

**PUBLIC HOUSING AGENCY OF THE CITY OF SAINT PAUL****REPORT TO COMMISSIONERS****FROM JON M. GUTZMANN  
EXECUTIVE DIRECTOR****REGARDING** Multifamily Housing Program  
Tenant Selection Plan and PBRA Occupancy  
Policy Updates; HOTMA**DATE** August 23, 2023

Staff recommends Board approval of Resolution No. 23-8/23-01, revising the Tenant Selection Plan and PBRA Occupancy Policies (TSP) for the Multifamily Housing Program as follows in order to comply with the Housing Opportunities Through Modernization Act (HOTMA):

1. Revising the definitions of “family”, “income” and “assets” (including updated income and asset exclusions), to align with HUD changes;
2. Adding an updated explanation of how income is calculated at annual re-examination, clarifying that the household income from the prior year will be used;
3. Raising the threshold for imputing income from assets from \$5,000 to \$50,000;
4. Allowing applicants and residents to self-certify the value of assets under \$50,000, with third-party verification required only once every three years;
5. Establishing an asset limitation of \$100,000, and restricting admission and occupancy for households that own real property that is suitable for them to occupy;
6. Changing the threshold for interim increases in rent from \$200 per month to a 10% increase interim threshold, with no interim increase for earned income except in special circumstances;
7. Updating the elderly and disabled deduction, adopting a new threshold for health and medical expenses and indexing both the elderly and disabled deduction and the dependent deduction to inflation;
8. Adopting hardship exemptions for certain households affected by the increased threshold for the health and medical expense deductions and for households no longer eligible for the childcare deduction;
9. Other “housekeeping” updates and edits in the Multifamily housing policies, including adding additional language regarding proof of Social Security numbers, required

information regarding the eligibility of independent students, and updating the program name from Wilder Assisted Living Program (ALP) to Wilder Home Care.

With the exception of the “housekeeping” changes, all policy changes recommended in this report are required in order to be compliant with HUD rules. If approved, the policy revisions would become effective January 1, 2024. Attached is a “tracked changes” copy of the TSP showing the changes relating to HOTMA, with deletions interlined and new text underlined. A “clean copy” of the full TSP is also attached, incorporating both the HOTMA changes and the revisions related to occupancy that are described in a separate report.

In February 2023 HUD issued a final rule implementing Sections 102, 103 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA). Staff brought changes related to Section 103 (only applicable to the Public Housing program) to the Board in April 2023. Sections 102 and 104 change various requirements related to income reviews and establish a new asset limitation. These changes apply to the Public Housing, Housing Choice Voucher (HCV), and Multifamily Housing programs. HUD originally announced that the effective date would be January 1, 2024 for all three programs; however, HUD later pushed back the compliance deadline for Public Housing and HCV to January 1, 2025. HUD has not delayed the compliance deadline for Multifamily housing, so these policy changes will impact interim and annual recertifications that are effective on or after January 1, 2024.

Though HUD has stated that they will issue further implementation guidance for HOTMA Sections 102, 103 and 104 in the spring or summer of 2023, no such guidance has been issued at this time. Once the guidance is issued, further changes to PHA policies or adjustments to the changes proposed in this report may be required. In addition, HUD has indicated that they intend to release an updated version of “HUD Handbook 4350.3: Occupancy Requirements of

Subsidized Multifamily Housing Programs”, which is the main guiding document for the Multifamily Housing program. That update will reflect both HOTMA and RAD-related changes. To the extent that any policy included in the TSP is inconsistent with the updated HUD Handbook 4350.3, staff will follow the updated Handbook.

**Revised Definitions.** HOTMA contains updated definitions of family, income and assets, as well as updated lists of exclusions from income and assets. Staff have incorporated these new definitions and exclusions into the updated TSP. The changes do not substantially change PHA operations.

**Revised Income Calculation.** Current practice and past HUD guidance required that PHAs project current income forward when calculating annual household income for determining rent. In contrast, HOTMA requires PHAs to determine the family’s actual income for the previous 12-month period and use this amount to determine rent for the year ahead. In determining household income for the previous 12-month period, the PHA must take into consideration any redetermination of income during the past year resulting from an interim reexamination of family income, and must account for any income changes not “picked up” in a redetermination of income (for example, increases in income that did not meet the threshold for an interim, or that were due to earned income).

**Asset Limitation and Threshold for Annual Verification.** Currently there is no asset limitation in the Multifamily program, and all assets over \$5,000 and income generated by the assets must be verified annually. The HOTMA final rule establishes a maximum asset limit of \$100,000; a family is not eligible to receive assistance if they either own more assets or own real property that is suitable for them to occupy as a residence. PHAs must not admit households

with assets exceeding the limit, and must terminate assistance to households found to have assets in excess of the limitation during occupancy. Staff are recommending delaying the termination for up to 6 months, as permitted by the HOTMA final rule.

HOTMA also increased the threshold for imputing income from assets from \$5,000 to \$50,000. Current policy is that if net family assets are more than \$5,000, annual income includes the greater of the actual income from the asset or a percentage of the value of family assets based on the current passbook savings rate, referred to as imputed income from assets. Going forward, staff will only impute income from assets if the net family assets exceed \$50,000. In addition, HUD currently permits residents and applicants and residents to self-certify the value and income from assets if the net family assets are under \$5,000, with third-party verification required only once every three years. HOTMA increases the threshold for self-certification to \$50,000.

**Interim Threshold Change.** Current procedure is that interim recertifications must be completed for households whose income has increased by \$200 or more per month, regardless of the source of income. HOTMA requires PHAs to change the threshold for completing interim increases from \$200 per month to a 10% increase, but income increases due to higher earnings do not trigger an interim recertification. The only exceptions are that an interim recertification will be conducted for an income increase, if the family previously reported a decrease in household income after their last annual recertification, or if the household was at zero income when the change occurred. HOTMA also permits but does not require PHAs to adopt the same 10% threshold for completing an interim recertification due to a decrease in income. However, staff are recommending keeping the current policy of processing interim recertifications for all decreases in income, regardless of amount.

**Deduction Updates.** Deductions are subtractions from a household’s gross annual income, yielding “adjusted annual income” that is the basis for determining the household’s payment for rent and utilities (TTP; Total Tenant Payment). HOTMA increased the standard deduction from \$400 to \$525 for households where the head, spouse or co-head is elderly or disabled. HOTMA kept the annual deduction for dependents at \$480, but both the elderly/disabled deduction and the dependent deduction are now indexed to inflation (rounded to the next lowest multiple of \$25).

HOTMA also raised the threshold for elderly or disabled households to deduct “health and medical care expenses” from 3% to 10%. The higher threshold also applies to

“Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member who is a person with a disability) to be employed.”

The statute and final rule retained the deduction for “Reasonable child care expenses for household members under the age 13 that enable a household member to have paid employment or go to school”. Other details relating to these deductions are shown in the attachments.

**Hardship Exemptions for Deductions.** HOTMA creates two categories of hardship exemptions to the increased threshold for medical deductions. The first is for families who have been taking the deduction for “unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses” based on the 3% threshold. For these households, the higher 10% threshold will be phased in, with expenses exceeding 5% of income deductible in the first year, 7.5% in the second year, and the full 10% effective the third year.

The second hardship exemption for medical deductions is for families that can demonstrate that the family’s health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased, or the family’s financial hardship is a result of a change in

circumstances that would not otherwise trigger an interim reexamination. For these families, the PHA will deduct the eligible expenses in excess of 5 percent of the family's income for a period of up to 90 days, which can be extended for additional 90-day periods at the discretion of the PHA based on the family's circumstances or terminated if the PHA determines that the family no longer needs the exemption.

In addition, HOTMA creates a hardship exemption for households that become ineligible for the child care expense deduction (for example, because child care is no longer necessary to enable a member of the family to be employed or to further his or her education). These households can request a hardship exemption to retain the childcare expense deduction for 90 days if they can demonstrate that they would be unable to pay rent due to loss of the deduction.

**Housekeeping.** Staff added language regarding proof of Social Security numbers and required information regarding the eligibility of independent students to the TSP based on instructions from Du & Associates following their pre-MOR evaluation. In addition, staff updated the name of the program formerly known as Wilder Assisted Living Program (ALP), which is now called Wilder Home Care. None of these changes constitute a change in staff operations or practice.

All of the recommended policy changes are attached, with new language double-underlined and deleted text interlined.

LAF/FAH

Attachments: Resolution No. 23-8/23-01  
Tenant Selection Plan and PBRA Occupancy Policies for Project-Based Rental Assistance (PBRA) Properties (Multifamily Housing)

**PUBLIC HOUSING AGENCY OF THE CITY OF SAINT PAUL  
RESOLUTION NO. 23-08/23-01**

**AMEND TENANT SELECTION PLAN AND PBRA OCCUPANCY POLICIES FOR  
PROJECT-BASED RENTAL ASSISTANCE (PBRA) PROPERTIES**

WHEREAS, the Public Housing Agency of the City of Saint Paul (PHA) has undertaken to provide decent, safe and sanitary housing for families pursuant to Section 8 of the United States Housing Act of 1937, as amended (42 USC 1437, et seq.); and

WHEREAS, the PHA currently administers a Multifamily Project Based Rental Assistance (PBRA) program which now includes 3,836 units; and

WHEREAS, the Public Housing Agency of the City of St. Paul (PHA) has in effect a Tenant Selection Plan and PBRA Occupancy Policies for Project-Based Rental Assistance (PBRA) Properties dated December 18, 2019; and

WHEREAS, staff has recommended and the Board finds that it is necessary and appropriate to revise the Tenant Selection Plan and PBRA Occupancy Policies, to conform to federal regulations and to improve the administration of the program;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Public Housing Agency of the City of Saint Paul, that the Tenant Selection Plan and PBRA Occupancy Policies for Project-Based Rental Assistance (PBRA) Properties are hereby revised as shown on the attachment, effective immediately.

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St. Paul PHA Tenant Selection Plan & PBRA Occupancy Policies  
For Multifamily Housing HOTMA – tracked changes



**PUBLIC HOUSING AGENCY  
OF THE CITY OF SAINT PAUL**

**TENANT SELECTION PLAN AND  
PBRA OCCUPANCY POLICIES**

**FOR**

**PROJECT-BASED RENTAL ASSISTANCE (PBRA)  
PROPERTIES**

**(Multifamily Housing)**

*Recommended for Approval by PHA Board Approval on of Commissioners August 23,  
2023 December 18, 2019*



## TENANT SELECTION PLAN AND PBRA OCCUPANCY POLICIES

### Introduction

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and the Tenant Selection Regulations published by the HUD Occupancy Handbook – 4350.3 Rev.1, and the Rental Assistance Demonstration (RAD) Final Rule (PIH 2012-32).

The Tenant Selection Plan sets forth procedures for processing and selecting applicants, including the establishment of preferences and priorities, occupancy standards, rejection/denial standards, reviews and appeals of rejection/denial decisions, notice requirements, as well as continued occupancy. If there is any conflict between this policy and HUD's regulations, HUD's regulations will prevail.

This Tenant Selection Plan applies to the PHA's former public housing units that were included in the PHA's RAD conversion in 2019. The locations this Plan applies to are:

- Project 1: McDonough Homes
- Project 2: Hamline Hi-Rise  
Front Hi-Rise  
Seal Hi-Rise
- Project 3: Edgerton Hi-Rise  
Iowa Hi-Rise  
Wilson Hi-Rise
- Project 4: Roosevelt Homes
- Project 5: Mt. Airy Homes  
Mt. Airy Hi-Rise  
Valley Hi-Rise
- Project 6: Exchange Hi-Rise  
Wabasha Hi-Rise
- Project 7: Ravoux Hi-Rise  
Central Hi-Rise  
Neill Hi-Rise
- Project 8: Dunedin Terrace Family Development  
Dunedin Hi-Rise  
Cleveland Hi-Rise  
Montreal Hi-Rise

### 1. NON-DISCRIMINATION AND ACCESSIBILITY

It is the policy of the Public Housing Agency of the City of St. Paul (PHA) to fully comply with all Federal, State and local nondiscrimination laws; Title II of the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. The PHA will administer its PBRA program in accordance with (a) the nondiscrimination and fair housing requirements set forth in 24 CFR part 5, including the

prohibition on inquiries regarding sexual orientation or gender identity set forth in 24 CFR 5.100 and 5.105(a) (2); and (b) the affirmative fair housing marketing requirements in 24 CFR part 200, subpart M and 24 CFR part 108.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, be refused the right to apply, or be otherwise subject to sexual orientation or gender identity discrimination under the PHA's programs.

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the PHA's housing programs and related services. In accordance with Title II of the Americans with Disabilities Act (ADA), a reasonable accommodation will be provided for disabled persons unless the PHA can demonstrate it would result in a fundamental alteration in the nature of the program or activity or in undue financial and administrative burdens. Persons requesting a special accommodation must complete the process as outlined in the PHA's Reasonable Accommodation Policy. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. Because disabilities are not always apparent, the PHA will inform all applicants/residents of the opportunity to request a reasonable accommodation. All decisions granting or denying requests for a reasonable accommodation will be in writing.

The PHA will make every reasonable effort to provide handicap accessible units to families with individuals who have physical disabilities and require such units.

The PHA will endeavor to provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). The PHA may do this by employing bilingual staff, or by providing access to people who speak languages other than English, in order to assist persons who do not speak English as their primary language or who have limited ability to read, write, speak, or understand English (LEP persons). In determining whether it is feasible to provide written translations of documents written in English, the PHA will consider the number or proportion of applicants eligible to be served or participants in the jurisdiction who are LEP persons and the estimated cost to the PHA per client. The PHA will refer to census data to determine the number or percentage of the population eligible to be serviced for each LEP language group. The PHA will annually review and update the LEP plan to ensure the needs of LEP applicants and residents are addressed according to the needs of the jurisdiction.

## **2. TAKING APPLICATIONS**

Families wishing to apply for the PHA's Multifamily RAD/Project-Based Rental Assistance (PBRA) program will be required to complete an online pre-application for housing assistance by visiting [www.stpha.org](http://www.stpha.org). When one or more PHA waiting lists are open, online pre-applications can be completed and submitted 24-hours a day, 7-days a week.

Pre-applications are taken to compile waiting lists for all sizes of rental units (by number of bedrooms). The PHA will open and close the waiting lists as needed to maintain an adequate supply of applicants.

When a family is near the top of the waiting list, the PHA will require the applicant to complete a full application in order to determine economic and non-economic eligibility for tenancy. The eligibility determination will require verifications of income, assets, housing history, and criminal history for all adults. An application will be considered complete when all data and information necessary for the PHA to determine the family's eligibility, including all verifications and supporting documentation, are received. All documentation relating to eligibility will be made a part of the applicant's record.

The application constitutes the basic record for each family applying for PHA admission or continued occupancy. Each family must supply information required for a complete application and sign the application. Each application for admission will be documented by the PHA as to: (1) the date and time of receipt; (2) the appropriate unit size; (3) preference rating (if applicable); (4) determination of eligibility; (5) where applicable, the date of the assignment to a dwelling unit and identification of the property assigned; (6) where applicable, the date a vacant unit was offered to the applicant, the date of the applicant's rejection of the offer, reason for rejecting the unit, and identification of the property offered.

Persons with disabilities who require a reasonable accommodation in completing an application may contact the PHA to make special arrangements.

The applicant may at any time report changes in their applicant status, including changes in family composition, income, or preference factors. The PHA will annotate the applicant's file and will update their place on the waiting list based on reported changes.

A family may file an application for more than one of the PHA's housing programs without affecting their status on any of the waiting lists. However, adult household members can only be included in one household on the PHA Multifamily RAD/PBRA waiting list.

### 3. ELIGIBILITY FOR ADMISSION

There are five basic eligibility requirements for admission to the PHA's Multifamily RAD/PBRA program. The applicant must: 1) qualify as a family; 2) have an income within the income limits; 3) meet citizenship/eligible immigrant criteria; 4) disclose Social Security numbers (where applicable) and provide documentation; and 5) sign documents authorizing the PHA to obtain information from third parties (employers, etc.) required to verify eligibility.

#### A. Economic Eligibility Criteria

1. Family status. Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

(1) A single person, who may be:

(i) an elderly person, displaced person, disabled person, near-elderly person, or any other single person;

(ii) an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or

(2) A group of persons residing together, and such group includes, but is not limited

to:

(i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);

(ii) An elderly family;

(iii) A near-elderly family;

(iv) A disabled family;

(v) A displaced family; and

1. (vi) The remaining member of a tenant family. "Family" includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, as outlined in 24 CFR § 5.403:

- a. ~~A family with or without children. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship. Children temporarily absent from the home due to placement in foster care are considered family members.~~
- ~~Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size and income limits.~~
- b. ~~An elderly family is a family whose head, spouse, co-head 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.~~
- ~~A disabled family is a family whose head, spouse, co-head 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.~~
- ~~A displaced family 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.~~
- ~~A remaining member of a tenant family provided they meet all other eligibility requirements.~~
- f. ~~A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. See information below on admission of a full-time college student.~~

Commented [LF1]: Should we leave some of these explanations in here?

2. **Admission of College Students:** Management must determine a student's eligibility at move-in, annual recertification, initial certification, and at the time of an interim recertification if the family reports that a household member is a student.

Assistance *shall not be provided* to any individual who:

- Is enrolled as a full or part-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
- Is under the age of 24; and
- Is not a veteran; and

- Is not married; and
- Is not a person with disabilities, and was not receiving assistance as of November 30, 2005; and
- Does not have a dependent child; and
- Is not living with his/her parents who are receiving Section 8 assistance; and
- Is individually ineligible for section 8 assistance or has parents who are, and individually or jointly, ineligible for assistance; and
- Is not eligible as an independent student as defined by the U.S. Department of Education; and
- Has not established a separate household from parents for at least one year prior to application or has not been claimed as a dependent by parents pursuant to IRS regulations.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition (as defined by the institution) is included in annual income, except if the student is over the age of 23 with dependent children, or is living with his or her parents who are receiving assistance.

To align with HUD guidance, the PHA will adopt exceptions for students who are under 24 years of age to receive assistance if the student can demonstrate independence from parents or the absence of parents.

For a student to be eligible independent of his or her parents, the student must:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for a least one year prior to application for occupancy, OR meet the U.S. Department of Education's definition of an independent student.;
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

Definition of an Independent Student: An individual who is:

- 24 years of age or older by December 31<sup>st</sup> of the award year
- An orphan, in foster care, or ward of the court, or was one of these at any time when they were 13 or older
- Emancipated minor
- Veteran of the U.S. Armed Forces or is currently on active duty
- Graduate or professional student
- Married
- Has legal dependents other than a spouse
- If a financial aid administrator provides documentation of independence by reason or other unusual circumstances
- Unaccompanied youth (homeless) or at risk of homelessness and was self-supporting during the school year as verified by the following:
  - Local education agency's official homeless liaison

- Director of a program funded under the Runaway and Homeless Youth Act
- Director of a program funded under subtitle V of the IV of the McKinney-Vento Homeless Assistance Act (emergency shelter grants)
- Financial aid administrator

Definition of a “Vulnerable Youth” is an Independent Student who meets one of the criteria below:

- Orphan, in foster care or a ward of the court
  - An emancipated minor or in legal guardianship
  - Homeless or at risk of homelessness and is self-supporting
3. **Income Eligibility.** Pursuant to HUD Regulations, admission will be limited to those families whose annual income does not exceed the applicable income limits. Income Limits are made part of this Plan by reference. Currently the limit is set at low income level, which is at or below 80% Area Median Income (AMI) for the Minneapolis-St. Paul-Bloomington Fair Market Rent Area.
4. **Citizenship Requirements.** By law, assistance in subsidized housing is restricted to the following:
- a. U.S. citizens or nationals; and
  - b. Non-citizens who have eligible immigration status as determined by HUD.

