

PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

Section	Current Language	New Language (Changes are in BOLD)
4-I.B	<p>APPLYING FOR ASSISTANCE</p> <p>Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits DHA to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by DHA. However, DHA must include form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the DHA application [Notice PIH 2009-36].</p> <p><u>DHA Policy</u> Depending upon the length of time that applicants may need to wait to be housed, DHA may use a one- or two-step application process.</p> <p>A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.</p> <p>A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, DHA initially will require families to provide only the information needed to make an initial assessment of the family’s eligibility, and to</p>	<p>APPLYING FOR ASSISTANCE</p> <p>Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits DHA to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by DHA. However, DHA must include form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the DHA application [Notice PIH 2009-36].</p> <p><u>DHA Policy</u> Depending upon the length of time that applicants may need to wait to be housed, DHA will use a one -step application process.</p> <p>A one-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the one-step application process, the family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.</p> <p>Families may obtain application forms from the Site they are applying for during normal business hours or the DHA website, when available. Families may also request – by telephone or by mail – a form</p>

PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>4-I.D</p>	<p>determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list. On a quarterly basis, the DHA will conduct an analysis of its waiting list to determine which process (one step or two step) is applicable.</p> <p>Families may obtain application forms from DHA's office during normal business hours. Families may also request – by telephone or by mail – that a form be sent to the family via first class mail.</p> <p>Completed applications must be returned to DHA by mail, by fax, or submitted in person during normal business hours. Applications must be complete in order to be accepted by DHA for processing. If an application is incomplete, DHA will notify the family of the additional information required.</p> <p>4-I.D. PLACEMENT ON THE WAITING LIST</p> <p>Ineligible for Placement on the Waiting List <u>DHA Policy</u> If DHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, DHA will send written notification of the ineligibility determination within 10 business days of <u>receiving a completed application</u>. The notice will specify the reasons for ineligibility, and will inform the family of its right to</p>	<p>be sent to the family via first class mail.</p> <p>Completed applications must be returned to the Site the applicant is applying for by mail, fax, or in person during normal business hours. Applications must be complete in order to be accepted by DHA for processing. If an application is incomplete, DHA will notify the family of the additional information required.</p> <p>4-I.D. PLACEMENT ON THE WAITING LIST</p> <p>Ineligible for Placement on the Waiting List <u>DHA Policy</u> If DHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, DHA will send written notification of the ineligibility determination within 10 business days. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14).</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>request an informal hearing and explain the process for doing so (see Chapter 14).</p> <p>Eligible for Placement on the Waiting List</p> <p><u>DHA Policy</u> DHA will send written notification of the preliminary eligibility determination within 10 business days of receiving a completed application. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify.</p> <p>Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting list.</p> <p>Applicants will be placed on the waiting list according to DHA preference(s) and the date and time their complete application is received by DHA.</p> <p>DHA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to DHA standards and local codes). However, in these cases, the family must agree not to request a</p>	<p>If an applicant has been deemed ineligible and has had a grievance hearing, the applicant must wait 12 months before being reconsidered for eligibility.</p> <p>Eligible for Placement on the Waiting List</p> <p><u>DHA Policy</u> DHA will mail written notification of the preliminary eligibility determination within 10 business days of receiving a completed application. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify.</p> <p>Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting list.</p> <p>Applicants will be placed on the waiting list according to date and time their completed application is received by DHA then by DHA preference(s).</p> <p>DHA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to DHA standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>4-II.A</p> <p>4-II.B</p>	<p>transfer for two years after admission, unless they have a change in family size or composition.</p> <p>PART II: MANAGING THE WAITING LIST</p> <p>4-II.A. OVERVIEW DHA must have policies regarding the types of waiting lists it will utilize as well as the various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.</p> <p>In addition, HUD imposes requirements on how DHA may structure its waiting list and how families must be treated if they apply for public housing at a DHA that administers more than one assisted housing program.