (4) late payments result in judgments, the Authority will, at its discretion, foreclose the tenant's right of redemption and seek repossession of the dwelling unit.

C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;

D. Failure to allow inspection of the unit;

E. Failure to maintain the unit in a safe and sanitary manner;

F. Assignment or subletting of the premises;

G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);

H. Destruction of property;

I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;

J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on the premises of the HAPGC;

K. Non-compliance with Non-Citizen Rule requirements;

L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Authority; and

M Unit down-sizing – The Authority will take action to evict when a tenant refuses to down-size to the appropriate size unit due to a change in household composition, if the refusal results in exceeding occupancy limits causing over-housing.

N. Other good cause

The HAPGC will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.

20.3 TERMINATION OF LEASE UPON DEATH OR INCAPACITY OF RESIDENT

Upon the death of the Resident, or if there is more than one Resident, upon the death of all Residents, either the Authority or the personal representative of the Resident's estate may terminate this Lease upon 30 Day's written notice, to be effective on the last day of a calendar month. If full notice is not given, the Resident's estate shall be liable for rent to the end of the notice period or to the date the unit is re-rented, whichever date comes first. The termination of a Lease under this section shall not relieve the Resident's estate from liability either for payment of rent or other amounts owed prior to or during the notice period, or for the payment of amounts necessary to restore the premises to their condition at the beginning of the Resident's occupancy, normal wear and tear excepted.

If during the terms of this agreement, should the resident, by reason of physical or mental impairment, become no longer able to comply with the material provisions of this lease and the Authority cannot make a reasonable accommodation to enable compliance, it will make a referral to Resident Services for assistance. if no suitable arrangement or plan can be made for the tenant, the Authority will have exercised its obligation and responsibility will revert back to the resident's support system.

The Resident may not be absent from the unit for a period more than 180 consecutive calendar days in any circumstance, or for any reason. The Authority will terminate the lease if the family is absent for more than the maximum period permitted.

20.4 PROPERTY ABANDONMENT

The HAPGC will consider a unit to be abandoned when a resident has both fallen behind in rent and has clearly indicated by words or actions an intention not to continue living in the unit.

When a unit has been abandoned, a HAPGC representative may enter the unit and remove any abandoned property. It will be stored in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored and when it will be sold. If the HAPGC does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office.

If a Resident abandons the dwelling unit, the Authority shall take possession of the Resident's personal property remaining on the premises, and shall store and care for the property. The Authority will consider the unit to be abandoned when a resident has fallen behind in rent and has clearly indicated by words and actions an intention not to continue living in the unit.

The Authority has a claim against the Resident for reasonable costs and expenses incurred in removing the property, in storing and caring for the property, and in selling the property. The Authority can collect from the Resident all these costs.

The Authority may sell or otherwise dispose of the property 60 days after the Authority receives actual notice of abandonment or 60 days after it reasonably appears to the Authority that the Resident has abandoned the premises, whichever date occurs last. At least 14 days prior to the sale, the Authority agrees to make reasonable efforts to notify the Resident of the sale by sending written notice of the sale by certified mail, return receipt requested, to the Resident's last known address or likely living quarters if that is known by the Authority. The Authority shall also post a notice of sale in a clearly visible place on the premises for at least two weeks before the sale. The Authority may use the money from the sale to pay off any debts the Resident owes the Authority. Any amount above this belongs to the Resident, if the Resident has written and asked for it.

Within ninety (90) days of learning of any abandonment, the HAPGC will either return the deposit or provide a statement of why the deposit is being kept.

20.5 RETURN OF SECURITY DEPOSIT

After a family moves out, the HAPGC will return the security deposit within 45 days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

Interest on security deposit is paid at the rate required by state law.

The HAPGC will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within forty-five (45) days.

21.0 PUBLIC HOUSING GRIEVANCE PROCEDURE

21.1 RIGHT TO A HEARING

Upon the filing of a written request as provided in these procedures, a resident shall be entitled to a hearing before a Hearing Officer.