All family members, regardless of age, at admission must declare their citizenship or immigration status. U.S. citizens must sign a declaration of citizenship.

Noncitizens (except those aged 62 and older) must provide a signed declaration of eligible immigration status, a signed verification consent form and submit one of the HUD-approved DHS documents verifying their immigration status or sign a declaration that they do not claim to have eligible immigration status. Noncitizens aged 62 and older must sign a declaration of eligible immigration status and provide a proof of age document.

The PHA will utilize the Multifamily Systematic Alien Verification for Entitlements (SAVE) System to verify the validity of documentation provided by non-citizen applicants. The PHA will follow all Section 214 regulations in providing applicants with due process if the applicant appeals the SAVE System results.

**Note:** The PHA will not delay a family’s assistance if the family submitted its immigration documentation in a timely manner, but the DHS verification or appeals process has not been completed. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, the PHA will offer the family a unit. However, the PHA will only provide assistance to the family members determined to be eligible and to those family members that submitted their immigration documents on time. If any family members do not provide the required immigration documentation, then the assistance for the family will be prorated.

A mixed family is a family with one or more ineligible family members and one or more eligible family members. A mixed family may receive prorated assistance, continued

assistance, or a temporary deferral of termination of assistance. Mixed families qualify only for pro-rated assistance in accordance with HUD regulations. (24 CFR Part 5)

Applicants who hold a non-citizen student visa are ineligible for assistance as are any non-citizen family members living with the student. However, spouses and children who are citizens may receive assistance.

**5. Social Security Number Requirements**

All household members (including foster children and live-in aides), regardless of age, must disclose their complete and accurate Social Security Number (SSN) and provide acceptable documentation to verify such SSN. If an individual that is required to disclose SSN does not have a SSN, they must apply to SSA for a SSN using SSA form SS-5.

*Exception:* Those individuals who do not contend eligible immigration status or tenants who were aged 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010.

Failure to disclose and provide documentation and verification of SSNs as required will result in an applicant not being admitted.

If an applicant household has completed the admissions process, but all household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit. The applicant must disclose and provide verification of SSNs for all household members to the owner within 90 days from the date they are first offered an available unit.

If the PHA has determined that the applicant is otherwise eligible for admission, and the only outstanding verification is that of disclosing and providing verification of the SSNs for all household members, the applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation. The applicant who has not disclosed and provided verification of SSNs for all household members may retain their position on the waiting list for 90 days. After 90 days, if the applicant has been unable to provide acceptable verification of SSNs, the applicant will be determined ineligible. If a child under the age of 6 is added to a family during the 6 months prior to admission, the family has 90 days to supply an accurate SSN. One 90-day extension may be granted to families failing to meet the initial 90-day timeline. When an extension is granted, the family may be asked to provide documentation of their failure to meet the initial timeline.

**6. Consent and Verification Forms**

Each family head, spouse, or co-head, regardless of age, and all other household members who are at least 18 years of age must sign and date the HUD-required consent forms, HUD-9887, Notice and Consent for the Release of Information, and form HUD 9887-A, Applicant's/Tenant's Consent to Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance.

The release forms must be signed at initial certification and each annual recertification. All adult members regardless of whether they report income must sign and date these forms

annually.

In addition, all adult members of an applicant or resident family must sign individual consent and verification forms authorizing management to verify family income and other applicable eligibility factors; e.g., disability status, criminal history.

If the applicant or resident, or any adult member of the household does not sign and submit the consent forms as required, the PHA must deny assistance and admission to the entire family. For current residents, the assistance will be terminated and the family charged market rent.

**B. Non-Economic Eligibility Evaluation**

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 St. Paul PHA Multifamily RAD/PBRA lease. The PHA 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 property's environment, other residents, PHA employees, or other people residing in the immediate vicinity of the property.

1. **Criminal History.** An applicant with a history of violent criminal activity will be denied admission for seven (7) years from the most recent offense, provided they have not engaged in other instances of criminal activity during that period.

An applicant with a history of drug-related criminal activity will be denied PHA admission for seven (7) years from the most recent offense, provided they have not engaged in other criminal or drug activity during that period; except that any household member who has been convicted of manufacturing or producing methamphetamine (speed) in any federally assisted housing property will be denied for life.

Any household member who has a lifetime registration under a lifetime State sex offender registration program will be denied for life.

No applicant who has been a victim of domestic violence, dating violence, or stalking will be denied admission if they are otherwise qualified. The PHA will give an applicant who claims victim status 14 business days after written request to certify either by:

- a. Completing a form titled "Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, and Alternate Documentation" (Form HUD-5382), which is available at the PHA's Central Administrative Office, located at 555 Wabasha St. N, St. Paul, MN 55102, or any PHA building management office; or
- b. Providing the PHA with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim (applicant or another member of applicant family) has sought assistance in addressing domestic violence, dating violence, or stalking or the effects of the abuse (this certification must be sworn under penalty of perjury); or

Producing a Federal, State, or local police or court record.

At lease signing, the PHA will require the tenant(s) to execute the VAWA Lease Addendum (Form HUD-91067).

2. **Other Non-Economic Eligibility Criteria.** Otherwise eligible families will be denied admission if they fail to meet the non-economic eligibility criteria. The PHA will consider objective and reasonable aspects of the family's background, including the following:
  - a. History of meeting financial obligations, especially rent;
  - b. 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 residents;
  - c. History of criminal activity by any household member involving physical violence against persons or property, drug-related criminal activity (e.g. illegal manufacture, sale, distribution, possession, or use of a controlled substance), and any other criminal activity that would adversely affect the health, safety, or wellbeing of other residents or staff or cause damage to the property;
  - d. History of disturbing neighbors or destruction of property;
  - e. 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 therefrom; and
  - f. Current alcohol abuse or a history of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
3. **Non-Economic Screening.** The PHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The PHA will verify the information provided. Such verification may include but may not be limited to the following:
  - a. A credit check of the head, spouse, and co-head;
  - b. A rental history check of all adult household members;
  - c. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement, court records, and/or the FBI's National Crime Information Center (NCIC);
  - d. 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 PBRA housing.
  - e. A check of HUD's Enterprise Income Verification (EIV) Existing Tenant Search for each household member to determine if the applicant or any applicant household

members are currently receiving HUD housing assistance (i.e., residing at another HUD Multifamily Housing or Public and Indian Housing (PIH) location). If the Existing Tenant Search Report identifies the applicant or any applicant household member is receiving rental assistance in another location, the information contained in the report will be addressed with the household member. The household member will be given an opportunity to explain any circumstances relative to his/her being assisted at the other location.

**C. Grounds for Denial**

The PHA may deny assistance to applicants who:

1. Do not meet all of the eligibility criteria;
2. Do not supply information or documentation required by the application process within the time allowed;
3. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
4. Have a history of not meeting financial obligations, especially rent;
5. 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 residents;
6. Have a history of criminal activity by any household member involving physical violence against persons or property, drug-related criminal activity (e.g. illegal manufacture, sale, distribution, or use of drugs or alcohol), and any other criminal activity that would adversely affect the health, safety, or wellbeing of other residents or staff or cause damage to the property;
7. Have a history of disturbing neighbors or destruction of property;
8. Currently owe rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
9. 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 therefrom;
10. Were evicted from assisted housing within the past seven (7) years because of criminal activity involving physical violence against persons or property, and/or drug-related criminal activity (e.g. illegal manufacture, sale, distribution, possession, and/or use.);
11. Have illegally used a controlled substance or abused alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
12. Have engaged in or threatened abusive or violent behavior towards any PHA staff member or resident;
13. Have a household member who has been evicted from subsidized housing within the past seven (7) years;
14. Have a family household member who has been terminated from the PHA's Section 8 program within the past seven (7) years;
15. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a federally subsidized housing program;
16. **Denied for Life:** Has a lifetime registration under a State lifetime sex offender registration program.

**D. Ineligibility Notification/Informal Review/Hearing**

1. **Ineligibility Notification and Hearing Request.** If the PHA determines that an applicant does not meet the economic or non-economic eligibility criteria to receive assistance, the PHA will promptly provide the applicant with written notice of the determination. The notice will contain a brief statement of the reason(s) for the decision. The notice shall also state that applicants may request an informal hearing on the decision and shall describe how to obtain the informal hearing. This written request must be submitted to the PHA Rental Administrator within 14 calendar days from the date of the PHA's notice of ineligibility. If an applicant does not request a hearing in accordance with this section, then the PHA's determination denying the applicant's admission into the PBRA program will become final. However, the failure to request a hearing does not constitute a waiver by an applicant of the right to contest the PHA's denial of admission in an appropriate judicial proceeding.
2. **PHA Admission Hearing Committee.** Informal hearings shall be conducted by the PHA Admission Hearing Committee. The Committee consists of up to two PHA staff members who did not participate in the initial admissions decision and current St. Paul PHA residents. Three members of the Committee constitute a quorum.

Hearings conducted by the PHA Admission Hearing Committee are informal, and oral and documentary evidence may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The applicant must be given the opportunity to present written or oral objections to PHA's decision. The Committee will require the PHA, the Complainant, lawyers or other representatives and other participants and/or spectators to conduct themselves in an orderly fashion, and failure to do so may result in exclusion from the proceedings or in a decision against the disorderly party.

3. **Decisions.** The decision of the Committee shall be by majority vote. In the event of a tie, the decision of the PHA will be upheld. The PHA Resident Hearing Committee secretary will prepare a written summary of the hearing indicating the vote of the Committee within five (5) calendar days after the hearing. A copy of this decision will be mailed to the Complainant. A decision by the PHA Resident Hearing Committee in favor of the PHA or which denies the relief requested by the Complainant, in whole or in part, is not a waiver by the Complainant of the right to bring an action in a court of law or other appropriate forum.
4. **INS/Homeland Security Appeals.** The participant family may request that the PHA provide for an Informal Hearing after the family has notification of an INS/Homeland Security decision on their citizenship status on appeal, or in lieu of a request for appeal to the INS/Homeland Security. This request must be made by the participant family within 30 days of the Notice of Denial or Termination of Assistance, or within 30 days of the notification of the INS/Homeland Security appeal decision.

In such cases, the Informal Hearing Process above will be utilized with the exception that the family will have up to 30 days from the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

#### 4. MANAGING THE WAITING LIST

##### A. Opening and Closing the Waiting List

Opening of the waiting list will be announced with a public notice stating that applications for multi-family housing are being accepted. The public notice will state where, when, and how to apply. The notice will be published on the PHA's main webpage at [www.stpha.org](http://www.stpha.org) as well as on other mediums specified in the PHA's Affirmative Fair Housing Marketing Plan (AFHMP). The public notice will note any limitations to who may apply and the size of units available (by number of bedrooms) for which the PHA is accepting new applications.

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 PBRA 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 on the PHA's main webpage as well as on other mediums specified in the AFHMP.

**B. Organization of the Waiting List**

The waiting list is organized by bedroom size. Applicants can find information relative to each site (location, amenities, availability of handicapped-accessible units, etc.) on the PHA website.

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

1. The application will be incorporated into the permanent resident file;
2. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
3. Any contact between the PHA and the applicant will be documented in the applicant file.

**C. Purging the Waiting List**

The PHA will update and purge its waiting list as needed to ensure that the pool of applicants reasonably represents the interested families for whom the PHA has current information (i.e. applicant's address, family composition, income category, and preferences).

**D. Removal of Applicants from the Waiting List/Cancelation**

The PHA will not remove an applicant's name from the waiting list unless:

1. Applicant requests that their name be removed (voluntary cancelation);
2. Applicant fails to respond to a written request for information or a request to declare their continued interest in the program (including a waiting list update or purge notice);
3. Applicant fails to appear for scheduled appointments with PHA staff;
4. Applicant does not meet either the economic or non-economic eligibility criteria for the program (see Section 3D above for informal review/hearing procedures);
5. Applicant rejects two unit offers; or

6. Applicant receives and accepts an offer of housing.

**E. Voluntary Cancellation**

The PHA will cancel an application at the request of an applicant, either before or during the eligibility determination process. After a voluntary cancellation, applicants will be reinstated to their previous place on the list only if they contact the PHA in writing within 60 days from the date of cancellation. After 60 days the applicant may reapply if the waiting list is open.

**F. Cancellation Due To Failure to Provide Documentation or Declare Continued Interest**

The PHA will cancel an application if the applicant fails to provide documentation required to determine program eligibility. Before canceling the application, the PHA will send the applicant a notice listing what information is required and stating that the application will be canceled if the applicant does not provide the information by the deadline stated in the notice. If the applicant does not provide the required information within the time allowed, the PHA will send a second letter stating that the application has been canceled. That letter will also give the applicant 15 business days from the date of the letter to provide the required information to the PHA. If the applicant does not provide the information within that time period, the application will remain canceled. In that event, the applicant may reapply after 60 days, if the waiting list is open.

The PHA will cancel an application if the applicant fails to respond to waiting list update or purge notice. After cancellation due to failure to respond to a waiting list update/purge, the applicant can be reinstated to the same place on the waiting list only if he or she contacts the PHA in writing (including using the PHA's online applicant portal) within 60 days after the cancellation date. The applicant will be reinstated to the same place on the waiting list.

**G. Cancellation Due To Missed Appointments**

All applicants who fail to keep a scheduled appointment with the PHA will be notified that their application is being canceled.

The PHA 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 PHA will work with the family to find a more suitable time.

If the application has been canceled due to missed appointments, the applicant will be reinstated to the same place on the waiting list only if he or she contacts the PHA within 60 days from the date of the cancellation. An applicant can only be reinstated one time following cancellation due to a missed appointment. After 60 days beyond the cancellation date, the applicant may reapply if the waiting list is open.

**H. Removal From The Waiting List Due To Unit Offer Rejections**

Applicants will be removed from the waiting list after they have rejected two unit offers. Applicants removed from the waiting list for this reason are not eligible for reinstatement, and may reapply 12 months after being removed from the waiting list for this reason if the waiting list is open.

**I. Notification of Cancellation/Removal From The Waiting List**

Any applicant whose name is being removed from the waiting list due to cancellation will be notified by the PHA, in writing, of the applicable timeframe when they are eligible to request reinstatement. The letter will also indicate when they will be eligible to reapply.

## 5. TENANT SELECTION AND ASSIGNMENT

### A. Preferences

The PHA uses local preferences to prioritize applicants on the Multifamily RAD/PBRA Waiting List. The PHA will select families from the waiting list based on the following preferences:

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1. **Residency Preference:** This preference is given to applicants whose head of household or spouse:
  - a. Lives in the City of Saint Paul;
  - b. Works in or has been notified that they have been hired to work in Saint Paul; or
  - c. Attends school or has been accepted to attend school in Saint Paul.

Applicants who qualify for a Residency Preference will receive two (2) points.

~~—~~**Veteran's or Service Person Preference:** This preference is given to an applicant who is a Veteran or member of the Armed Services or a dependent family member of a Veteran or a Service Person.

2. Applicants who qualify for a Veteran's or Service Person Preference will receive two (2) points.
  - a. "*Veteran*" means any person honorably discharged from the Armed Forces of the United States after serving for 181 consecutive days or more, or who served under the direction of the Armed Forces and clandestine forces of the United States.
  - b. A "*Service Person*" is part of an applicant's family and is in the military forces of the United States at the time of application for housing. "Military forces" means the Army, Navy, Air Force, Marine Corps, Coast Guard and the commissioned corps of the U.S. Public Health Service.
3. **Elderly, Disabled, or Displaced Preference:** This preference is given to families whose head, spouse, co-head, or sole member is elderly (62+), disabled receiving a fixed income (Examples: Social Security (Retirement, Survivors and Disability Insurance; RSDI), Supplemental Security Income (SSI), Veterans Benefits, etc.), or displaced. Applicants who qualify for this preference by being 62 or older, disabled, or displaced will receive five (5) points.
4. **Special Program Preference:** This preference is given to an applicant who has been approved to participate in one of the PHA's special programs (CHSP, ASI, Wilder Home CareALP, or other special program) that operate on PHA premises. Applicants receiving

this preference will only be eligible for admission into a unit assisted by one of the PHA's special programs. Staff must confirm that applicants qualify for this preference by obtaining written verification of an applicant's current acceptance into a special program from special program staff members. Applicants who qualify for a Special Program Preference will receive five (5) points.

5. **Current Tenant Unit Transfer Preference:** This preference is given to current PHA multifamily residents who have been approved to transfer to another multifamily unit outside of their current project. An approved request to transfer between projects qualifies a resident to be placed on the general multifamily waiting list with the Current Tenant Unit Transfer preference and the appropriate weight based on transfer type. Residents who qualify for a Current Tenant Unit Transfer Preference will receive ten (10) points and will be added to the multifamily waitlist without regard to whether the waitlist is open to new applicants. Current residents who receive this preference are not eligible for any other waitlist preferences. For more information about unit transfers, refer to Section 6.

**B. Selection from the Waiting List**

Applicants are able to claim preferences and be assigned applicable preference points based on the above preferences. Applicants must provide proof of each local preference they are claiming. This can be done through third party verification or individual certifications. Preference points are cumulative. For example, an applicant who qualifies for a Veteran's and Elderly Preference will receive a total of seven points. The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences. Applicants with no local preferences are given the lowest priority for assistance and are selected from the waiting list according to the date and time of their application only after the list of applicants with preference points has been fully exhausted.

Occasionally families on the waiting list who did not qualify for a local preference at the time they applied for rental assistance will experience a change in circumstances that now qualifies them for a local preference. In such instances, it is the family's responsibility to contact the PHA. Families certifying that they qualify for a local preference will be repositioned on the waiting list in accordance with their new preferences and their original date and time of application. They will then be informed in writing of their change in status and their place on the waiting list.

~~Within all preference categories for admission to general population and mixed population properties, single persons who are elderly (62+), disabled, or displaced will have preference over and be offered housing before other single persons. Single persons who are not elderly, disabled, or displaced will be admitted to a mixed population property only after all elderly, disabled, and displaced families have been offered units.~~

**Accessible Units:** Accessible (ADA compliant) units will be offered first to families who may benefit from the accessible features. A vacant accessible unit will be offered to a current resident who has been approved for a transfer to an accessible unit before an eligible applicant family. 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(s). 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 from an accessible unit will be given a 30-day notice.