</p> <p>4-II.B. ORGANIZATION OF THE WAITING LIST</p> <p>DHA’s public housing waiting list must be organized in such a manner to allow DHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.</p> <p><u>DHA Policy</u> The waiting list will contain the following</p>	<p>PART II: MANAGING THE WAITING LIST</p> <p>4-II.A. OVERVIEW DHA must have policies regarding the types of waiting lists it will utilize as well as the various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.</p> <p>In addition, HUD imposes requirements on how DHA may structure its waiting list and how families must be treated if they apply for public housing at DHA which administers more than one assisted housing program.</p> <p>4-II.B. ORGANIZATION OF THE WAITING LIST</p> <p>DHA’s public housing waiting list must be organized in such a manner to allow DHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.</p> <p><u>DHA Policy</u> The waiting list will contain the following information for each applicant listed:</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>4-II.C</p>	<p>information for each applicant listed:</p> <ul style="list-style-type: none"> • Name and social security number of head of household • Unit size required (number of family members) • Amount and source of annual income • Accessibility requirement, if any • Date and time of application or application number • Household type (family, elderly, disabled) • Admission preference, if any • Race and ethnicity of the head of household <p>DHA may adopt one community-wide waiting list or site-based waiting lists. DHA must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].</p> <p>4-II.C. OPENING AND CLOSING THE WAITING LIST</p> <p>Closing the Waiting List DHA is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fill its developments. DHA may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ GB, p. 31].</p> <p><u>DHA Policy</u> As it applies to the community-wide waiting list, not</p>	<ul style="list-style-type: none"> • Name and social security number of head of household • Unit size required (number of family members) • Amount and source of annual income • Accessibility requirement, if any • Date and time of application or application number • Household type (family, elderly, disabled) • Admission preference, if any • Race and ethnicity of the head of household <p>DHA will maintain site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].</p> <p>4-II.C. OPENING AND CLOSING THE WAITING LIST</p> <p>Closing the Waiting List DHA is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fill its developments. DHA may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ GB, p. 31]. DHA should publish a notice in local newspapers of general circulation, minority media, and other suitable media outlets that DHA is closing the waiting list. Such</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>4-II.E</p>	<p><u>including site-based waiting lists:</u> DHA will close the waiting list when the estimated waiting period for housing applicants on the list reaches 12 months for the most current applicants. Where DHA has particular preferences or other criteria that require a specific category of family, DHA may elect to continue to accept applications from these applicants while closing the waiting list to others.</p> <p><u>As it applies to site- based waiting lists:</u> DHA will close the waiting list when the estimated waiting period for housing applicants on the list reaches 6 months for the most current applicants. Where DHA has particular preferences or other criteria that require a specific category of family, DHA may elect to continue to accept applications from these applicants while closing the waiting list to others.</p> <p>4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES</p> <p><u>DHA Policy</u> While the family is on the waiting list, the family must inform DHA, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.</p> <p>Changes in an applicant's circumstances while on the waiting list may affect the family's qualification</p>	<p>notice must comply with HUD fair housing requirements.</p> <p><u>DHA Policy</u> DHA may close the waiting list when the estimated waiting period for housing applicants on the list reaches 12 months for the most current applicants.</p> <p>In order to close the site based waiting list, sites are required to have at least three times the number of applications versus units in the Community</p> <p>Where DHA has particular preferences or other criteria that require a specific category of family, DHA may elect to continue to accept applications from these applicants while closing the waiting list to others.</p> <p>4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES</p> <p><u>DHA Policy</u> While the family is on the site-based waiting list, the family must inform DHA, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and telephone number. The changes must be submitted in writing. Submitted changes must be stamped with date and time.</p> <p>Changes in an applicant's circumstances while on</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>4-II.F</p>	<p>for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.</p> <p>4-II.F. UPDATING THE WAITING LIST</p> <p>HUD requires DHA to establish policies to use when removing applicant names from the waiting list [24 CFR 960.202(a)(2)(iv)].</p> <p>Purging the Waiting List</p> <p>The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to DHA’s request for information or updates because of the family member’s disability, DHA must, upon the family’s request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.</p> <p><u>DHA Policy</u> The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.</p> <p>To update the waiting list, DHA will send an update request via first class mail to each family on the</p>	<p>the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.