21.2 DEFINITIONS

For the purpose of this Grievance Procedure, the following definitions are applicable:

A. **"Grievance"** shall mean any dispute which a resident may have with respect to the Housing Authority of Prince George's County's (HAPGC) action or failure to act in accordance with the individual resident's lease or Authority regulations which adversely affect the individual resident's rights, duties, welfare or status. Grievance does not include any dispute a resident may have with the Authority concerning a termination of tenancy or eviction that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the Authority's public housing premises by other residents or employees of the Authority; or any violent or drug-related criminal activity on or off such premises; or any activity resulting in a felony conviction. Nor

shall this process apply to disputes between residents not involving the HAPGC or to class grievances.

B. **"Complainant"** shall mean any resident whose grievance is presented to the HAPGC or at the development management office in accordance with sections 21.3 and 21.4 of this procedure.

C. **"Elements of Due Process"** shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

1. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;

2. Right of the resident to be represented by counsel;

3. Opportunity for the resident to refute the evidence presented by the Authority including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and

4. A decision on the merits.

D. **"Hearing Officer"** shall mean a person selected in accordance with section 21.4 of these procedures to hear grievances and render a decision with respect thereto.

E. **"Resident"** shall mean the adult person (or persons) other than a live-in aide:

1. Who resides in the unit and who executed the lease with the HAPGC as lessee of the premises, or, if no such person now resides in the premises,

2. Who resides in the unit and who is the remaining head of household of the resident family residing in the unit.

F. **"Resident Organization"** includes a resident management corporation.

G. **"Promptly"** (as used in section 21.3, and 21.4 (D)), shall mean within the time period indicated in a notice from HAPGC of a proposed action which would provide the basis for a grievance if the resident has received a notice of a proposed action from the agency.

21.3 PROCEDURES PRIOR TO A HEARING

Any grievance shall be promptly and personally presented, either orally or in writing, to the Housing Authority of Prince George's County office or to the office of the development in which the resident resides so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within ten (10) business days and one copy shall be given to the resident and one retained in the Authority's resident file. The summary shall specify the names of the participants, dates of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the procedures by which a hearing under these procedures may be obtained if the resident is not satisfied.

21.4 PROCEDURES TO OBTAIN A HEARING

REQUEST FOR HEARING

The resident shall submit a written request for a hearing to the Authority or the development office within ten (10) business days from the date of the mailing of the summary of the discussion pursuant to section 21.3. The written request shall specify:

A. The reasons for the grievance; and

B. The action or relief sought.

SELECTION OF A HEARING OFFICER

A grievance hearing shall be conducted by an impartial person appointed by the Housing Authority of Prince George's County other than a person who made or approved the action under review or a subordinate of such person.

The HAPGC shall annually submit a list of prospective hearing officers. This list shall be provided to any existing resident organization(s) for such organization's comments or recommendations. The HAPGC shall consider any comments or recommendations by a resident organization.

From this list, a hearing officer shall be selected.

FAILURE TO REQUEST A HEARING

If the resident does not request a hearing in accordance with this section, then the HAPGC disposition of the grievance under section 3.0 shall become final. However, failure to request a hearing does not constitute a waiver by the resident of the right thereafter to contest the Housing Authority's action in disposing of the complaint in an appropriate judicial proceeding.

HEARING PREREQUISITE

All grievances shall be promptly presented in person, either orally or in writing, pursuant to the informal procedure prescribed in section 21.3 as a condition precedent to a hearing under this Section. However, if the resident can show good cause why there was failure to proceed in accordance with section 21.3 to the Hearing Officer, the provisions of this subsection may be waived by the Hearing Officer.

ESCROW DEPOSIT

Before a hearing is scheduled in any grievance involving the amount of rent as defined in the lease which the HAPGC claims is due, the resident shall pay to the Housing Authority an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The resident shall thereafter deposit monthly the same amount of the monthly rent in an escrow account held by the HAPGC until the complaint is resolved by decision of the Hearing Officer. Amounts deposited into the escrow account shall not be considered as acceptance of money for rent during the period in which the grievance is pending. In extenuating circumstances, the HAPGC may waive these requirements. Unless so waived, the failure to make such payments shall result in a termination of the grievance procedure. However, failure to make payment shall not constitute

a waiver of any right the resident may have to contest the HAPGC's disposition of his grievance in any appropriate judicial proceeding.

SCHEDULING OF HEARINGS

Upon the resident's compliance with this section the Hearing Officer shall promptly schedule a hearing for a time and place reasonably convenient to both the resident and the HAPGC. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the resident and the appropriate agency official.