**C. Assignment of Bedroom Sizes (Occupancy Guidelines)**

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	2
1	1	2
2	2	6
3	3	8
4	4	10
5	5	12

In determining bedroom size, the PHA 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 at initial occupancy:

1. The age, sex, and relationship of members of the household may be taken into consideration in assigning unit sizes:
  - a. Minors of the opposite sex, who are six years of age or older, will not be required by the PHA to share the same bedroom. Bedroom space will be allowed for the following circumstances:
    - (i) Children away during the school year;
    - (ii) Children away part time under joint custody arrangements, but who reside in the household at least 50% of the year.
    - (iii) Children whose return to physical custody of a household member is imminent and can be documented; or
    - (iv) Unborn children of pregnant household members.
  - b. Persons of different generations, adults of the opposite sex (other than married couples,

or couples who have a marital type relationship), and unrelated adults will not be required by the PHA to share a bedroom.

2. Verifiable medical needs or other extenuating circumstances will be taken into consideration in determining the size of the unit. For example, a live-in care attendant, who is not functioning as a member of the household, would be entitled to a separate bedroom.
3. **Exceptions:** At the request of the applicant or resident, the Rental Administrator or Housing Manager will consider exceptions to the standards. Such a request will be approved if the Rental Administrator or Housing Manager agrees that the proposed variance:
  - a. Is necessary to provide additional space needed by the household that is not provided for by the considerations of Section 5C of this policy; or
  - b. Will result in the household occupying a dwelling unit that is one bedroom smaller than the household should have if the considerations of Section 5C of this policy are followed.
  - c. Will still meet the minimums and maximums listed in Section 5C of this policy.
  - d. Subsequent transfers may not be done within the first twelve months of initial occupancy.

**D. Deconcentration of Poverty**

The PHA will affirmatively market its housing to all eligible income groups in accordance with its Affirmative Fair Housing Marketing Plan (AFHMP). Lower income residents will not be steered toward lower income properties and higher income people will not be steered toward higher income properties. Toward this end, the PHA will:

1. Provide information and referral services that link residents to supportive services, such as child care, job training and placement programs, and case management;
2. Establish contract rents in accordance with HUD Multi-family guidelines.

~~Prior to the beginning of each fiscal year, the PHA will analyze the income levels and demographic characteristics of families residing in each of its properties and the families on the waiting list. Based on this analysis, the PHA will determine marketing strategies for deconcentration.~~

**E. Offer of a Unit**

Residents who have been approved to transfer are given preference on the internal unit transfer waiting list. Current residents transferring from one unit to another will be offered a unit before an applicant. Unit transfers will be weighted and offered in the following order:

1. Emergency / VAWA
2. Reasonable Accommodation
3. Maintenance Transfer
4. Special Program Transfer

5. Mandatory Occupancy Transfer
6. Need for Accessible Unit

When the PHA determines that a unit will become available, the PHA will first refer to the unit transfer waiting list to see if the unit meets the requirements of an approved transfer request. If the unit is not needed to satisfy a transfer request, the PHA will contact the first family on the waiting list who has the highest priority for this type and size of unit and whose income category would help to meet the income targeting goal.

The PHA will contact the family by one of the following methods:

1. Phone Call
2. Email Message
3. Text Message
4. St. Paul PHA Web Portal

In some cases, a written notice may be in the form of a mailed, first class letter. In any event, the family will be given no more than two (2) business days from the date of notification (or letter) to contact the PHA regarding the offer. If the applicant fails to respond within two (2) business days, the unit offer will be considered rejected and the apartment will be offered to the next applicant on the waiting list. The offer and the family's decision must be documented in the tenant file.

**F. Rejection of a Unit**

If an applicant does not accept the first unit offered, they will not lose their place on the waiting list. If the family rejects the second unit offered, the family will be removed from the waiting list. The family will be eligible to reapply 12 months or more after being removed from the waiting list for this reason, if the waiting list is open.

If the family rejects the unit offer due to inability to move or because they require a reasonable accommodation, they may remain on the waiting list.

1. **Inability to Move.** If the applicant is willing to accept the first unit offered but is unable to move into assisted housing at the time of the offer and presents clear evidence that is satisfactory to the PHA, the inability to move will not count as a refusal and the applicant's position on the waiting list will not change. For example, if the applicant is unable to move because of a current lease obligation, they would need to provide a copy of their lease. The PHA would resume offering units upon expiration of that lease, upon request from the applicant, or after 12 months, whichever occurs first. The PHA will only excuse unit turndowns on one occasion due to inability to move.
2. **Reasonable Accommodation.** If the applicant requests a different unit as a reasonable accommodation, the person's handicap or disability and its relationship to the requested accommodation must be verified by a health care professional who has current, personal knowledge of the applicant's medical condition(s).

## 6. UNIT TRANSFERS

### A. Transfer Requests

The Housing Manager for the hi-rise development or PBRA management area in which the resident currently resides is the initial contact for all types of transfers. A resident may request a transfer at any time *after their first year of residency* by completing a transfer request form. In considering the request, the PHA may request a meeting with the resident to better understand the need for transfer and to explore possible alternatives. The PHA will review the request in a timely manner, and if a meeting is desired, the resident will be contacted to schedule a meeting.

A resident must be in good standing with the PHA to be eligible for a transfer. This means the family must be in compliance with their lease, current on all payments to the PHA, and must pass a housekeeping inspection. Residents must not be under a pending termination or other adverse action related to things including, but not limited to, poor upkeep of unit or grounds, non-payment of rent or other charges, or chronic late rent. If the transfer request is approved, the family's name will be added to the transfer waiting list for the current project. The PHA will only approve transfers to a unit in a different project if the request is necessary and would otherwise be impossible to facilitate within the family's current project. If the request is approved and a transfer to a different project is required, the family's name will be added to the PHA's multifamily waiting list with the Current Tenant Unit Transfer Preference. If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

### B. Mandatory Transfers

Transfers are divided into two general categories: mandatory transfers and voluntary transfers.

1. Mandatory Transfer Types. A tenant will be required to move to another unit that is decent, safe and sanitary and is of an appropriate size under the PHA's Occupancy Standards under the following circumstances:

- a. *Occupancy Transfer.* The tenant may be required to move if the PHA determines that the tenant is living in a unit which is larger or smaller than the PHA's Occupancy Standards allow for the household size; or
- b. *Need for Accessible Unit.* The tenant may be required to move if the PHA determines that the unit is otherwise inappropriate for the household size or composition, including, but not limited to, when a unit that has been modified for a person(s) with disabilities is being occupied by a household that does not include a person(s) with disabilities; or
- c. *Maintenance Transfer.* The tenant may be required to move if the PHA determines that the unit requires substantial repairs, is scheduled for modernization, or is not in decent, safe, and sanitary condition. Maintenance transfers may be temporary or permanent, depending on the cause of the maintenance issue, the nature of the repair work, and the availability of temporary units.
- d. *Administrative Transfer.* The tenant may be required to move if the PHA determines

that extenuating circumstances or administrative considerations require it. Such circumstances include, but are not limited to, compliance with the terms of a negotiated settlement agreement.

2. **Timing When Current Unit is Habitable.** If the current unit is habitable, the tenant must move to the new unit and turn in keys for the previous unit within thirty (30) days after the PHA notifies the tenant of the new unit's availability. If the tenant fails to move and remains in the current unit, the tenant must pay the HUD-approved market rent for the unit effective the first of the month following the failure to move.
3. **Timing When Current Unit is Uninhabitable.** If a tenant's current unit is determined by the PHA to be uninhabitable, or if substantial repair or modernization work is otherwise required, the tenant must move to a new unit immediately upon the PHA's request. If the tenant, a member of the tenant's household, a guest, or other person under the tenant's control caused the uninhabitable condition of the unit, the tenant shall pay all moving expenses and the cost of repair to the unit.
4. **Number of Transfer Offers.** Tenants subject to mandatory transfer will generally receive two (2) offers of alternative of housing unless the circumstances surrounding the transfer reasonably require a single unit offer. If the tenant rejects the first unit offer, the tenant must accept the second offer. The tenant's refusal to accept a second unit offer (or refusal to accept the first offer in cases where only a single unit is offered) will result in the tenant being responsible for HUD-approved market rent for the unit and/or termination of the lease, depending on the nature of the mandatory transfer.

**C. Voluntary Transfers**

Tenants must generally be in good standing with the PHA to be eligible for a voluntary transfer. Tenant must not be under a pending termination or other adverse action based on circumstances including, but not limited to, poor housekeeping and nonpayment of rent or other charges.

1. **Voluntary Transfer Types.** Tenant may request transfer to a different PBRA unit in the following circumstances:
  - a. *Discretionary Occupancy Transfer.* Tenants may request a transfer if the number of family members in Tenant's household does not exceed the maximum for the tenant's current unit size (number of bedrooms) but the household's composition makes the family eligible for a unit that is larger than their current unit. Families may request transfer if they are eligible for a larger unit. Discretionary Occupancy Transfers may be approved if they can be accommodated within the family's current project. Discretionary Occupancy Transfers will not be approved across projects unless the household is at the maximum occupancy for their current unit and no appropriately-sized unit exists within their current project.
  - b. *Reasonable Accommodation Transfer.* Tenants may request a transfer to another PBRA unit as a reasonable accommodation for a handicap or disability. The need for transfer and its relationship to a disability must be verified by a healthcare professional familiar with the resident's condition. The transfer request must be reviewed and

approved by the PHA in accordance with the requirements governing requests for reasonable accommodations.

- c. *VAWA Transfer*. In accordance with the Violence Against Women Act (VAWA) and associated regulations, tenants who are victims of domestic violence, dating violence, sexual assault, or stalking may request emergency transfer to a different PBRA unit or location if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit.
  - d. *Special Program Transfer*. Tenant may request a transfer to a different PBRA unit as necessary to facilitate moving into or out of a special PHA program that provides services at a particular PBRA unit or building. Such special programs include, but are not limited to, Congregate Housing Services Program (CHSP), Wilder Home Care Program, Assisted Living Program (ALP), and Accessible Space Inc. Program (ASI).
2. **Number of Transfer Offers**. Tenants approved for any type of voluntary transfer will receive only one (1) offer of alternative housing. Failure to accept the offered unit without good cause may result in the cancellation of Tenant's transfer request and removal from further consideration for a voluntary transfer in the future.

**D. Transfer Unit Assignment and Offering Procedure**

The resident transferring shall be offered the unit of appropriate size for the household that has been held vacant the longest.

In general, transfers that are categorized as mandatory will receive two (2) unit offers while transfers categorized as voluntary will receive one (1) unit offer. In circumstances where two unit offers are received, the resident must reject the first unit in order to receive a second unit offer. The second unit may or may not be in the same building, depending on where the next longest vacancy exists. If the resident transferring is offered the second unit, the first unit is no longer available. Rejection of the applicable number of units offered will result in cancellation of the transfer request and may impact the PHA's consideration of future requests submitted by the resident which involve the same or similar circumstances.

**E. Lease Agreement, Rent, and Utilities**

A new Dwelling Lease will be executed as a part of the transfer. However, the signing of a new Lease does not remove or eradicate prior or existing Lease violations from the prior dwelling unit and the PHA retains the right to terminate the new lease for violations of the prior Lease.

The PHA will not reexamine income and redetermine rent for a resident transferring within their current project, although the amount of rent payable may change due to a change in the applicable utility allowance. For residents transferring between projects, the PHA must reexamine income, redetermine rent, and charge a new security deposit.

Following a unit transfer, the PHA will re-examine income within 12 months of the resident's last eligibility review. The new lease is effective as of the day the transferring resident signs the lease and receives the keys to the new unit. The rent start date for the new unit, using the new utility allowance, if any, is the day the lease is executed.

The transferring resident is not responsible for paying utilities on more than one unit at a time. The resident is responsible for paying utilities at the old unit until the lease is signed for the new unit. After that the resident is responsible for paying utilities at the new unit. If the utility allowance for the new unit is higher than the utility allowance for the old unit, the resident will receive a credit against the first month's rent for the new unit. The amount of the credit is the difference between the two units' monthly utility allowances, pro-rated for the number of days the resident is responsible for the utilities in the new unit, from the day of lease signing to the end of the month.

A resident transferring under a voluntary transfer category must complete the move and turn in the keys for the old unit within 14 calendar days after receiving the new unit keys and signing the lease. If the resident does not turn in the old unit keys within 14 days, the resident will be assessed a utility surcharge for the old unit at the rate of \$5.00 per day, and may be subject to additional penalties for failing to timely vacate the previous unit. The utility surcharge will be assessed for each day after the 14th day, not including the day the resident turns in the keys.

## 7. ADDING MEMBERS TO A HOUSEHOLD/LEASE-ONS

If one or more persons not living in the assisted unit wish to be added to a lease and become members of a household currently living in the unit ("lease-on"), they must apply and meet the same eligibility requirements as other applicants. If the lease-on applicants are determined to be eligible and they can move into the household without exceeding the PHA's occupancy standards, they may be admitted without regard to their position on PBRA waiting list.

### A. Screening of Lease-On Applicants.

The Assistant Manager or Housing Manager for the hi-rise development or management area in which the resident currently resides is the initial contact for lease-on applications. Completed lease-on applications are submitted to the PHA Rental Office to conduct the eligibility interview and applicant screening. The same economic and non-economic eligibility criteria described above apply to lease-on applicants.

### B. Requirements for Lease-Ons.

In order to be approved as a lease-on applicant:

1. The applicant must meet all PHA economic and non-economic eligibility criteria.
2. The existing household's current resident(s) must be in good standing.
3. The person applying to be added to the lease must not have been living in a PHA unit as an unauthorized person.
4. The person added to the household by leasing on will not be permitted to stay in the unit as the head of household (remaining household member) if the other member(s) of the household move out within twelve months after the effective date of the lease-on.

### C. Adding Minor Children to a Household.

The PHA may approve a head of household's request to add (lease-on) a minor to the

household if the head of household or another adult household member proves that he or she has legal custody of the minor, by providing one of the following documents:

1. Birth certificate showing that the adult household member is the biological parent of the minor.
2. Legal proof of adoption.
3. Court order awarding custody.
4. Written Delegation of Parental Authority, under Minnesota Statutes Section 524.5-211.

NOTE: A Delegation of Parental Authority, under the statute, is a temporary delegation of authority from a parent of a child to another adult, valid for up to one year. It should be reviewed annually and may be renewed.

**D. Occupancy Standards and Lease-On Applications**

If the additional persons are found eligible and if the size and composition of the household **would not exceed** the PHA's Maximum Occupancy Standards for Admission, the new members may be added to the lease and live with the household.

If the additional persons are found eligible but the size or composition of the household **would exceed** the PHA Maximum Occupancy Standards, the additional persons to be added to the lease will not be permitted to live with the family in that unit. The family members currently identified on the lease may remain in the unit.

1. If the new members are being added to the lease because of adoption, birth, or transfer of legal custody, which event occurred during the resident's tenancy in the assisted unit, the family will be added to the occupancy transfer list for the suitable unit size according to the date of approval.
2. If the new members asking to be added to the lease are not joining the family due to adoption, birth, or transfer of legal custody occurring during the resident's tenancy in the assisted unit, the family has the option of applying for housing in a suitable size unit. They will not be added to the occupancy transfer list.

**E. Other Lease-On Considerations**

1. **Marriage does not automatically result in the spouse being added to the lease.** A spouse will be subject to the same economic and non-economic eligibility requirements for admission as other lease-on applicants.
2. **Live-in aides/care attendants** must meet non-economic eligibility screening standards.
3. **Social Security Numbers (SSNs) for Lease-Ons**
  - a. When a resident requests to add a new household member who is at least six years of age or under the age of six- and has an assigned SSN, the resident must disclose the

assigned SSN and provide the PHA with documentation. The new household member may not be added until the family provides the documentation.

- b. When a resident requests to add a new household member to the family, who is under the age of six and does not have an assigned SSN, the resident must disclose the assigned SSN and provide the PHA with documentation within 90 calendar days of the child being added to the household.
- c. If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA is required to grant the family an additional 90-day period to comply with the requirement, if the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family (for example, SSA delay, natural disaster, fire, death in the family, etc.).
- d. If the family has not complied with the SSN disclosure and documentation requirements by the end of the time extension, the PHA must terminate the family's tenancy.

## **8. VERIFICATION**

~~The PHA will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, factors 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 (if applicable); and citizenship/eligible noncitizen status. Certification by applicants will normally be considered sufficient verification of family composition and residence as provided by the applicant's signature on the application. However, the PHA reserves the right to request additional verification. The PHA will use a third party source to verify tenant employment and income information for Reexaminations and Interims as well as for new move-ins approximately 90 days after the move-in date. Third-party verification will be obtained for assets worth more than \$5,000. The PHA must verify asset values at least every 3 years, whether more or less than \$5,000.~~

~~Households may self-certify as to having assets worth less than \$5,000 and the amount of income expected to be received from those assets. Where the family has net family assets equal to or less than \$5,000, the PHA must request supporting documentation (e.g. bank statements) from the family to verify the assets or the amount of income expected to be received from those assets at least once every 3 years. When the family has net family assets in excess of \$5,000, the PHA will obtain supporting documentation (e.g. bank statements) from the family to confirm the assets.~~

~~The PHA may conduct streamlined reexaminations for families on fixed incomes when 90% or more of their income comes from Social Security, Supplemental Security Income (SSI) and Supplemental Security Disability Income (SSDI), federal, state, local and private pension plans, other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits and other similar types of periodic receipts that are of substantially the same amounts from year to year.~~

~~In a streamlined reexamination, the PHA will recalculate family incomes by applying any published cost-of-living adjustments to the previously verified income amount.~~

## **8. INCOME**

### **Income Definition**

(A) Annual income includes, with respect to the family:

- (1) All amounts not specifically excluded in 24 CFR § 5.609, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and
- (2) When the value of net family assets exceeds \$50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD.

**Calculating Income.** The PHA must calculate family income as follows:

- (1) Initial occupancy or assistance and interim reexaminations. The PHA must estimate the income of the family for the upcoming 12-month period:
  - (i) To determine family income for initial occupancy or for the initial provision of housing assistance; or
  - (ii) To determine family income for an interim reexamination of family income.
- (2) Annual Reexaminations.
  - (i) The PHA must determine the income of the family for the previous 12-month period and use this amount as the family income for annual reexaminations, except where the PHA uses a streamlined income determination.
  - (ii) In determining the income of the family for the previous 12-month period, the PHA must take into consideration any redetermination of income during the previous 12-month period resulting from an interim reexamination of family income.
  - (iii) The PHA must make adjustments to reflect current income if there was a change in income during the previous 12-month period that was not accounted for in a redetermination of income.
- (3) Use of other programs' determination of income.
  - (i) The PHA may determine the family's income prior to the application of any deductions based on income determinations made within the previous 12-month period for purposes of the following means tested forms of Federal public assistance:
    - (A) The Temporary Assistance for Needy Families block grant.
    - (B) Medicaid.
    - (C) The Supplemental Nutrition Assistance Program.
    - (D) The Earned Income Tax Credit.
    - (E) The Low-Income Housing Credit.
    - (F) The Special Supplemental Nutrition Program for Woman, Infants, and Children
    - (G) Supplemental Security Income.
    - (H) Other programs administered by the Secretary.
    - (I) Other means-tested forms of Federal public assistance for which HUD has established a memorandum of understanding.
    - (J) Other Federal benefit determinations made in other forms of means-tested Federal public assistance that the Secretary determines to have comparable reliability and announces through a Federal Register notice.
  - (ii) The PHA must obtain the annual income determination for other means-tested public assistance using the appropriate third-party verification. If the appropriate third-party verification is unavailable, or if the family disputes the determination

made for purposes of the other form of Federal means-tested public assistance, the PHA must calculate annual income in accordance with 24 CFR part 5, subpart F.

## 9. INCOME LIMITS AND TARGETING REQUIREMENTS

Pursuant to the regulations contained in HUD Notice PIH 2012-32, the PHA shall comply with the following income limit requirements for new applicants:

- Low Income Limit (80%) (Multifamily Project-Based Rental Assistance)

### Income Targeting Requirements

In order to achieve compliance with HUD's income targeting requirements, the PHA, within the established preferences above, will ensure that at least 40% of its applicants admitted in a given year are families with incomes at or below the 30% of median income level (ELI).

The PHA will annually examine the volume of unit turnover and applicant admissions for the past year and, based on this information, estimate the likely number of admissions for the coming year. If it is determined that the 40% requirement will most likely be achieved, no action will be taken. If it appears that the 40% requirement will not be accomplished by the normal selection process, the PHA will implement the following procedures:

- A. The PHA will adopt Method 1 as stated in the HUD Handbook 4350.3, Rev-1, CHG-4. In chronological order, the PHA will select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. This may result in skipping the next applicant on the waiting list if their income level is over the ELI limit. Once the target number of move-ins has been reached, the PHA will admit applicants in waiting list order.
- ~~B. B.~~—If it is determined from examining the current waiting list that the income targeting level may not be achieved, the PHA will make efforts to locate an applicant(s) at the extremely low income level. If a vacancy occurs and the next applicant will go over the target number of move-ins, and an extremely low income applicant cannot be located within 30 days, the PHA will fill the vacancy with the applicant on top of the waiting list and make the appropriate notations on the waiting list report.

## 10. ASSETS

### Net family assets.

(1) Net family assets is the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.

(2) In determining net family assets, the PHA must 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 therefor. 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 consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

- (3) Excluded from the calculation of net family assets are:
- (i) The value of necessary items of personal property;
  - (ii) The combined value of all non-necessary items of personal property if the combined total value does not exceed \$50,000 (which amount will be adjusted by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers);
  - (iii) The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals;
  - (iv) The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located;
  - (v) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability;
  - (vi) The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any "baby bond" account created, authorized, or funded by Federal, State, or local government.
  - (vii) Interests in Indian trust land;
  - (viii) Equity in a manufactured home where the family receives assistance under 24 CFR part 982;
  - (ix) Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982;
  - (x) Family Self-Sufficiency Accounts; and
  - (xi) Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.
- (4) 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 trust fund is not a family asset and the value of the trust is not included in the calculation of net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household.

Third-party verification will be obtained for assets worth more than \$50,000<sup>1</sup>. The PHA must verify asset values at least every 3 years, whether more or less than \$50,000. The PHA will deny admission to applicants with net family assets exceeding \$100,000, or if the applicant family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell a piece of real property that is suitable for occupancy by the family as a residence (based on laws of the state or locality in which the property is located).

## **11. VERIFICATION**

The PHA will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, factors 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;

<sup>1</sup> This threshold will be adjusted annually for inflation.

full time student status of family members 18 years of age and older; Social Security numbers (if applicable); and citizenship/eligible noncitizen status. Certification by applicants will normally be considered sufficient verification of family composition and residence as provided by the applicant's signature on the application. However, the PHA reserves the right to request additional verification. The PHA will use a third party source to verify tenant employment and income information for Reexaminations and Interims as well as for new move-ins approximately 90 days after the move-in date. As noted above, third-party verification will be obtained annually for assets worth more than \$50,000<sup>2</sup> and every 3 years for assets less than \$50,000.

Households may self-certify as to having assets worth less than \$50,000 and the amount of income expected to be received from those assets. Where the family has net family assets equal to or less than \$50,000, the PHA must obtain supporting documentation (e.g. bank statements) from the family to verify the assets or the amount of income expected to be received from those assets at least once every 3 years. When the family has net family assets in excess of \$50,000, the PHA will obtain supporting documentation (e.g. bank statements) from the family to confirm the assets.

The PHA may conduct streamlined reexaminations for families on fixed incomes when 90% or more of their income comes from Social Security, Supplemental Security Income (SSI) and Supplemental Security Disability Income (SSDI), federal, state, local and private pension plans, other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits and other similar types of periodic receipts that are of substantially the same amounts from year to year. In a streamlined reexamination, the PHA will recalculate family incomes by applying any published cost of living adjustments to the previously verified income amount.

## **1012. TOTAL TENANT PAYMENT AND MINIMUM RENT HARDSHIP**

### **A. Total Tenant Payment (TTP)**

The PHA calculates the total tenant payment (TTP) in accordance with the Multifamily HUD Model Lease and PHA addenda, HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, and other applicable regulations. The PHA has adopted HUD rules permitting streamlined verification for fixed income households, and family declaration of assets under \$50,000.

The total tenant payment (TTP) represents the minimum amount a family must contribute toward rent and utilities regardless of the unit selected. The TTP is calculated using a statutory formula and individual income information. To calculate TTP, annual adjusted income and annual (gross) income must be converted to monthly adjusted income and monthly gross income by dividing the annual figures by 12 months.

The TTP is the **greater** of:

- 30 percent of monthly adjusted income;
- 10 percent of monthly gross income;
- The PHA minimum rent of \$25

<sup>2</sup> This threshold will be adjusted annually for inflation.

<i>TTP Calculation Example:</i>		
30% of Monthly Adjusted Income:	$\$700 \times .30 =$	\$210
10% of Monthly Gross Income:	$\$740 \times .10 =$	\$74
PHA Minimum Rent:		\$25
Total Tenant Payment (highest of above) =		\$210

**B. Minimum Rent Hardship Policy**

The Minimum Rent Hardship Policy is designed to protect families in crisis by allowing the PHA flexibility to address unique, unforeseeable circumstances that may occur. Those with a hardship may have their rent *suspended* until their case can be reviewed by management.

1. **Definition of Hardship.** A hardship exists in the following circumstances:
  - a. When the family has lost eligibility for (or is awaiting an eligibility determination for) a federal, state, or local assistance program;
  - b. When the family would be evicted as a result of the imposition of the minimum rent requirement;
  - c. When the income of the family has decreased because of changed circumstances, including loss of employment;
  - d. When the family has an increase in expenses because of changed circumstances, for health and medical costs, child care, transportation, education, or similar items;
  - e. When a death has occurred in the household family.
2. If the PHA determines there is **no qualifying hardship** as listed above, the minimum rent will be reinstated, including requiring back payment of minimum rent to the PHA for the time of suspension.
3. If the PHA determines there is a qualifying hardship, but that it is of a **temporary nature**, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The PHA will offer a reasonable repayment agreement for any minimum rent back payment paid by the PHA on the family's behalf during the period of suspension.
4. If the PHA determines there is a **long-term hardship**, the family will be exempt from the minimum rent requirement until the hardship no longer exists. Such hardship cases will be reviewed no less than on an annual basis at time of re-exam. Families qualifying for exemption due to long-term hardship will be required to complete a quarterly interview with management or PHA staff to document the ongoing hardship.

5. Appeals. The family may use the informal hearing procedure to appeal the PHA's determination regarding the hardship. No escrow deposit will be required in order to access the informal hearing procedure.

5.

### **13. DEDUCTIONS**

Adjusted Household Income is annual income minus allowances for dependents and certain expenses to care for children and household members with a disability. Elderly and disabled households have an additional allowance and may also have deductions for certain health and medical expenses.

#### **Annual Deductions**

- \$480 for each dependent who is a member of the household, adjusted annually for inflation.
- \$525 per elderly household when the head or spouse is at least age 62, or has a disability, adjusted annually for inflation. Only one deduction per household may be taken even if both members are over age 62 or have a disability.
- Reasonable child care expenses for household members under the age 13 that enable a household member to have paid employment or go to school.<sup>3</sup>
- The sum of the following, to the extent the sum exceeds ten percent (10%) of annual income<sup>4</sup>:
  - Unreimbursed health and medical care expenses of any elderly family or disabled family; and.
  - Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member who is a person with a disability) to be employed. This deduction may not exceed the combined earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.

**Health and medical care expenses.** Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

### **14. SECURITY DEPOSITS**

Prior to move-in, all new residents (those without preexisting deposits under a prior public housing

<sup>3</sup> Households no longer eligible for the child care expense deduction (for example, due to loss of employment status or age of the child) can request a hardship exemption to retain the childcare expense deduction for 90 days if they would be unable to pay rent due to loss of the deduction.

<sup>4</sup> For households receiving a deduction for medical expenses as of December 31, 2023 based on the 3% threshold, the higher 10% threshold will be phased in, with expenses exceeding 5% of income deductible in the first year, 7.5% in the second year, and the full 10% effective the third year.

lease) or residents transferring to a different multifamily project will be charged a one-time security deposit equal to the first month's Total Tenant Payment or \$50.00, whichever is greater. In accordance with State law, the deposit will be refunded within 21 days after the resident has moved out, less any charges for unpaid rent or damages greater than normal wear and tear to the vacated unit, and provided the resident has submitted a forwarding address.

Management will provide the tenant with a detailed listing of items deducted from the security deposit within 21 days of vacating the unit. Generally, the security deposit must be paid in full at the time the applicant signs their lease. In instances where the full payment of the security deposit, in advance, will cause an undue financial hardship for the applicant, the Housing Manager, Rental Administrator, or designee, has the sole discretion to allow the applicant to enter into a Payment Agreement. An initial payment shall be required when the keys are issued, and the remainder is to be paid over a period of time not to exceed three months.

#### **1215. LEASING PROCESS**

##### **A. Offer of Available Units**

When a unit becomes available for occupancy and it is not needed for an approved transfer (See. 5.E. above), it will be offered to the applicant at the top of the waiting list for that apartment type and bedroom size (taking into consideration income targeting requirements and special program eligibility). Upon offer of an apartment, the applicant shall have an opportunity to inspect the unit along with management and to sign the Unit Inspection Report.

Failure to complete all of the move-in requirements within the assigned period will be considered a rejection of the unit offer.

##### **B. Prior to Move-In/Tenant Interview**

Prior to taking occupancy, the PHA will meet with the applicant family and explain at a minimum the following topics during the Applicant Interview:

1. Security Deposits and refunds
2. Use of the EIV System after move-in
3. Annual Recertification process
4. Interim Recertification process
5. Unit Inspection
6. PHA House Rules
7. Transfer Policy
8. Student eligibility
9. Violence Against Women Act
10. Reporting requirement for income increases of ~~\$200~~10% or more per month
11. Reporting changes in household composition
12. Unit rent and other charges
13. HUD Model Lease
14. Pet Policy

##### **C. Leasing of Dwelling Unit**

The Head of Household and all adult household members are required to execute the HUD Model Lease and applicable lease addenda. The property House Rules will also be executed

at the lease signing appointment. A signed copy of the Lease, applicable addenda, and House Rules will be provided to the lessee and the original will be filed as part of the permanent records established for the family.

#### **1316. UNIT INSPECTIONS**

Upon move-in, new residents with leases effective after the RAD conversion will inspect the apartment together with the PHA and shall make note of any deficiencies in the unit, prior to signing the Lease. The inspection form will be used again upon move-out and the resident will be charged for any damages beyond normal wear and tear, except for items noted at move-in.

All units are inspected a minimum of once per year for housekeeping, damage and general repair. Residents will be notified at least 48 hours in advance of an inspection. In addition, residents must allow inspection (upon 48-hour notification being provided) by PHA staff and/or government/program officials.

The PHA is allowed to enter an apartment at any time without advance notification when there is reasonable cause to believe an emergency exists.

#### **1417. ANNUAL RECERTIFICATION REQUIREMENTS**

- A. To ensure that assisted tenants pay rent commensurate with their ability to pay, HUD requires the following:
1. The PHA must conduct a recertification of family income and composition at least annually by the annual recertification anniversary date.
  2. Tenants must supply the information requested by executing the Recertification Application and must provide all requested supporting documentation.
  3. Tenants must sign consent forms and asset declaration forms each year.
  4. The PHA must use the EIV Income Report as third-party verification of income from sources available on EIV; i.e., Social Security benefits, wages, or Unemployment benefits.
  5. The PHA must obtain third-party verification of income sources not reporting data in EIV; i.e., Child Support, alimony, pensions, VA benefits, income from assets, gifts, valuation of assets and all other sources of income.
  6. Residents must provide documentation of other eligible factors used in determining allowances in the family's TTP; e.g., medical expenses, and disability-related expenses, and child care payments.
- B. The PHA must send Recertification Reminder notifications to residents to meet with management beginning at least 120 days prior to the annual recertification anniversary date. If the tenant does not respond, a Second Reminder Notice will be sent at 90 days prior to the annual recertification anniversary date. If the tenant fails to respond, a Third Reminder Notice will be sent to the tenant at 60 days prior to the annual recertification that includes a 60-day notice to terminate assistance if the tenant fails to respond.

*Failure to fully comply with the Annual Recertification process and submit all required documentation by the 10<sup>th</sup> day of the month prior to the recertification anniversary date, may result in termination of assistance or termination of tenancy. In this circumstance,*

*assistance will not be available for at least one month, until such time as he or she complies with the recertification requirements.*

- C. If the tenant complies with the annual recertification process, the PHA must provide at least a 30-day written notice of any rent increase. *If the tenant does not report in a timely manner, the requirement to provide a 30-day notification of rent increase is waived and the increase may be applied retroactive to the first of the month following the date the increase occurred.*
- D. At annual recertification, an Initial Notice of Recertification (Form HUD-90100) will be provided to the resident indicating the reporting requirements and deadlines for the next annual recertification.
- E. Residents who do not comply with the recertification requirements in a timely manner or fail to provide requested documentation may be charged market rent until such time as the recertification process is complete, unless there are verified medical reasons or other extenuating circumstances that apply.

#### **1518. INTERIM RECERTIFICATION REQUIREMENTS**

- A. Residents must notify the PHA within ten (10) calendar days of the occurrence of the following:
  - 1. A family member moves out of the unit;
  - 2. The family proposes to move a new member into the unit;
  - 3. An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment;
  - 4. The family's unearned household income cumulatively increases by \$200-10% or more per month;
  - 4.5 The family's household income (earned and/or unearned) has increased after having reported a decrease in household income since their last annual recertification, or if the household was at zero income when the change occurred.
- B. Residents may request an interim recertification due to any changes occurring since the last recertification that may affect the TTP or tenant rent and assistance payment for the tenant. Changes a tenant may report include:
  - 1. Decreases in earned income or benefits;
  - 2. Increases in allowances such as health and medical expenses or child care;
  - 3. Other changes affecting the TTP, such as a family member who attains the age of 62, or a family member becoming disabled.
- C. When reporting changes in income and/or family composition, the resident must provide all requested documentation to substantiate the change.
- D. Earned income means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no

goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.

C.

**D.E.** When proposing to add a new household member, the PHA will apply screening criteria to all adults (including live-in aides) for drug-related criminal activity, other criminal activity, State lifetime sex offender registration, other eligibility criteria, and EIV Existing Tenant Search before approving the move-in.

**E.F.** The proposed household member must disclose and provide verification of their SSN (including live-in aides). New household members (except live-in aides) must provide information regarding all sources of income, execute the Racial & Ethnic Data Form, Declaration of Citizenship and provide proof of age. The head of household may execute these documents for minor children. Adults must sign the Form HUD-9887/9887A Consent Form.

**F.G.** If the tenant complies with the interim reporting requirements, rent changes must be implemented as follows:

1. **Rent Increases** – If the tenant's rent increases because of an interim adjustment, the PHA must give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day notice period.
2. **Rent Decreases** – If the tenant's rent decreases, the change in rent is effective on the first day of the month after the date of action that caused the interim certification.

**G.H.** If the tenant does not comply with the interim reporting requirements, and the PHA discovers the tenant failed to timely or accurately report a change as required, the effective date of the change is as follows:

1. **Rent Increases** – The PHA will implement any resulting rent increase retroactive to the first of the month following the date that the change occurred.
2. **Rent Decreases** – Any resulting rent decrease will be implemented effective the first of the month following completion of the recertification process. Tenant shall not be entitled to a retroactive rent decrease or credit for any months prior to the date that the income decrease was first reported in writing to the PHA.

## **4619. TENANT PROCEDURAL RIGHTS**

### **A. Termination of Tenancy and Assistance**

1. **Termination Notification.** The PHA shall provide adequate written notice of termination of the lease which shall not be less than:
  - a. A reasonable period of time, not to exceed 30 days:
    - (i) If health or safety of other tenants, owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
    - (ii) In the event of any drug-related or violent criminal activity or any felony

- conviction.
  - b. Not less than 14 days in the case of nonpayment of rent; and
  - c. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.
2. **Termination of Assistance.** In all other cases, the requirements at 24 CFR § 880.603, the Multifamily HUD Model Lease, and other HUD multifamily administrative guidance shall apply.

**B. Grievance Process**

1. In addition to program rules that require that tenants are given notice of covered actions under 24 CFR Part 245 (including increases in rent, conversions of a project from project-paid utilities to tenant-paid utilities, or a reduction in tenant paid utility allowances, etc.), the following procedural rights will apply in accordance with the requirements of section 6 of the Act:
- a. Tenants will be provided with notice of the specific grounds of the PHA's proposed adverse action, as well as, their right to an informal hearing with the PHA;
  - b. Tenants will have an opportunity for an informal hearing with an impartial member of the PHA's staff within a reasonable period of time. An "impartial member of the PHA's staff" shall mean any person designated by the PHA who was not directly involved in making the specific decision being challenged and is not a subordinate of the person who made the decision;
  - c. Tenants will have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have others make statements at the hearing, and to examine any regulations and any evidence relied upon by the PHA as the basis for the adverse action. With reasonable notice to the PHA, prior to the hearing and at the tenants' own cost, the tenant may copy any documents or records related to the proposed adverse action; and
  - d. The PHA will provide the tenant with a written decision within a reasonable period of time stating the grounds for the adverse action, and the evidence the PHA relied upon as the basis for the adverse action.
2. The PHA will be bound by decisions from these hearings, except if:
- a. The hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing; or
  - b. The decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

**1720. SPECIAL OCCUPANCY SITUATIONS**

The following are additional policies for residents participating in special programs that provide supportive services and for police officers living in PBRA units, and other special occupancy situations.