21.5 PROCEDURES GOVERNING THE HEARING

The resident shall be afforded a fair hearing, which shall include:

A. The opportunity to examine before the grievance hearing any Authority documents, including records and regulations that are directly relevant to the hearing. The resident shall be provided a copy of any such document at the resident's expense. If the HAPGC does not make the document available for examination upon request by the resident, the Housing Authority may not rely on such document at the grievance hearing.

B. The right to be represented by counsel or other person chosen as the resident's representative and to have such person make statements on the resident's behalf;

C. The right to a private hearing unless the resident requests a public hearing;

D. The right to present evidence and arguments in support of the resident's complaint, to controvert evidence relied on by the Authority or development management, and to confront and cross examine all witnesses upon whose testimony or information the HAPGC or development management relies; and

E. A decision based solely and exclusively upon the facts presented at the hearing.

The Hearing Officer may render a decision without holding a hearing if the Hearing Officer determines that the issue has been previously decided at another hearing.

If either the resident or Authority fails to appear at a scheduled hearing, the Hearing Officer may postpone the hearing for up to five business days or determine that the missing party has waived their right to a hearing. Both the HAPGC and the resident shall be notified of the Hearing Officer's decision. This decision shall not waive a resident's right to contest the disposition of the grievance in an appropriate judicial proceeding.

The following accommodation will be made for persons with disabilities:

A. The Housing Authority of Prince George’s County shall provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants.

B. If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

21.6 Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The participant family may request that the HAPGC provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

21.7 DECISION OF THE HEARING OFFICER

The Hearing Officer shall prepare a written decision, together with the reasons therefore, within ten (10) business days after the hearing. A copy of the decision shall be sent to the resident and the Housing Authority of Prince George's County. The Authority shall retain a copy of the decision in the resident's folder. A copy of such decision with all names and identifying references deleted shall also be maintained on file by the HAPGC and made available for inspection by a prospective complainant, his or her representative, or the Hearing Officer.

The decision of the Hearing Officer shall be binding on the Housing Authority of Prince George's County who shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Housing Authority of Prince George's County's Board of Commissioners determines within reasonable time, and promptly notifies the complainant of its determination, that:

A. The grievance does not concern HAPGC action or failure to act in accordance with or involving the resident's lease or Authority regulations, which adversely affect the resident's rights, duties, welfare or status;

B. The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, Authority regulations, or requirements of the Annual Contributions Contract between the Authority and the U.S. Department of Housing and Urban Development.

A decision by the Hearing Officer or Board of Commissioners in favor of the HAPGC or which denies the relief requested by the resident in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the resident may have to a trial do novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

21.8 SMOKE FREE PROPERTIES

This policy establishes standards and requirements to provide a smoke-free environment for all Housing Authority of Prince George's County properties. Smoking is not permitted anywhere in the building including apartment units and townhomes, in accordance with the following schedule. Effective on July 01, 2015 , all current tenants, guests, employees, contractors and employees of contractors providing services at HAPGC, after this date will be prohibited from smoking within any building to include: apartment units and townhomes, except for residents with temporary exemptions from this policy. Failure of any resident to follow the smoke-free policy will be considered a lease violation.

22.0 GLOSSARY

50058 Form: The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

1937 Housing Act: The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

Annual Income: All amounts, monetary or not, that:

A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or

B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

C. Are not specifically excluded from annual income.

Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609*)*

Applicant (applicant family): A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

As-Paid States: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid States are New Hampshire, New York, Oregon, and Vermont.

Assets: The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

Asset Income: Income received from assets held by family members. If assets total more than $5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below.)

Ceiling Rent: Maximum rent allowed for some units in public housing projects.

Certification: The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

Citizen: A citizen or national of the United States. (24 CFR 5.504(b))

Consent Form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

Decent, Safe, and Sanitary: Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.
Department: The Department of Housing and Urban Development. (24 CFR 5.100)

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

Dependent Allowance: An amount, equal to $480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

Disability Assistance Expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

Disability Assistance Expense Allowance: In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

Disabled Person: See "person with disabilities."

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), 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. (24 CFR 5.403(b))

Displaced Person: A person displaced by governmental 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*. [1937 Act]*

Drug-Related Criminal Activity: Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802.