**A. Special Programs To Assist Tenant Lease Compliance**

Participants in three special programs that operate on PHA properties receive necessary

assistance that enables them to comply with the PHA's Dwelling Lease. The following is a general summary of each of these special programs:

1. **Congregate Housing Services Program (CHSP)** is operated by the PHA at Edgerton, Iowa, Montreal, and Ravoux Hi-Rises. It assists frail residents who need a moderate amount of non-medical help to live on their own. It provides two meals a day but is not staffed 24 hours per day. Participants pay regular PHA rent and a program service fee based on income.
2. **Wilder Assisted Living Home Care Program (ALP)** is operated by the Amherst H. Wilder Foundation at Hamline and Ravoux Hi-Rises. It provides three meals a day and 24 hour supportive services to residents who are frail, but do not require full-time nursing care. Participants pay regular PHA rent and may pay for some services based on income.
3. **Accessible Space, Inc. (ASI)** operates in designated units at Valley Hi-Rise. ASI is a non-profit corporation that provides training and transitional supportive services for mobility-impaired and brain-injured adult residents. Participants pay regular PHA rent and a program service fee based on income.

**B. Special Programs' Eligibility Criteria**

1. **General Eligibility.** Applicants for any of the special programs must meet the same general economic and non-economic eligibility criteria as all other applicants.
2. **Additional Eligibility Requirements.** Each special housing program has its own specific eligibility requirements. Unless specifically addressed in this section, tenants participating in special programs shall be governed by the same policies that are established in this document and that govern all PHA tenants.
3. **Current Tenants.** Current PHA tenants in any building, as well as applicants for housing assistance, may apply to participate in these programs by submitting an application directly to the administering agency. Some special programs are limited to designated developments, and current PHA tenants who live elsewhere must transfer as a condition of participation.

**C. Special Programs Status Within the PBRA Program**

1. **Applicant Preference/Priority.** An applicant who is found to be eligible and is approved for one of the special housing programs will receive five (5) waiting list preference points. Applicants who receive this preference are only eligible for admission into a unit assisted by one of the PHA's special programs.
2. ~~2.~~ **Tenant Transfers.** Transfers to permit PHA tenants to participate in a special housing program will be subject to the approval of the Rental Administrator and the administrator of the special program.
3. **Ineligibility for Special Program Due To Level of Need for Services**

- a. An applicant who is found to be ineligible for one of the special housing programs, because the applicant's needs for services exceed the amount and type of services available in the program, will be considered for admission to or continued occupancy in the regular PBRA program based on the specific circumstances, without regard to the special housing determination.
- b. An applicant who is found to be ineligible for admission to one of the special housing programs, because the level of need for services is not great enough to warrant admission, or whose service needs can be satisfactorily met by using other available resources, will be considered for admission to or continued occupancy in the regular PBRA program based on the specific circumstances, without regard to the special housing determination.

**D. Officer In Residence Program**

The PHA provides housing to police officers and their families in some hi-rises and family developments, in cooperation with the Saint Paul Police Department, under a plan approved by HUD. (24 CFR § 960.505)

1. **Non-Resident Status.** Participants in the Officer in Residence (OIR) Program are not considered PBRA residents. They are not subject to the same requirements and do not have the same rights as other PHA tenants.
2. **Other Conditions**
  - a. They do not have to qualify as a Lower Income Family.
  - b. They are subject to the non-economic eligibility criteria outlined in the PHA's Tenant Selection Plan, including, but not limited to, rental history and criminal screening.
  - c. If they are required to pay rent, the rent is set at a reasonable level by the PHA. The formula for Total Tenant Payment is not applicable.
  - d. They are not subject to HUD lease and grievance provisions.
  - e. They will be required to move out of the unit if their employment with the Saint Paul Police Department is terminated, or if a change in their work assignments makes them unable to fulfill the obligations of the Officer in Residence.
  - f. They do not have any Choice-Mobility rights.
  - g. They are not voting members of the Resident Council.

**4821. CHOICE-MOBILITY RIGHTS UNDER RAD PBRA**

- A. Residents of PBRA properties have the right to request tenant-based assistance after the later of 24 months from date of execution of the HAP contract or 24 months after the date the resident moves into the PBRA property.
- B. HUD allows PHAs to limit the number of Choice-Mobility moves under the PBRA program in two ways:
  1. The PHA will provide no more than one-third of its turnover vouchers to residents of RAD properties in any one year; and

2. The PHA may limit Choice-Mobility moves to no more than 15 percent of assisted units in each RAD hi-rise property or management area.
- C. The PHA will utilize either or both methods allowed in Section 18B when administering Choice Mobility Rights.
- D. If there are no available vouchers at the time of the tenant's request for tenant-based assistance, the resident will be placed on the PHA's RAD-Multifamily HCV Waiting List.

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Recommended for PHA Board Approval oned 08/23/2023 12/18/2019

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**PUBLIC HOUSING AGENCY  
OF THE CITY OF SAINT PAUL**

**TENANT SELECTION PLAN AND  
PBRA OCCUPANCY POLICIES**

**FOR**

**PROJECT-BASED RENTAL ASSISTANCE (PBRA)  
PROPERTIES**

**(Multifamily Housing)**

*Recommended for PHA Board Approval on August 23, 2023*



## TENANT SELECTION PLAN AND PBRA OCCUPANCY POLICIES

### Introduction

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and the Tenant Selection Regulations published by the HUD Occupancy Handbook – 4350.3 Rev.1, and the Rental Assistance Demonstration (RAD) Final Rule (PIH 2012-32).

The Tenant Selection Plan sets forth procedures for processing and selecting applicants, including the establishment of preferences and priorities, occupancy standards, rejection/denial standards, reviews and appeals of rejection/denial decisions, notice requirements, as well as continued occupancy. If there is any conflict between this policy and HUD's regulations, HUD's regulations will prevail.

This Tenant Selection Plan applies to the PHA's former public housing units that were included in the PHA's RAD conversion in 2019. The locations this Plan applies to are:

- Project 1: McDonough Homes
- Project 2: Hamline Hi-Rise  
Front Hi-Rise  
Seal Hi-Rise
- Project 3: Edgerton Hi-Rise  
Iowa Hi-Rise  
Wilson Hi-Rise
- Project 4: Roosevelt Homes
- Project 5: Mt. Airy Homes  
Mt. Airy Hi-Rise  
Valley Hi-Rise
- Project 6: Exchange Hi-Rise  
Wabasha Hi-Rise
- Project 7: Ravoux Hi-Rise  
Central Hi-Rise  
Neill Hi-Rise
- Project 8: Dunedin Terrace Family Development  
Dunedin Hi-Rise  
Cleveland Hi-Rise  
Montreal Hi-Rise

### 1. NON-DISCRIMINATION AND ACCESSIBILITY

It is the policy of the Public Housing Agency of the City of St. Paul (PHA) to fully comply with all Federal, State and local nondiscrimination laws; Title II of the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. The PHA will administer its PBRA program in accordance with (a) the nondiscrimination and fair housing requirements set forth in 24 CFR part 5, including the

prohibition on inquiries regarding sexual orientation or gender identity set forth in 24 CFR 5.100 and 5.105(a) (2); and (b) the affirmative fair housing marketing requirements in 24 CFR part 200, subpart M and 24 CFR part 108.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, be refused the right to apply, or be otherwise subject to sexual orientation or gender identity discrimination under the PHA's programs.

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the PHA's housing programs and related services. In accordance with Title II of the Americans with Disabilities Act (ADA), a reasonable accommodation will be provided for disabled persons unless the PHA can demonstrate it would result in a fundamental alteration in the nature of the program or activity or in undue financial and administrative burdens. Persons requesting a special accommodation must complete the process as outlined in the PHA's Reasonable Accommodation Policy. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. Because disabilities are not always apparent, the PHA will inform all applicants/residents of the opportunity to request a reasonable accommodation. All decisions granting or denying requests for a reasonable accommodation will be in writing.

The PHA will make every reasonable effort to provide handicap accessible units to families with individuals who have physical disabilities and require such units.

The PHA will endeavor to provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). The PHA may do this by employing bilingual staff, or by providing access to people who speak languages other than English, in order to assist persons who do not speak English as their primary language or who have limited ability to read, write, speak, or understand English (LEP persons). In determining whether it is feasible to provide written translations of documents written in English, the PHA will consider the number or proportion of applicants eligible to be served or participants in the jurisdiction who are LEP persons and the estimated cost to the PHA per client. The PHA will refer to census data to determine the number or percentage of the population eligible to be serviced for each LEP language group. The PHA will annually review and update the LEP plan to ensure the needs of LEP applicants and residents are addressed according to the needs of the jurisdiction.

## **2. TAKING APPLICATIONS**

Families wishing to apply for the PHA's Multifamily RAD/Project-Based Rental Assistance (PBRA) program will be required to complete an online pre-application for housing assistance by visiting [www.stpha.org](http://www.stpha.org). When one or more PHA waiting lists are open, online pre-applications can be completed and submitted 24-hours a day, 7-days a week.

Pre-applications are taken to compile waiting lists for all sizes of rental units (by number of bedrooms). The PHA will open and close the waiting lists as needed to maintain an adequate supply of applicants.

When a family is near the top of the waiting list, the PHA will require the applicant to complete a full application in order to determine economic and non-economic eligibility for tenancy. The eligibility determination will require verifications of income, assets, housing history, and criminal history for all adults. An application will be considered complete when all data and information necessary for the PHA to determine the family's eligibility, including all verifications and supporting documentation, are received. All documentation relating to eligibility will be made a part of the applicant's record.

The application constitutes the basic record for each family applying for PHA admission or continued occupancy. Each family must supply information required for a complete application and sign the application. Each application for admission will be documented by the PHA as to: (1) the date and time of receipt; (2) the appropriate unit size; (3) preference rating (if applicable); (4) determination of eligibility; (5) where applicable, the date of the assignment to a dwelling unit and identification of the property assigned; (6) where applicable, the date a vacant unit was offered to the applicant, the date of the applicant's rejection of the offer, reason for rejecting the unit, and identification of the property offered.

Persons with disabilities who require a reasonable accommodation in completing an application may contact the PHA to make special arrangements.

The applicant may at any time report changes in their applicant status, including changes in family composition, income, or preference factors. The PHA will annotate the applicant's file and will update their place on the waiting list based on reported changes.

A family may file an application for more than one of the PHA's housing programs without affecting their status on any of the waiting lists. However, adult household members can only be included in one household on the PHA Multifamily RAD/PBRA waiting list.

### **3. ELIGIBILITY FOR ADMISSION**

There are five basic eligibility requirements for admission to the PHA's Multifamily RAD/PBRA program. The applicant must: 1) qualify as a family; 2) have an income within the income limits; 3) meet citizenship/eligible immigrant criteria; 4) disclose Social Security numbers (where applicable) and provide documentation; and 5) sign documents authorizing the PHA to obtain information from third parties (employers, etc.) required to verify eligibility.

#### **A. Economic Eligibility Criteria**

1. **Family status.** Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
  - (1) A single person, who may be:
    - (i) an elderly person, displaced person, disabled person, near-elderly person, or any other single person;
    - (ii) an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or
  - (2) A group of persons residing together, and such group includes, but is not limited

to:

- (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- (ii) An elderly family;
- (iii) A near-elderly family;
- (iv) A disabled family;
- (v) A displaced family; and

(vi) The remaining member of a tenant family.

2. **Admission of College Students:** The PHA must determine a student's eligibility at move-in, annual recertification, initial certification, and at the time of an interim recertification if the family reports that a household member is a student.

Assistance *shall not be provided* to any individual who:

- Is enrolled as a full or part-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
- Is under the age of 24; and
- Is not a veteran; and
- Is not married; and
- Is not a person with disabilities, and was not receiving assistance as of November 30, 2005; and
- Does not have a dependent child; and
- Is not living with his/her parents who are receiving Section 8 assistance; and
- Is individually ineligible for section 8 assistance or has parents who are, and individually or jointly, ineligible for assistance; and
- Is not eligible as an independent student as defined by the U.S. Department of Education; and
- Has not established a separate household from parents for at least one year prior to application or has not been claimed as a dependent by parents pursuant to IRS regulations.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition (as defined by the institution) is included in annual income, except if the student is over the age of 23 with dependent children, or is living with his or her parents who are receiving assistance.

To align with HUD guidance, the PHA will adopt exceptions for students who are under 24 years of age to receive assistance if the student can demonstrate independence from parents or the absence of parents.

For a student to be eligible independent of his or her parents, the student must:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for a least one year prior to application for occupancy, OR meet the U.S. Department of Education's definition of an independent student.;
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS

- regulations; and
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

Definition of an Independent Student: An individual who is:

- 24 years of age or older by December 31<sup>st</sup> of the award year
- An orphan, in foster care, or ward of the court, or was one of these at any time when they were 13 or older
- Emancipated minor
- Veteran of the U.S. Armed Forces or is currently on active duty
- Graduate or professional student
- Married
- Has legal dependents other than a spouse
- If a financial aid administrator provides documentation of independence by reason or other unusual circumstances
- Unaccompanied youth (homeless) or at risk of homelessness and was self-supporting during the school year as verified by the following:
  - Local education agency's official homeless liaison
  - Director of a program funded under the Runaway and Homeless Youth Act
  - Director of a program funded under subtitle V of the IV of the McKinney-Vento Homeless Assistance Act (emergency shelter grants)
  - Financial aid administrator

Definition of a "Vulnerable Youth" is an Independent Student who meets one of the criteria below:

- Orphan, in foster care or a ward of the court
  - An emancipated minor or in legal guardianship
  - Homeless or at risk of homelessness and is self-supporting
3. **Income Eligibility.** Pursuant to HUD Regulations, admission will be limited to those families whose annual income does not exceed the applicable income limits. Income Limits are made part of this Plan by reference. Currently the limit is set at low income level, which is at or below 80% Area Median Income (AMI) for the Minneapolis-St. Paul-Bloomington Fair Market Rent Area.
4. **Citizenship Requirements.** By law, assistance in subsidized housing is restricted to the following:
- a. U.S. citizens or nationals; and
  - b. Non-citizens who have eligible immigration status as determined by HUD.

All family members, regardless of age, at admission must declare their citizenship or immigration status. U.S. citizens must sign a declaration of citizenship.

Noncitizens (except those aged 62 and older) must provide a signed declaration of eligible immigration status, a signed verification consent form and submit one of the HUD-approved DHS documents verifying their immigration status or sign a declaration that they

do not claim to have eligible immigration status. Noncitizens aged 62 and older must sign a declaration of eligible immigration status and provide a proof of age document.

The PHA will utilize the Multifamily Systematic Alien Verification for Entitlements (SAVE) System to verify the validity of documentation provided by non-citizen applicants. The PHA will follow all Section 214 regulations in providing applicants with due process if the applicant appeals the SAVE System results.

Note: The PHA will not delay a family's assistance if the family submitted its immigration documentation in a timely manner, but the DHS verification or appeals process has not been completed. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, the PHA will offer the family a unit. However, the PHA will only provide assistance to the family members determined to be eligible and to those family members that submitted their immigration documents on time. If any family members do not provide the required immigration documentation, then the assistance for the family will be prorated.

A mixed family is a family with one or more ineligible family members and one or more eligible family members. A mixed family may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance. Mixed families qualify only for pro-rated assistance in accordance with HUD regulations. (24 CFR Part 5)

Applicants who hold a non-citizen student visa are ineligible for assistance as are any non-citizen family members living with the student. However, spouses and children who are citizens may receive assistance.

##### **5. Social Security Number Requirements**

All household members (including foster children and live-in aides), regardless of age, must disclose their complete and accurate Social Security Number (SSN) and provide acceptable documentation to verify such SSN. If an individual that is required to disclose SSN does not have a SSN, they must apply to SSA for a SSN using SSA form SS-5.

*Exception:* Those individuals who do not contend eligible immigration status or tenants who were aged 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010.

Failure to disclose and provide documentation and verification of SSNs as required will result in an applicant not being admitted.

If an applicant household has completed the admissions process, but all household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit. The applicant must disclose and provide verification of SSNs for all household members to the owner within 90 days from the date they are first offered an available unit.

If the PHA has determined that the applicant is otherwise eligible for admission, and the only outstanding verification is that of disclosing and providing verification of the SSNs for all household members, the applicant may retain his or her place on the waiting list for

the 90-day period during which the applicant is trying to obtain documentation. After 90 days, if the applicant has been unable to provide acceptable verification of SSNs, the applicant will be determined ineligible. If a child under the age of 6 is added to a family during the 6 months prior to admission, the family has 90 days to supply an accurate SSN. One 90-day extension may be granted to families failing to meet the initial 90-day timeline. When an extension is granted, the family may be asked to provide documentation of their failure to meet the initial timeline.

#### 6. **Consent and Verification Forms**

Each family head, spouse, or co-head, regardless of age, and all other household members who are at least 18 years of age must sign and date the HUD-required consent forms, HUD-9887, Notice and Consent for the Release of Information, and form HUD 9887-A, Applicant's/Tenant's Consent to Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance.

The release forms must be signed at initial certification. All adult members regardless of whether they report income must sign and date these forms .

In addition, all adult members of an applicant or resident family must sign individual consent and verification forms authorizing management to verify family income and other applicable eligibility factors; e.g., disability status, criminal history.

If the applicant or resident, or any adult member of the household does not sign and submit the consent forms as required, the PHA must deny assistance and admission to the entire family. For current residents, the assistance will be terminated and the family charged market rent.

#### **B. Non-Economic Eligibility Evaluation**

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 St. Paul PHA Multifamily RAD/PBRA lease. The PHA 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 property's environment, other residents, PHA employees, or other people residing in the immediate vicinity of the property.

1. **Criminal History.** An applicant with a history of violent criminal activity will be denied admission for seven (7) years from the most recent offense, provided they have not engaged in other instances of criminal activity during that period.

An applicant with a history of drug-related criminal activity will be denied PHA admission for seven (7) years from the most recent offense, provided they have not engaged in other criminal or drug activity during that period; except that any household member who has been convicted of manufacturing or producing methamphetamine (speed) in any federally assisted housing property will be denied for life.

Any household member who has a lifetime registration under a lifetime State sex offender registration program will be denied for life.

No applicant who has been a victim of domestic violence, dating violence, or stalking will be denied admission if they are otherwise qualified. The PHA will give an applicant who claims victim status 14 business days after written request to certify either by:

- a. Completing a form titled "Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, and Alternate Documentation" (Form HUD-5382), which is available at the PHA's Central Administrative Office, located at 555 Wabasha St. N, St. Paul, MN 55102, or any PHA building management office; or
- b. Providing the PHA with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim (applicant or another member of applicant family) has sought assistance in addressing domestic violence, dating violence, or stalking or the effects of the abuse (this certification must be sworn under penalty of perjury); or
- c. Producing a Federal, State, or local police or court record.

At lease signing, the PHA will require the tenant(s) to execute the VAWA Lease Addendum (Form HUD-91067).

2. **Other Non-Economic Eligibility Criteria.** Otherwise eligible families will be denied admission if they fail to meet the non-economic eligibility criteria. The PHA will consider objective and reasonable aspects of the family's background, including the following:
  - a. History of meeting financial obligations, especially rent;
  - b. 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 residents;
  - c. History of criminal activity by any household member involving physical violence against persons or property, drug-related criminal activity (e.g. illegal manufacture, sale, distribution, possession, or use of a controlled substance), and any other criminal activity that would adversely affect the health, safety, or wellbeing of other residents or staff or cause damage to the property;
  - d. History of disturbing neighbors or destruction of property;
  - e. 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 therefrom; and
  - f. Current alcohol abuse or a history of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
3. **Non-Economic Screening.** The PHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The PHA will verify the information provided. Such verification may include but may not be limited

to the following:

- a. A credit check of the head, spouse, and co-head;
- b. A rental history check of all adult household members;
- c. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement, court records, and/or the FBI's National Crime Information Center (NCIC);
- d. 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 PBRA housing.
- e. A check of HUD's Enterprise Income Verification (EIV) Existing Tenant Search for each household member to determine if the applicant or any applicant household members are currently receiving HUD housing assistance (i.e., residing at another HUD Multifamily Housing or Public and Indian Housing (PIH) location). If the Existing Tenant Search Report identifies the applicant or any applicant household member is receiving rental assistance in another location, the information contained in the report will be addressed with the household member. The household member will be given an opportunity to explain any circumstances relative to his/her being assisted at the other location.

**C. Grounds for Denial**

The PHA may deny assistance to applicants who:

1. Do not meet all of the eligibility criteria;
2. Do not supply information or documentation required by the application process within the time allowed;
3. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
4. Have a history of not meeting financial obligations, especially rent;
5. 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 residents;
6. Have a history of criminal activity by any household member involving physical violence against persons or property, drug-related criminal activity (e.g. illegal manufacture, sale, distribution, or use of drugs or alcohol), and any other criminal activity that would adversely affect the health, safety, or wellbeing of other residents or staff or cause damage to the property;
7. Have a history of disturbing neighbors or destruction of property;
8. Currently owe rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
9. 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 therefrom;
10. Were evicted from assisted housing within the past seven (7) years because of criminal

- activity involving physical violence against persons or property, and/or drug-related criminal activity (e.g. illegal manufacture, sale, distribution, possession, and/or use.);
11. Have illegally used a controlled substance or abused alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
  12. Have engaged in or threatened abusive or violent behavior towards any PHA staff member or resident;
  13. Have a household member who has been evicted from subsidized housing within the past seven (7) years;
  14. Have a family household member who has been terminated from the PHA's Section 8 program within the past seven (7) years;
  15. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a federally subsidized housing program;
  16. **Denied for Life:** Has a lifetime registration under a State lifetime sex offender registration program.

**D. Ineligibility Notification/Informal Review/Hearing**

1. **Ineligibility Notification and Hearing Request.** If the PHA determines that an applicant does not meet the economic or non-economic eligibility criteria to receive assistance, the PHA will promptly provide the applicant with written notice of the determination. The notice will contain a brief statement of the reason(s) for the decision. The notice shall also state that applicants may request an informal hearing on the decision and shall describe how to obtain the informal hearing. This written request must be submitted to the PHA Rental Administrator within 14 calendar days from the date of the PHA's notice of ineligibility. If an applicant does not request a hearing in accordance with this section, then the PHA's determination denying the applicant's admission into the PBRA program will become final. However, the failure to request a hearing does not constitute a waiver by an applicant of the right to contest the PHA's denial of admission in an appropriate judicial proceeding.
2. **PHA Admission Hearing Committee.** Informal hearings shall be conducted by the PHA Admission Hearing Committee. The Committee consists of up to two PHA staff members who did not participate in the initial admissions decision and current St. Paul PHA residents. Three members of the Committee constitute a quorum.

Hearings conducted by the PHA Admission Hearing Committee are informal, and oral and documentary evidence may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The applicant must be given the opportunity to present written or oral objections to PHA's decision. The Committee will require the PHA, the Complainant, lawyers or other representatives and other participants and/or spectators to conduct themselves in an orderly fashion, and failure to do so may result in exclusion from the proceedings or in a decision against the disorderly party.

3. **Decisions.** The decision of the Committee shall be by majority vote. In the event of a tie, the decision of the PHA will be upheld. The PHA Resident Hearing Committee secretary will prepare a written summary of the hearing indicating the vote of the Committee within five (5) calendar days after the hearing. A copy of this decision will be mailed to the Complainant. A decision by the PHA Resident Hearing Committee in favor of the PHA or which denies the relief requested by the Complainant, in whole or in part, is not a waiver

by the Complainant of the right to bring an action in a court of law or other appropriate forum.

4. **INS/Homeland Security Appeals.** The participant family may request that the PHA provide for an Informal Hearing after the family has notification of an INS/Homeland Security decision on their citizenship status on appeal, or in lieu of a request for appeal to the INS/Homeland Security. This request must be made by the participant family within 30 days of the Notice of Denial or Termination of Assistance, or within 30 days of the notification of the INS/Homeland Security appeal decision.

In such cases, the Informal Hearing Process above will be utilized with the exception that the family will have up to 30 days from the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

#### 4. MANAGING THE WAITING LIST

##### A. Opening and Closing the Waiting List

Opening of the waiting list will be announced with a public notice stating that applications for multi-family housing are being accepted. The public notice will state where, when, and how to apply. The notice will be published on the PHA's main webpage at [www.stpha.org](http://www.stpha.org) as well as on other mediums specified in the PHA's Affirmative Fair Housing Marketing Plan (AFHMP). The public notice will note any limitations to who may apply and the size of units available (by number of bedrooms) for which the PHA is accepting new applications.

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 PBRA 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 on the PHA's main webpage as well as on other mediums specified in the AFHMP.

##### B. Organization of the Waiting List

The waiting list is organized by bedroom size. Applicants can find information relative to each site (location, amenities, availability of handicapped-accessible units, etc.) on the PHA website.

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

1. The application will be incorporated into the permanent resident file;
2. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
3. Any contact between the PHA and the applicant will be documented in the applicant file.

##### C. Purging the Waiting List

The PHA will update and purge its waiting list as needed to ensure that the pool of applicants

reasonably represents the interested families for whom the PHA has current information (i.e. applicant's address, family composition, income category, and preferences).

**D. Removal of Applicants from the Waiting List/Cancellation**

The PHA will not remove an applicant's name from the waiting list unless:

1. Applicant requests that their name be removed (voluntary cancellation);
2. Applicant fails to respond to a written request for information or a request to declare their continued interest in the program (including a waiting list update or purge notice);
3. Applicant fails to appear for scheduled appointments with PHA staff;
4. Applicant does not meet either the economic or non-economic eligibility criteria for the program (see Section 3D above for informal review/hearing procedures);
5. Applicant rejects the maximum number of unit offers; or
6. Applicant receives and accepts an offer of housing.

**E. Voluntary Cancellation**

The PHA will cancel an application at the request of an applicant, either before or during the eligibility determination process. After a voluntary cancellation, applicants will be reinstated to their previous place on the list only if they contact the PHA in writing within 60 days from the date of cancellation. After 60 days the applicant may reapply if the waiting list is open.

**F. Cancellation Due To Failure to Provide Documentation or Declare Continued Interest**

The PHA will cancel an application if the applicant fails to provide documentation required to determine program eligibility. Before canceling the application, the PHA will send the applicant a notice listing what information is required and stating that the application will be canceled if the applicant does not provide the information by the deadline stated in the notice. If the applicant does not provide the required information within the time allowed, the PHA will send a second letter stating that the application has been canceled. That letter will also give the applicant 15 business days from the date of the letter to provide the required information to the PHA. If the applicant does not provide the information within that time period, the application will remain canceled. In that event, the applicant may reapply after 60 days, if the waiting list is open.

The PHA will cancel an application if the applicant fails to respond to waiting list update or purge notice. After cancellation due to failure to respond to a waiting list update/purge, the applicant can be reinstated to the same place on the waiting list only if they contact the PHA in writing (including using the PHA's online applicant portal) within 6 months after the cancellation date. The applicant will be reinstated to the same place on the waiting list.

**G. Cancellation Due To Missed Appointments**

All applicants who fail to keep a scheduled appointment with the PHA will be notified that their application is being canceled.

The PHA 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 PHA will work with the family to find a more suitable time.

If the application has been canceled due to missed appointments, the applicant will be reinstated to the same place on the waiting list only if they contact the PHA within 6 months from the date of the cancellation. An applicant can only be reinstated one time following cancellation due to a missed appointment. If the applicant is no longer eligible for reinstatement, either because it is more than 6 months from the date of cancellation or they have already used their reinstatement opportunity, they may reapply if the waiting list is open.

**H. Removal From The Waiting List Due To Unit Offer Rejections**

Applicants will be removed from the waiting list after they have rejected two unit offers. Applicants removed from the waiting list for this reason are not eligible for reinstatement, and may reapply 6 months after being removed from the waiting list for this reason if the waiting list is open.

**I. Notification of Cancellation/Removal From The Waiting List**

Any applicant whose name is being removed from the waiting list due to cancellation will be notified by the PHA, in writing, of the applicable timeframe when they are eligible to request reinstatement. The letter will also indicate when they will be eligible to reapply.

**5. TENANT SELECTION AND ASSIGNMENT**

**A. Preferences**

The PHA uses local preferences to prioritize applicants on the Multifamily RAD/PBRA Waiting List. The PHA will select families from the waiting list based on the following preferences:

1. **Residency Preference:** This preference is given to applicants whose head of household or spouse:
  - a. Lives in the City of Saint Paul;
  - b. Works in or has been notified that they have been hired to work in Saint Paul; or
  - c. Attends school or has been accepted to attend school in Saint Paul.

Applicants who qualify for a Residency Preference will receive two (2) points.

2. **Veteran's or Service Person Preference:** This preference is given to an applicant who is a Veteran or member of the Armed Services or a dependent family member of a Veteran or a Service Person. Applicants who qualify for a Veteran's or Service Person Preference will receive three (3) points.
  - a. "*Veteran*" means any person honorably discharged from the Armed Forces of the United States after serving for 181 consecutive days or more, or who served under the direction of the Armed Forces and clandestine forces of the United States.

- b. A “*Service Person*” is part of an applicant’s family and is in the military forces of the United States at the time of application for housing. “Military forces” means the Army, Navy, Air Force, Marine Corps, Coast Guard and the commissioned corps of the U.S. Public Health Service.
3. **Elderly, Disabled, or Displaced Preference:** This preference is given to families whose head, spouse, co-head, or sole member is elderly (62+), disabled receiving a fixed income (Examples: Social Security (Retirement, Survivors and Disability Insurance; RSDI), Supplemental Security Income (SSI), Veterans Benefits, etc.), or displaced. Applicants who qualify for this preference by being 62 or older, disabled, or displaced will receive five (5) points.
4. **Rent-Burdened Preference:** This preference is given to Multifamily applicant households that are rent-burdened at the time of screening. “Rent-Burdened” is defined as paying more than 50% of gross annual income in gross rent (rent plus utility costs, using St. Paul PHA’s Housing Choice Voucher Utility Allowances to estimate utility cost). Applicants who qualify for the Rent-Burdened preference will receive two points.
5. **“Hard-to-Rent Unit” Preference:** This preference is given to Multifamily applicant households who are otherwise qualified and eligible, and who agree to accept a “hard-to-rent unit” subject to the conditions described below. Applicants who opt-in to the Hard-To-Rent Unit Preference will receive four points.
- a. “Hard-to-Rent Units” are defined as any of the following:
- A studio (efficiency; 0-bedroom) apartment (when the applicant household is eligible for that unit size based on occupancy standards);
  - An apartment in a building without on-site parking;
  - An apartment that has had three or more turndowns; or
  - An apartment that has been vacant and ready to re-rent for 60 or more days.

An applicant who requests this preference and accepts the conditions will be offered the first available unit(s) of the appropriate bedroom size meeting the above definition of a “hard-to-rent unit”. If the applicant rejects all “hard-to-rent” unit offers, their application will be cancelled.

4. **Special Program Preference:** This preference is given to an applicant who has been approved to participate in one of the PHA’s special programs (CHSP, ASI, Wilder Home Care, or other special program) that operate on PHA premises. Applicants receiving this preference will only be eligible for admission into a unit assisted by one of the PHA’s special programs. Staff must confirm that applicants qualify for this preference by obtaining written verification of an applicant’s current acceptance into a special program from special program staff members. Applicants who qualify for a Special Program Preference will receive five (5) points.
5. **Current Tenant Unit Transfer Preference:** This preference is given to current PHA Multifamily residents who have been approved to transfer to another Multifamily unit outside of their current project. An approved request to transfer between projects

qualifies a resident to be placed on the general Multifamily waiting list with the Current Tenant Unit Transfer preference and the appropriate weight based on transfer type. Residents who qualify for a Current Tenant Unit Transfer Preference will receive ten (10) points and will be added to the Multifamily waitlist without regard to whether the waitlist is open to new applicants. Current residents who receive this preference are not eligible for any other waitlist preferences. For more information about unit transfers, refer to Section 6.

**B. Selection from the Waiting List**

Applicants are able to claim preferences and be assigned applicable preference points based on the above preferences. Applicants must provide proof of each local preference they are claiming. This can be done through third party verification or individual certifications. Preference points are cumulative. For example, an applicant who qualifies for a Veteran’s and Elderly Preference will receive a total of seven points. The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences. Applicants with no local preferences are given the lowest priority for assistance and are selected from the waiting list according to the date and time of their application only after the list of applicants with preference points has been fully exhausted.<sup>1</sup>

Occasionally families on the waiting list who did not qualify for a local preference at the time they applied for rental assistance will experience a change in circumstances that now qualifies them for a local preference. In such instances, it is the family's responsibility to contact the PHA. Families certifying that they qualify for a local preference will be repositioned on the waiting list in accordance with their new preferences and their original date and time of application. They will then be informed in writing of their change in status and their place on the waiting list.

**Accessible Units:** Accessible (ADA compliant) units will be offered first to families who may benefit from the accessible features. A vacant accessible unit will be offered to a current resident who has been approved for a transfer to an accessible unit before an eligible applicant family. 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(s). 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 from an accessible unit will be given a 30-day notice.

**C. Assignment of Bedroom Sizes (Occupancy Guidelines)**

The following guidelines will determine each family’s unit size without overcrowding or overhousing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	2

<sup>1</sup> Except when an Emergency Declaration is in effect, see paragraph 5G.

1	1	2
2	2	6
3	3	8
4	4	10
5	5	12

In determining bedroom size, the PHA 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 at initial occupancy:

1. The age, sex, and relationship of members of the household may be taken into consideration in assigning unit sizes:
  - a. Minors of the opposite sex, who are six years of age or older, will not be required by the PHA to share the same bedroom. Bedroom space will be allowed for the following circumstances:
    - (i) Children away during the school year;
    - (ii) Children away part time under joint custody arrangements, but who reside in the household at least 50% of the year.
    - (iii) Children whose return to physical custody of a household member is imminent and can be documented; or
    - (iv) Unborn children of pregnant household members.
  - b. Persons of different generations, adults of the opposite sex (other than married couples, or couples who have a marital type relationship), and unrelated adults will not be required by the PHA to share a bedroom.
2. Verifiable medical needs or other extenuating circumstances will be taken into consideration in determining the size of the unit. For example, a live-in care attendant, who is not functioning as a member of the household, would be entitled to a separate bedroom.
3. **Exceptions:** At the request of the applicant or resident, the Rental Administrator or Housing Manager will consider exceptions to the standards. Such a request will be approved if the Rental Administrator or Housing Manager agrees that the proposed variance:

- a. Is necessary to provide additional space needed by the household that is not provided for by the considerations of Section 5C of this policy; or
- b. Will result in the household occupying a dwelling unit that is one bedroom smaller than the household should have if the considerations of Section 5C of this policy are followed.
- c. Will still meet the minimums and maximums listed in Section 5C of this policy.
- d. Subsequent transfers may not be done within the first twelve months of initial occupancy.

**D. Deconcentration of Poverty**

The PHA will affirmatively market its housing to all eligible income groups in accordance with its Affirmative Fair Housing Marketing Plan (AFHMP). Lower income residents will not be steered toward lower income properties and higher income people will not be steered toward higher income properties. Toward this end, the PHA will:

1. Provide information and referral services that link residents to supportive services, such as child care, job training and placement programs, and case management;
2. Establish contract rents in accordance with HUD Multi-family guidelines.

Prior to the beginning of each fiscal year, the PHA will analyze the income levels and demographic characteristics of families residing in each of its properties and the families on the waiting list. Based on this analysis, the PHA will determine marketing strategies for deconcentration.

**E. Unit Offering**

Residents who have been approved to transfer are given preference on the internal unit transfer waiting list. Current residents transferring from one unit to another will be offered a unit before an applicant. Unit transfers will be weighted and offered in the following order:

1. Emergency / VAWA
2. Reasonable Accommodation
3. Maintenance Transfer
4. Special Program Transfer
5. Mandatory Occupancy Transfer
6. Need for Accessible Unit

When the PHA determines that a unit will become available, the PHA will first refer to the unit transfer waiting list to see if the unit meets the requirements of an approved transfer request. If the unit is not needed to satisfy a transfer request, the PHA will contact the first family on the waiting list who has the highest priority for this type and size of unit and whose income category would help to meet the income targeting goal.

The PHA will contact the family by any combination of the following methods:

1. Phone Call
2. Email Message

3. Text Message
4. St. Paul PHA Web Portal

In some cases, a written notice may be in the form of a mailed, first class letter. In any event, the family will be given no more than two (2) business days from the date of notification (or letter) to contact the PHA regarding the offer. If the applicant fails to respond within two (2) business days, the unit offer will be considered rejected and the apartment will be offered to the next applicant on the waiting list. If the applicant has responded to the offer but is unable to see the unit within five (5) business days, staff may grant additional time based upon reasonable cause. After seeing an offered unit, the applicant must notify PHA of the acceptance or rejection of the unit no later than the second working day. If the applicant does not notify PHA of a decision to reject or to accept the unit by the second working day, PHA will deem the offer rejected. The offer and the family's decision must be documented in the tenant file.

**F. Rejection of a Unit**

If an applicant does not accept the first unit offered, they will not lose their place on the waiting list. If the family rejects the second unit offered, the family will be removed from the waiting list. The family will be eligible to reapply 6 months after being removed from the waiting list for this reason, if the waiting list is open.

The PHA may offer an additional unit to an applicant when the applicant makes a request in writing for an additional offer, within 5 working days of the showing, based upon the following reasons:

- The previously offered units are not accessible to the applicant's employment or job training site;
- The previously offered units are not accessible to their daycare or special education facility for their child;
- The previously offered units are not accessible to the medical or other support service necessary to the applicant's ability to be lease compliant, where such support service is a) provided by a limited number of agencies, b) does not provide citywide transportation services and the applicant cannot use public transportation services; or
- Other good cause as determined by the PHA.

If the family rejects the unit offer due to inability to move or because they require a reasonable accommodation, they may remain on the waiting list.