Elderly Family: A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

Elderly Family Allowance: For elderly families, an allowance of $400 is deducted from the household's annual income in determining adjusted annual income.

Elderly Person: A person who is at least 62 years of age. (1937 Housing Act)

Extremely low-income families: Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

Fair Housing Act: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

Family: Includes but is not limited to**:**

A. A family with or without children;

B. An elderly family;

C. A near-elderly family;

D. A disabled family;

E. A displaced family;

F. The remaining member of a tenant family; and

G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

Family Members: All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

Family Self-Sufficiency Program (FSS Program): The program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

Formula Method: A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula

method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

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. (24 CFR 5.603(d))

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

Household Members: All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

Housing Assistance Plan: A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

Imputed Income: For households with net family assets of more than $5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

In-Kind Payments: Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

Interim (examination): A reexamination of a family income, expenses, and household composition conducted between the regular annual re-certifications when a change in a household's circumstances warrants such a reexamination.

Live-In Aide: A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

A. Is determined to be essential to the care and well- being of the persons;

B. Is not obligated for the support of the persons; and

C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

Low-Income Families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937Act)

Medical Expenses: Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, which are anticipated during the period for which annual income is computed and that, are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, and transportation for medical purposes.

Mixed Family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

Monthly Adjusted Income: One twelfth of adjusted income. (24 CFR 5.603(d))

Monthly Income: One twelfth of annual income. (24 CFR 5.603(d))

National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b))

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; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

Net Family Assets:

A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.

C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

Non-Citizen: A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

Occupancy Standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Person with Disabilities: A person who:

A. Has a disability as defined in Section 223 of the Social Security Act, which states:

"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:

1. Is expected to be of long-continued and indefinite duration;

2. Substantially impedes his or her ability to live independently;

3. Is of such a nature that such ability could be improved by more suitable housing conditions, or

C. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, which states:

"Severe chronic disability that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;

2. Is manifested before the person attains age 22;

3. Is likely to continue indefinitely;

4. Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and

5. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

Proration of Assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR5.520)
Public Housing Agency (HA): Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof), which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

Recertification: The annual reexamination of a family's income, expenses, and composition to determine the family's rent.

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)

Self-Declaration: A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

Shelter Allowance: That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

Single Person: Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

Temporary Assistance to Needy Families (TANF): The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

Tenant: The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

Tenant Rent: The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))

Third-Party (verification): Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

Total Tenant Payment (TTP):

A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:

1. Total tenant payment is the amount calculated under Section 3(a) (1) of the 1937 Act which is the higher of:

   a. 30% of the family's monthly adjusted income;

   b. 10% of the family's monthly income; or

   c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

   If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a) (1) shall be the amount resulting from one application of the percentage.

2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total

tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

Utility Allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

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. (24 CFR 5.603)

Very Low-Income Families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

Welfare Rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

ACRONYMS

ACC	Annual Contributions Contract
ACOP	Admissions And Continued Occupancy Policy
ADA	Americans with Disabilities Act
CFP	Capital Fund Program
CFR	Code of Federal Regulations
DHCD	Department of Housing And Community Development
EIV	Enterprise Income Verification
FHEO	Fair Housing and Equal Opportunity
FMR	Fair Market Rent
FRA	Family Resource Academy
FSS	Family Self Sufficiency (program)
HA	Housing Authority
HAPGC	Housing Authority Prince George's County
HCDA	Housing and Community Development Act
HCV	Housing Choice Voucher
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PH	Public Housing
PHA	Public Housing Agency
PHAS	Public Housing Assessment Subsystem
PIH	Public and Indian Housing
QHWR	Quality Housing and Work Responsibility Act of 1998
REAC	Real Estate Assessment Center

SSA	Social Security Administration
SSN	Social Security Number
SWICA	State Wage Information Collection Agency
TCA	Temporary Cash Allowance
TANF	Temporary Assistance to Need Families
TTP	Total Tenant Payment
TDD	Telecommunication Device for the Deaf
UFAS	Uniform Federal Accessibility Standards
UIV	Upfront Income Verification
UPCS	Uniform Physical Conditions Standard
VAWA	Violence Against Women's Act

ACOP 04-2016 , to -2019. Additional Revisions approval on 5-2021