1. **Inability to Move.** If the applicant is willing to accept the first unit offered but is unable to move into assisted housing at the time of the offer and presents clear evidence that is satisfactory to the PHA, the inability to move will not count as a refusal and the applicant's position on the waiting list will not change. For example, if the applicant is unable to move because of a current lease obligation, they would need to provide a copy of their lease. The PHA would resume offering units upon expiration of that lease, upon request from the applicant, or after 12 months, whichever occurs first. The PHA will only excuse unit turn downs on one occasion due to inability to move.
2. **Reasonable Accommodation.** If the applicant requests a different unit as a reasonable accommodation, the person's handicap or disability and its relationship to the requested

accommodation must be verified by a health care professional who has current, personal knowledge of the applicant's medical condition(s).

**G. Emergency Declaration Authorization**

Notwithstanding the above, the Executive Director has the authority to suspend the Selection from the Waiting List and Unit Offering policies by written emergency declaration when the occupancy rate is less than 97% in any of the eight Multifamily projects. Following an emergency declaration, staff can suspend the standard processes for selecting applicants from the waiting list and offering units and may process applications based solely upon date and time of the application. Applicants processed and approved while an emergency declaration is in effect will receive up to four (4) offers of available unit(s) of the appropriate bedroom size. If an applicant does not accept the first three units offered, they will not lose their place on the waiting list. If the family rejects the fourth unit offered, the family will be removed from the waiting list.

During an emergency declaration, staff have the discretion to assign any appropriately sized vacant unit to any eligible applicant. Applicants who reject all offers will be removed from the waiting list. When offering a unit to an approved applicant, staff may consider applicant ranking (preferences and date and time of application), the length of the vacancy, the size of the family, the scarcity of units for large families, and factors such as acceptance into one of the PHA's special programs.

**6. UNIT TRANSFERS**

**A. Transfer Requests**

The Housing Manager for the hi-rise development or PBRA management area in which the resident currently resides is the initial contact for all types of transfers. A resident may request a transfer at any time *after their first year of residency* by completing a transfer request form. In considering the request, the PHA may request a meeting with the resident to better understand the need for transfer and to explore possible alternatives. The PHA will review the request in a timely manner, and if a meeting is desired, the resident will be contacted to schedule a meeting.

A resident must be in good standing with the PHA to be eligible for a transfer. This means the family must be in compliance with their lease, current on all payments to the PHA, and must pass a housekeeping inspection. Residents must not be under a pending termination or other adverse action related to things including, but not limited to, poor upkeep of unit or grounds, non-payment of rent or other charges, or chronic late rent. If the transfer request is approved, the family's name will be added to the transfer waiting list for the current project. The PHA will only approve transfers to a unit in a different project if the request is necessary and would otherwise be impossible to facilitate within the family's current project. If the request is approved and a transfer to a different project is required, the family's name will be added to the PHA's multifamily waiting list with the Current Tenant Unit Transfer Preference. If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

**B. Mandatory Transfers**

Transfers are divided into two general categories: mandatory transfers and voluntary transfers.

1. **Mandatory Transfer Types.** A tenant will be required to move to another unit that is decent, safe and sanitary and is of an appropriate size under the PHA's Occupancy Standards under the following circumstances:
  - a. *Occupancy Transfer.* The tenant may be required to move if the PHA determines that the tenant is living in a unit which is larger or smaller than the PHA's Occupancy Standards allow for the household size; or
  - b. *Need for Accessible Unit.* The tenant may be required to move if the PHA determines that the unit is otherwise inappropriate for the household size or composition, including, but not limited to, when a unit that has been modified for a person(s) with disabilities is being occupied by a household that does not include a person(s) with disabilities; or
  - c. *Maintenance Transfer.* The tenant may be required to move if the PHA determines that the unit requires substantial repairs, is scheduled for modernization, or is not in decent, safe, and sanitary condition. Maintenance transfers may be temporary or permanent, depending on the cause of the maintenance issue, the nature of the repair work, and the availability of temporary units.
  - d. *Administrative Transfer.* The tenant may be required to move if the PHA determines that extenuating circumstances or administrative considerations require it. Such circumstances include, but are not limited to, compliance with the terms of a negotiated settlement agreement.
2. **Timing When Current Unit is Habitable.** If the current unit is habitable, the tenant must move to the new unit and turn in keys for the previous unit within thirty (30) days after the PHA notifies the tenant of the new unit's availability. If the tenant fails to move and remains in the current unit, the tenant must pay the HUD-approved market rent for the unit effective the first of the month following the failure to move.
3. **Timing When Current Unit is Uninhabitable.** If a tenant's current unit is determined by the PHA to be uninhabitable, or if substantial repair or modernization work is otherwise required, the tenant must move to a new unit immediately upon the PHA's request. If the tenant, a member of the tenant's household, a guest, or other person under the tenant's control caused the uninhabitable condition of the unit, the tenant shall pay all moving expenses and the cost of repair to the unit.
4. **Number of Transfer Offers.** Tenants subject to mandatory transfer will generally receive two (2) offers of alternative of housing unless the circumstances surrounding the transfer reasonably require a single unit offer. If the tenant rejects the first unit offer, the tenant must accept the second offer. The tenant's refusal to accept a second unit offer (or refusal to accept the first offer in cases where only a single unit is offered) will result in the tenant being responsible for HUD-approved market rent for the unit and/or termination of the lease, depending on the nature of the mandatory transfer.

**C. Voluntary Transfers**

Tenants must generally be in good standing with the PHA to be eligible for a voluntary

transfer. Tenant must not be under a pending termination or other adverse action based on circumstances including, but not limited to, poor housekeeping and nonpayment of rent or other charges.

1. **Voluntary Transfer Types.** Tenant may request transfer to a different PBRA unit in the following circumstances:

- a. *Discretionary Occupancy Transfer.* Tenants may request a transfer if the number of family members in Tenant's household does not exceed the maximum for the tenant's current unit size (number of bedrooms) but the household's composition makes the family eligible for a unit that is larger than their current unit. Families may request transfer if they are eligible for a larger unit. Discretionary Occupancy Transfers may be approved if they can be accommodated within the family's current project. Discretionary Occupancy Transfers will not be approved across projects unless the household is at the maximum occupancy for their current unit and no appropriately-sized unit exists within their current project.
- b. *Reasonable Accommodation Transfer.* Tenants may request a transfer to another PBRA unit as a reasonable accommodation for a handicap or disability. The need for transfer and its relationship to a disability must be verified by a healthcare professional familiar with the resident's condition. The transfer request must be reviewed and approved by the PHA in accordance with the requirements governing requests for reasonable accommodations.
- c. *VAWA Transfer.* In accordance with the Violence Against Women Act (VAWA) and associated regulations, tenants who are victims of domestic violence, dating violence, sexual assault, or stalking may request emergency transfer to a different PBRA unit or location if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit.
- d. *Special Program Transfer.* Tenant may request a transfer to a different PBRA unit as necessary to facilitate moving into or out of a special PHA program that provides services at a particular PBRA unit or building. Such special programs include, but are not limited to, Congregate Housing Services Program (CHSP), Wilder Home Care Program, and Accessible Space Inc. Program (ASI).

2. **Number of Transfer Offers.** Tenants approved for any type of voluntary transfer will receive only one (1) offer of alternative housing. Failure to accept the offered unit without good cause may result in the cancellation of Tenant's transfer request and removal from further consideration for a voluntary transfer in the future.

**D. Transfer Unit Assignment and Offering Procedure**

The resident transferring shall be offered the unit of appropriate size for the household that has been held vacant the longest.

In general, transfers that are categorized as mandatory will receive two (2) unit offers while transfers categorized as voluntary will receive one (1) unit offer. In circumstances where two unit offers are received, the resident must reject the first unit in order to receive a second unit

offer. The second unit may or may not be in the same building, depending on where the next longest vacancy exists. If the resident transferring is offered the second unit, the first unit is no longer available. Rejection of the applicable number of units offered will result in cancellation of the transfer request and may impact the PHA's consideration of future requests submitted by the resident which involve the same or similar circumstances.

**E. Lease Agreement, Rent, and Utilities**

A new Dwelling Lease will be executed as a part of the transfer. However, the signing of a new Lease does not remove or eradicate prior or existing Lease violations from the prior dwelling unit and the PHA retains the right to terminate the new lease for violations of the prior Lease.

The PHA will not reexamine income and redetermine rent for a resident transferring within their current project, although the amount of rent payable may change due to a change in the applicable utility allowance. For residents transferring between projects, the PHA must reexamine income, redetermine rent, and charge a new security deposit.

Following a unit transfer, the PHA will re-examine income within 12 months of the resident's last eligibility review. The new lease is effective as of the day the transferring resident signs the lease and receives the keys to the new unit. The rent start date for the new unit, using the new utility allowance, if any, is the day the lease is executed.

The transferring resident is not responsible for paying utilities on more than one unit at a time. The resident is responsible for paying utilities at the old unit until the lease is signed for the new unit. After that the resident is responsible for paying utilities at the new unit. If the utility allowance for the new unit is higher than the utility allowance for the old unit, the resident will receive a credit against the first month's rent for the new unit. The amount of the credit is the difference between the two units' monthly utility allowances, pro-rated for the number of days the resident is responsible for the utilities in the new unit, from the day of lease signing to the end of the month.

A resident transferring under a voluntary transfer category must complete the move and turn in the keys for the old unit within 14 calendar days after receiving the new unit keys and signing the lease. If the resident does not turn in the old unit keys within 14 days, the resident will be assessed a utility surcharge for the old unit at the rate of \$5.00 per day, and may be subject to additional penalties for failing to timely vacate the previous unit. The utility surcharge will be assessed for each day after the 14th day, not including the day the resident turns in the keys.

**7. ADDING MEMBERS TO A HOUSEHOLD/LEASE-ONS**

If one or more persons not living in the assisted unit wish to be added to a lease and become members of a household currently living in the unit ("lease-on"), they must apply and meet the same eligibility requirements as other applicants. If the lease-on applicants are determined to be eligible and they can move into the household without exceeding the PHA's occupancy standards, they may be admitted without regard to their position on PBRA waiting list.

**A. Screening of Lease-On Applicants.**

The Assistant Manager or Housing Manager for the hi-rise development or management area

in which the resident currently resides is the initial contact for lease-on applications. Completed lease-on applications are submitted to the PHA Rental Office to conduct the eligibility interview and applicant screening. The same economic and non-economic eligibility criteria described above apply to lease-on applicants.

**B. Requirements for Lease-Ons.**

In order to be approved as a lease-on applicant:

1. The applicant must meet all PHA economic and non-economic eligibility criteria.
2. The existing household's current resident(s) must be in good standing.
3. The person applying to be added to the lease must not have been living in a PHA unit as an unauthorized person.
4. The person added to the household by leasing on will not be permitted to stay in the unit as the head of household (remaining household member) if the other member(s) of the household move out within twelve months after the effective date of the lease-on.

**C. Adding Minor Children to a Household.**

The PHA may approve a head of household's request to add (lease-on) a minor to the household if the head of household or another adult household member proves that he or she has legal custody of the minor, by providing one of the following documents:

1. Birth certificate showing that the adult household member is the biological parent of the minor.
2. Legal proof of adoption.
3. Court order awarding custody.
4. Written Delegation of Parental Authority, under Minnesota Statutes Section 524.5-211.

NOTE: A Delegation of Parental Authority, under the statute, is a temporary delegation of authority from a parent of a child to another adult, valid for up to one year. It should be reviewed annually and may be renewed.

**D. Occupancy Standards and Lease-On Applications**

If the additional persons are found eligible and if the size and composition of the household **would not exceed** the PHA's Maximum Occupancy Standards for Admission, the new members may be added to the lease and live with the household.

If the additional persons are found eligible but the size or composition of the household **would exceed** the PHA Maximum Occupancy Standards, the additional persons to be added to the lease will not be permitted to live with the family in that unit. The family members currently identified on the lease may remain in the unit.

1. If the new members are being added to the lease because of adoption, birth, or transfer of

legal custody, which event occurred during the resident's tenancy in the assisted unit, the family will be added to the occupancy transfer list for the suitable unit size according to the date of approval.

2. If the new members asking to be added to the lease are not joining the family due to adoption, birth, or transfer of legal custody occurring during the resident's tenancy in the assisted unit, the family has the option of applying for housing in a suitable size unit. They will not be added to the occupancy transfer list.

#### **E. Other Lease-On Considerations**

1. **Marriage does not automatically result in the spouse being added to the lease.** A spouse will be subject to the same economic and non-economic eligibility requirements for admission as other lease-on applicants.
2. **Live-in aides/care attendants** must meet non-economic eligibility screening standards.
3. **Social Security Numbers (SSNs) for Lease-Ons**
  - a. When a resident requests to add a new household member who is at least six years of age or under the age of six- and has an assigned SSN, the resident must disclose the assigned SSN and provide the PHA with documentation. The new household member may not be added until the family provides the documentation.
  - b. When a resident requests to add a new household member to the family, who is under the age of six and does not have an assigned SSN, the resident must disclose the assigned SSN and provide the PHA with documentation within 90 calendar days of the child being added to the household.
  - c. If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA is required to grant the family an additional 90-day period to comply with the requirement, if the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family (for example, SSA delay, natural disaster, fire, death in the family, etc.).
  - d. If the family has not complied with the SSN disclosure and documentation requirements by the end of the time extension, the PHA must terminate the family's tenancy.

## **8. INCOME**

### **Income Definition**

(A) Annual income includes, with respect to the family:

- (1) All amounts not specifically excluded in 24 CFR § 5.609, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and
- (2) When the value of net family assets exceeds \$50,000 (which amount HUD will adjust

annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD.

**Calculating Income.** The PHA must calculate family income as follows:

- (1) Initial occupancy or assistance and interim reexaminations. The PHA must estimate the income of the family for the upcoming 12-month period:
  - (i) To determine family income for initial occupancy or for the initial provision of housing assistance; or
  - (ii) To determine family income for an interim reexamination of family income.
- (2) Annual Reexaminations.
  - (i) The PHA must determine the income of the family for the previous 12-month period and use this amount as the family income for annual reexaminations, except where the PHA uses a streamlined income determination.
  - (ii) In determining the income of the family for the previous 12-month period, the PHA must take into consideration any redetermination of income during the previous 12-month period resulting from an interim reexamination of family income.
  - (iii) The PHA must make adjustments to reflect current income if there was a change in income during the previous 12-month period that was not accounted for in a redetermination of income.
- (3) Use of other programs' determination of income.
  - (i) The PHA may determine the family's income prior to the application of any deductions based on income determinations made within the previous 12-month period for purposes of the following means tested forms of Federal public assistance:
    - (A) The Temporary Assistance for Needy Families block grant.
    - (B) Medicaid.
    - (C) The Supplemental Nutrition Assistance Program.
    - (D) The Earned Income Tax Credit.
    - (E) The Low-Income Housing Credit.
    - (F) The Special Supplemental Nutrition Program for Woman, Infants, and Children
    - (G) Supplemental Security Income.
    - (H) Other programs administered by the Secretary.
    - (I) Other means-tested forms of Federal public assistance for which HUD has established a memorandum of understanding.
    - (J) Other Federal benefit determinations made in other forms of means-tested Federal public assistance that the Secretary determines to have comparable reliability and announces through a Federal Register notice.
  - (ii) The PHA must obtain the annual income determination for other means-tested public assistance using the appropriate third-party verification. If the appropriate third-party verification is unavailable, or if the family disputes the determination made for purposes of the other form of Federal means-tested public assistance, the PHA must calculate annual income in accordance with 24 CFR part 5, subpart F.

## 9. INCOME LIMITS AND TARGETING REQUIREMENTS

Pursuant to the regulations contained in HUD Notice PIH 2012-32, the PHA shall comply with

the following income limit requirements for new applicants:

- Low Income Limit (80%) (Multifamily Project-Based Rental Assistance)

### **Income Targeting Requirements**

In order to achieve compliance with HUD's income targeting requirements, the PHA, within the established preferences above, will ensure that at least 40% of its applicants admitted in a given year are families with incomes at or below the 30% of median income level (ELI).

The PHA will annually examine the volume of unit turnover and applicant admissions for the past year and, based on this information, estimate the likely number of admissions for the coming year. If it is determined that the 40% requirement will most likely be achieved, no action will be taken. If it appears that the 40% requirement will not be accomplished by the normal selection process, the PHA will implement the following procedures:

- A. The PHA will adopt Method 1 as stated in the HUD Handbook 4350.3, Rev-1, CHG-4. In chronological order, the PHA will select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. This may result in skipping the next applicant on the waiting list if their income level is over the ELI limit. Once the target number of move-ins has been reached, the PHA will admit applicants in waiting list order.
- B. If it is determined from examining the current waiting list that the income targeting level may not be achieved, the PHA will make efforts to locate an applicant(s) at the extremely low income level. If a vacancy occurs and the next applicant will go over the target number of move-ins, and an extremely low income applicant cannot be located within 30 days, the PHA will fill the vacancy with the applicant on top of the waiting list and make the appropriate notations on the waiting list report.

## **10. ASSETS**

### **Net family assets.**

(1) Net family assets is the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.

(2) In determining net family assets, the PHA must 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 therefor. 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 consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

(3) Excluded from the calculation of net family assets are:

- (i) The value of necessary items of personal property;
- (ii) The combined value of all non-necessary items of personal property if the combined total value does not exceed \$50,000 (which amount will be adjusted by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical

- Workers);
- (iii) The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals;
  - (iv) The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located;
  - (v) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability;
  - (vi) The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any "baby bond" account created, authorized, or funded by Federal, State, or local government.
  - (vii) Interests in Indian trust land;
  - (viii) Equity in a manufactured home where the family receives assistance under 24 CFR part 982;
  - (ix) Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982;
  - (x) Family Self-Sufficiency Accounts; and
  - (xi) Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.

(4) 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 trust fund is not a family asset and the value of the trust is not included in the calculation of net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household.

Third-party verification will be obtained for assets worth more than \$50,000<sup>2</sup>. The PHA must verify asset values at least every 3 years, whether more or less than \$50,000. The PHA will deny admission to applicants with net family assets exceeding \$100,000, or if the applicant family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell a piece of real property that is suitable for occupancy by the family as a residence (based on laws of the state or locality in which the property is located).

## 11. VERIFICATION

The PHA will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, factors 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 (if applicable); and citizenship/eligible noncitizen status. Certification by applicants will normally be considered sufficient verification of family composition and residence as provided by the applicant's signature on the application. However, the PHA reserves the right to request additional verification. The PHA will use a third party source to verify tenant employment and income

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<sup>2</sup> This threshold will be adjusted annually for inflation.

information for Reexaminations and Interims as well as for new move-ins approximately 90 days after the move-in date. As noted above, third-party verification will be obtained annually for assets worth more than \$50,000<sup>3</sup> and every 3 years for assets less than \$50,000.

Households may self-certify as to having assets worth less than \$50,000 and the amount of income expected to be received from those assets. Where the family has net family assets equal to or less than \$50,000, the PHA must obtain supporting documentation (e.g. bank statements) from the family to verify the assets or the amount of income expected to be received from those assets at least once every 3 years. When the family has net family assets in excess of \$50,000, the PHA will obtain supporting documentation (e.g. bank statements) from the family to confirm the assets.

The PHA may conduct streamlined reexaminations for families on fixed incomes when 90% or more of their income comes from Social Security, Supplemental Security Income (SSI) and Supplemental Security Disability Income (SSDI), federal, state, local and private pension plans, other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits and other similar types of periodic receipts that are of substantially the same amounts from year to year. In a streamlined reexamination, the PHA will recalculate family incomes by applying any published cost of living adjustments to the previously verified income amount.

## 12. TOTAL TENANT PAYMENT AND MINIMUM RENT HARDSHIP

### A. Total Tenant Payment (TTP)

The PHA calculates the total tenant payment (TTP) in accordance with the Multifamily HUD Model Lease and PHA addenda, HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, and other applicable regulations. The PHA has adopted HUD rules permitting streamlined verification for fixed income households, and family declaration of assets under \$50,000.

The total tenant payment (TTP) represents the minimum amount a family must contribute toward rent and utilities regardless of the unit selected. The TTP is calculated using a statutory formula and individual income information. To calculate TTP, annual adjusted income and annual (gross) income must be converted to monthly adjusted income and monthly gross income by dividing the annual figures by 12 months.

The TTP is the **greater** of:

- 30 percent of monthly adjusted income;
- 10 percent of monthly gross income;
- The PHA minimum rent of **\$25**

#### *TTP Calculation Example:*

30% of Monthly Adjusted Income:	\$700 x .30 =	\$210
10% of Monthly Gross Income:	\$740 x .10 =	\$74

<sup>3</sup> This threshold will be adjusted annually for inflation.

PHA Minimum Rent:		\$25
Total Tenant Payment (highest of above)	=	\$210

**B. Minimum Rent Hardship Policy**

The Minimum Rent Hardship Policy is designed to protect families in crisis by allowing the PHA flexibility to address unique, unforeseeable circumstances that may occur. Those with a hardship may have their rent *suspended* until their case can be reviewed by management.

1. **Definition of Hardship.** A hardship exists in the following circumstances:

- a. When the family has lost eligibility for (or is awaiting an eligibility determination for) a federal, state, or local assistance program;
- b. When the family would be evicted as a result of the imposition of the minimum rent requirement;
- c. When the income of the family has decreased because of changed circumstances, including loss of employment;
- d. When the family has an increase in expenses because of changed circumstances, for health and medical costs, child care, transportation, education, or similar items;
- e. When a death has occurred in the household family.

2. If the PHA determines there is **no qualifying hardship** as listed above, the minimum rent will be reinstated, including requiring back payment of minimum rent to the PHA for the time of suspension.

3. If the PHA determines there is a qualifying hardship, but that it is of **a temporary nature**, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The PHA will offer a reasonable repayment agreement for any minimum rent back payment paid by the PHA on the family's behalf during the period of suspension.

4. If the PHA determines there is **a long-term hardship**, the family will be exempt from the minimum rent requirement until the hardship no longer exists. Such hardship cases will be reviewed no less than on an annual basis at time of re-exam. Families qualifying for exemption due to long-term hardship will be required to complete a quarterly interview with management or PHA staff to document the ongoing hardship.

5. **Appeals.** The family may use the informal hearing procedure to appeal the PHA's determination regarding the hardship. No escrow deposit will be required in order to access the informal hearing procedure.

### 13. DEDUCTIONS

Adjusted Household Income is annual income minus allowances for dependents and certain expenses to care for children and household members with a disability. Elderly and disabled households have an additional allowance and may also have deductions for certain health and medical expenses.

#### Annual Deductions

- \$480 for each dependent who is a member of the household, adjusted annually for inflation.
- \$525 per elderly household when the head or spouse is at least age 62, or has a disability, adjusted annually for inflation. Only one deduction per household may be taken even if both members are over age 62 or have a disability.
- Reasonable child care expenses for household members under the age 13 that enable a household member to have paid employment or go to school.<sup>4</sup>
- The sum of the following, to the extent the sum exceeds ten percent (10%) of annual income<sup>5</sup>:
  - Unreimbursed health and medical care expenses of any elderly family or disabled family; and .
  - Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member who is a person with a disability) to be employed. This deduction may not exceed the combined earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.

**Health and medical care expenses.** Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

### 14. SECURITY DEPOSITS

Prior to move-in, all new residents (those without preexisting deposits under a prior public housing lease) or residents transferring to a different multifamily project will be charged a one-time security deposit equal to the first month's Total Tenant Payment or \$50.00, whichever is greater. In accordance with State law, the deposit will be refunded within 21 days after the resident has moved out, less any charges for unpaid rent or damages greater than normal wear and tear to the vacated unit, and provided the resident has submitted a forwarding address.

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<sup>4</sup> Households no longer eligible for the child care expense deduction (for example, due to loss of employment status or age of the child) can request a hardship exemption to retain the childcare expense deduction for 90 days if they would be unable to pay rent due to loss of the deduction.

<sup>5</sup> For households receiving a deduction for medical expenses as of December 31, 2023 based on the 3% threshold, the higher 10% threshold will be phased in, with expenses exceeding 5% of income deductible in the first year, 7.5% in the second year, and the full 10% effective the third year.

Management will provide the tenant with a detailed listing of items deducted from the security deposit within 21 days of vacating the unit. Generally, the security deposit must be paid in full at the time the applicant signs their lease. In instances where the full payment of the security deposit, in advance, will cause an undue financial hardship for the applicant, the Housing Manager, Rental Administrator, or designee, has the sole discretion to allow the applicant to enter into a Payment Agreement. An initial payment may be required when the keys are issued, and the remainder is to be paid over a period of time not to exceed three months.

## 15. LEASING PROCESS

### A. Offer of Available Units

When a unit becomes available for occupancy and it is not needed for an approved transfer (See. 5.E. above), it will be offered to the applicant at the top of the waiting list for that apartment type and bedroom size (taking into consideration income targeting requirements, special program eligibility, and whether an Emergency Declaration is in effect). Upon offer of an apartment, the applicant shall have an opportunity to inspect the unit along with management and to sign the Unit Inspection Report.

Failure to complete all of the move-in requirements within the assigned period will be considered a rejection of the unit offer.

### B. Prior to Move-In/Tenant Interview

Prior to taking occupancy, the PHA will meet with the applicant family and explain at a minimum the following topics during the Applicant Interview and/or at lease signing:

1. Security Deposits and refunds
2. Use of the EIV System after move-in
3. Annual Recertification process
4. Interim Recertification process
5. Unit Inspection
6. PHA House Rules
7. Transfer Policy
8. Student eligibility
9. Violence Against Women Act
10. Reporting requirement for income increases of 10% or more per month
11. Reporting changes in household composition
12. Unit rent and other charges
13. HUD Model Lease
14. Pet Policy

### C. Leasing of Dwelling Unit

The Head of Household and all adult household members are required to execute the HUD Model Lease and applicable lease addenda. The property House Rules will also be executed at the lease signing appointment. A signed copy of the Lease, applicable addenda, and House Rules will be provided to the lessee and the original will be filed as part of the permanent records established for the family.

## 16. UNIT INSPECTIONS

Upon move-in, new residents with leases effective after the RAD conversion will inspect the apartment together with the PHA and shall make note of any deficiencies in the unit, prior to signing the Lease. The inspection form will be used again upon move-out and the resident will be charged for any damages beyond normal wear and tear, except for items noted at move-in.

All units are inspected a minimum of once per year for housekeeping, damage and general repair. Residents will be notified at least 48 hours in advance of an inspection. In addition, residents must allow inspection (upon 48-hour notification being provided) by PHA staff and/or government/program officials.

The PHA is allowed to enter an apartment at any time without advance notification when there is reasonable cause to believe an emergency exists.

## 17. ANNUAL RECERTIFICATION REQUIREMENTS

- A. To ensure that assisted tenants pay rent commensurate with their ability to pay, HUD requires the following:
1. The PHA must conduct a recertification of family income and composition at least annually by the annual recertification anniversary date.
  2. Tenants must supply the information requested by executing the Recertification Application and must provide all requested supporting documentation.
  3. Tenants must sign consent forms and asset declaration forms each year.
  4. The PHA must use the EIV Income Report as third-party verification of income from sources available on EIV; i.e., Social Security benefits, wages, or Unemployment benefits.
  5. The PHA must obtain third-party verification of income sources not reporting data in EIV; i.e., Child Support, alimony, pensions, VA benefits, income from assets, gifts, valuation of assets and all other sources of income.
  6. Residents must provide documentation of other eligible factors used in determining allowances in the family's TTP; e.g., medical expenses, and disability-related expenses, and child care payments.
- B. The PHA must send Recertification Reminder notifications to residents to meet with management beginning at least **120** days prior to the annual recertification anniversary date. If the tenant does not respond, a Second Reminder Notice will be sent at **90** days prior to the annual recertification anniversary date. If the tenant fails to respond, a Third Reminder Notice will be sent to the tenant at **60** days prior to the annual recertification that includes a 60-day notice to terminate assistance if the tenant fails to respond.

***Failure to fully comply with the Annual Recertification process and submit all required documentation by the 10<sup>th</sup> day of the month prior to the recertification anniversary date, may result in termination of assistance or termination of tenancy. In this circumstance, assistance will not be available for at least one month, until such time as he or she complies with the recertification requirements.***

- C. If the tenant complies with the annual recertification process, the PHA must provide at least a

30-day written notice of any rent increase. *If the tenant does not report in a timely manner, the requirement to provide a 30-day notification of rent increase is waived and the increase may be applied retroactive to the first of the month following the date the increase occurred.*

- D. At annual recertification, an Initial Notice of Recertification (Form HUD-90100) will be provided to the resident indicating the reporting requirements and deadlines for the next annual recertification.
- E. Residents who do not comply with the recertification requirements in a timely manner or fail to provide requested documentation may be charged market rent until such time as the recertification process is complete, unless there are verified medical reasons or other extenuating circumstances that apply.

## 18. INTERIM RECERTIFICATION REQUIREMENTS

- A. Residents must notify the PHA within ten (10) calendar days of the occurrence of the following:
  - 1. A family member moves out of the unit;
  - 2. The family proposes to move a new member into the unit;
  - 3. An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment;
  - 4. The family's unearned household income cumulatively increases by \$10% or more per month;
  - 5. The family's household income (earned and/or unearned) has increased after having reported a decrease in household income since their last annual recertification, or if the household was at zero income when the change occurred.
- B. Residents may request an interim recertification due to any changes occurring since the last recertification that may affect the TTP or tenant rent and assistance payment for the tenant. Changes a tenant may report include:
  - 1. Decreases in earned income or benefits;
  - 2. Increases in allowances such as health and medical expenses;
  - 3. Other changes affecting the TTP, such as a family member who attains the age of 62, or a family member becoming disabled.
- C. When reporting changes in income and/or family composition, the resident must provide all requested documentation to substantiate the change.
- D. Earned income means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.
- E. When proposing to add a new household member, the PHA will apply screening criteria to all

adults (including live-in aides) for drug-related criminal activity, other criminal activity, State lifetime sex offender registration, other eligibility criteria, and EIV Existing Tenant Search before approving the move-in.

- F.** The proposed household member must disclose and provide verification of their SSN (including live-in aides). New household members (except live-in aides) must provide information regarding all sources of income, execute the Racial & Ethnic Data Form, Declaration of Citizenship and provide proof of age. The head of household may execute these documents for minor children. Adults must sign the Form HUD-9887/9887A Consent Form.
- G.** If the tenant complies with the interim reporting requirements, rent changes must be implemented as follows:
1. Rent Increases – If the tenant’s rent increases because of an interim adjustment, the PHA must give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day notice period.
  2. Rent Decreases – If the tenant’s rent decreases, the change in rent is effective on the first day of the month after the date of action that caused the interim certification.
- H.** If the tenant does not comply with the interim reporting requirements, and the PHA discovers the tenant failed to timely or accurately report a change as required, the effective date of the change is as follows:
1. Rent Increases – The PHA will implement any resulting rent increase retroactive to the first of the month following the date that the change occurred.
  2. Rent Decreases – Any resulting rent decrease will be implemented effective the first of the month following completion of the recertification process. Tenant shall not be entitled to a retroactive rent decrease or credit for any months prior to the date that the income decrease was first reported in writing to the PHA.

## 19. TENANT PROCEDURAL RIGHTS

### **A. Termination of Tenancy and Assistance**

1. **Termination Notification.** The PHA shall provide adequate written notice of termination of the lease which shall not be less than:
  - a. A reasonable period of time, not to exceed 30 days:
    - (i) If health or safety of other tenants, owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
    - (ii) In the event of any drug-related or violent criminal activity or any felony conviction.
  - b. Not less than 14 days in the case of nonpayment of rent; and
  - c. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.
2. **Termination of Assistance.** In all other cases, the requirements at 24 CFR § 880.603, the

Multifamily HUD Model Lease, and other HUD multifamily administrative guidance shall apply.

## **B. Grievance Process**

1. In addition to program rules that require that tenants are given notice of covered actions under 24 CFR Part 245 (including increases in rent, conversions of a project from project-paid utilities to tenant-paid utilities, or a reduction in tenant paid utility allowances, etc.), the following procedural rights will apply in accordance with the requirements of section 6 of the Act:
  - a. Tenants will be provided with notice of the specific grounds of the PHA's proposed adverse action, as well as, their right to an informal hearing with the PHA;
  - b. Tenants will have an opportunity for an informal hearing with an impartial member of the PHA's staff within a reasonable period of time. An "impartial member of the PHA's staff" shall mean any person designated by the PHA who was not directly involved in making the specific decision being challenged and is not a subordinate of the person who made the decision;
  - c. Tenants will have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have others make statements at the hearing, and to examine any regulations and any evidence relied upon by the PHA as the basis for the adverse action. With reasonable notice to the PHA, prior to the hearing and at the tenants' own cost, the tenant may copy any documents or records related to the proposed adverse action; and
  - d. The PHA will provide the tenant with a written decision within a reasonable period of time stating the grounds for the adverse action, and the evidence the PHA relied upon as the basis for the adverse action.
2. The PHA will be bound by decisions from these hearings, except if:
  - a. The hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing; or
  - b. The decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

## **20. SPECIAL OCCUPANCY SITUATIONS**

The following are additional policies for residents participating in special programs that provide supportive services and for police officers living in PBRA units, and other special occupancy situations.

### **A. Special Programs To Assist Tenant Lease Compliance**

Participants in three special programs that operate on PHA properties receive necessary assistance that enables them to comply with the PHA's Dwelling Lease. The following is a general summary of each of these special programs:

1. **Congregate Housing Services Program (CHSP)** is operated by the PHA at Edgerton, Iowa, Montreal, and Ravoux Hi-Rises. It assists frail residents who need a moderate

amount of non-medical help to live on their own. It provides two meals a day but is not staffed 24 hours per day. Participants pay regular PHA rent and a program service fee based on income.

2. **Wilder Home Care Program** is operated by the Amherst H. Wilder Foundation at Hamline and Ravoux Hi-Rises. It provides three meals a day and 24 hour supportive services to residents who are frail, but do not require full-time nursing care. Participants pay regular PHA rent and may pay for some services based on income.
3. **Accessible Space, Inc. (ASI)** operates in designated units at Valley Hi-Rise. ASI is a non-profit corporation that provides training and transitional supportive services for mobility-impaired and brain-injured adult residents. Participants pay regular PHA rent and a program service fee based on income.

#### **B. Special Programs' Eligibility Criteria**

1. **General Eligibility.** Applicants for any of the special programs must meet the same general economic and non-economic eligibility criteria as all other applicants.
2. **Additional Eligibility Requirements.** Each special housing program has its own specific eligibility requirements. Unless specifically addressed in this section, tenants participating in special programs shall be governed by the same policies that are established in this document and that govern all PHA tenants.
3. **Current Tenants.** Current PHA tenants in any building, as well as applicants for housing assistance, may apply to participate in these programs by submitting an application directly to the administering agency. Some special programs are limited to designated developments, and current PHA tenants who live elsewhere must transfer as a condition of participation.

#### **C. Special Programs Status Within the PBRA Program**

1. **Applicant Preference/Priority.** An applicant who is found to be eligible and is approved for one of the special housing programs will receive five (5) waiting list preference points. Applicants who receive this preference are only eligible for admission into a unit assisted by one of the PHA's special programs.
2. **Tenant Transfers.** Transfers to permit PHA tenants to participate in a special housing program will be subject to the approval of the Rental Administrator and the administrator of the special program.
3. **Ineligibility for Special Program Due To Level of Need for Services**
  - a. An applicant who is found to be ineligible for one of the special housing programs, because the applicant's needs for services exceed the amount and type of services available in the program, will be considered for admission to or continued occupancy in the regular PBRA program based on the specific circumstances, without regard to

the special housing determination.

- b. An applicant who is found to be ineligible for admission to one of the special housing programs, because the level of need for services is not great enough to warrant admission, or whose service needs can be satisfactorily met by using other available resources, will be considered for admission to or continued occupancy in the regular PBRA program based on the specific circumstances, without regard to the special housing determination.

**D. Officer In Residence Program**

The PHA provides housing to police officers and their families in some hi-rises and family developments, in cooperation with the Saint Paul Police Department, under a plan approved by HUD. (24 CFR § 960.505)

1. **Non-Resident Status.** Participants in the Officer in Residence (OIR) Program are not considered PBRA residents. They are not subject to the same requirements and do not have the same rights as other PHA tenants.

**2. Other Conditions**

- a. They do not have to qualify as a Lower Income Family.
- b. They are subject to the non-economic eligibility criteria outlined in the PHA's Tenant Selection Plan, including, but not limited to, rental history and criminal screening.
- c. If they are required to pay rent, the rent is set at a reasonable level by the PHA. The formula for Total Tenant Payment is not applicable.
- d. They are not subject to HUD lease and grievance provisions.
- e. They will be required to move out of the unit if their employment with the Saint Paul Police Department is terminated, or if a change in their work assignments makes them unable to fulfill the obligations of the Officer in Residence.
- f. They do not have any Choice-Mobility rights.
- g. They are not voting members of the Resident Council.

**21. CHOICE-MOBILITY RIGHTS UNDER RAD PBRA**

- A. Residents of PBRA properties have the right to request tenant-based assistance after the later of 24 months from date of execution of the HAP contract or 24 months after the date the resident moves into the PBRA property.
- B. HUD allows PHAs to limit the number of Choice-Mobility moves under the PBRA program in two ways:
  1. The PHA will provide no more than one-third of its turnover vouchers to residents of RAD properties in any one year; and
  2. The PHA may limit Choice-Mobility moves to no more than 15 percent of assisted units in each RAD hi-rise property or management area.
- C. The PHA will utilize either or both methods allowed in Section 18B when administering

Choice Mobility Rights.

- D.** If there are no available vouchers at the time of the tenant's request for tenant-based assistance, the resident will be placed on the PHA's RAD-Multifamily HCV Waiting List.

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Recommended for PHA Board Approval on August 23, 2023