</p> <p>4-II.F. UPDATING THE WAITING LIST</p> <p>HUD requires DHA to establish policies for removing applicant names from the waiting list [24 CFR 960.202(a)(2)(iv)].</p> <p>Purging the Waiting List</p> <p>The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to DHA’s request for information or updates because of the family member’s disability, DHA must, upon the family’s request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.</p> <p><u>DHA Policy</u> The site-based waiting list will be updated on a quarterly basis to ensure that all applicants and applicant information is current and timely.</p> <p>To update the waiting list, DHA will send an update request via first class mail to each family on the waiting list to determine whether the family</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that DHA has on record for the family. The update request will provide the deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.</p> <p>The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by DHA not later than 15 business days from the date of DHA letter.</p> <p>If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.</p> <p>If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.</p> <p>If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.</p>	<p>continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that DHA has on record for the family. The update request will provide the deadline, which is 10 calendar days from the date of the letter, by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list without further notice.</p> <p>The family's response must be in writing and may be delivered in person, by mail, or fax. Responses should be postmarked or received by DHA no later than 10 calendar days from the date of the DHA letter.</p> <p>If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.</p> <p>If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.</p> <p>If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>4-III.B</p>	<p>Removal from the Waiting List</p> <p><u>DHA Policy</u> DHA will remove applicants from the waiting list if they have requested that their name be removed. In such cases no informal hearing is required.</p> <p>4-III.B. SELECTION METHOD</p> <p>The following preferences take precedence over the admission preferences:</p> <p>DHA Relocation Preference: This preference applies to families who reside in DHA owned units who are required to relocate as a result of DHA demolition or rehabilitation.</p> <p>City of Durham Relocation Preference: This preference applies to families referred to the DHA by the City of Durham’s Relocation Program.</p>	<p>Removal from the Waiting List</p> <p><u>DHA Policy</u> DHA will remove applicants from the waiting list if they have requested, in writing, that their name be removed. In such cases no informal hearing is required.</p> <p>4-III.B. SELECTION METHOD</p> <p>The following preferences take precedence over the admission preferences:</p> <p>DHA Relocation Preference: This preference applies to families who reside in DHA owned units who are required to relocate as a result of DHA demolition or rehabilitation.</p> <p>City of Durham Relocation Preference: This preference applies to families referred to the DHA by the City of Durham’s Relocation Program.</p> <p>Emergency & Declared Disaster Preference:</p> <p>Emergency & Declared Disaster (PH Resident): This selection preference is for a public housing family or individual in the City of Durham or another jurisdiction, affected by a federal and/or state declared disaster or emergency disasters that include but are not limited to fires or floods.</p> <p>Emergency & Declared Disaster (Non-PH Resident): This selection is for all other families</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

	<p>Goley Pointe Waiting List Only:</p> <p>Homeless Preference: This preference applies to families who lack a fixed, regular, adequate nighttime residence or are chronically homeless. Chronically homeless families have an adult with a disability and have been homeless continuously for one year or have had four episodes of homelessness within the last three years.</p> <p><i>Steps for Implementation [24 CFR 903.2(c)(1)]</i></p> <p>If, at annual review, the average incomes at all general occupancy developments are within the EIR, DHA will be considered to be in compliance with the deconcentration requirement and no further action is required.</p> <p>Order of Selection [24 CFR 960.206(e)]</p> <p>When selecting applicants from the waiting list DHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. DHA will offer</p>	<p>or individuals affected by a federal and/or state declared natural disaster or emergency disasters that include but are not limited to fires or floods.</p> <p>Goley Pointe Waiting List Only:</p> <p>(a) Homeless Preference: This preference applies to families who lack a fixed, regular, adequate nighttime residence or are chronically homeless. Chronically homeless families have an adult with a disability and have been homeless continuously for one year or have had four episodes of homelessness within the last three years.</p> <p>(b) Supportive Services/Disabled Preference: This preference applies to families who are participants of a supportive service program and are disabled.</p> <p><i>Steps for Implementation [24 CFR 903.2(c)(1)]</i></p> <p>If, at annual review, the average incomes at all site-based developments are within the EIR, DHA will be considered to be in compliance with the deconcentration requirement and no further action is required.</p> <p>Order of Selection [24 CFR 960.206(e)]</p> <p>When selecting applicants from the site-based waiting list DHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. DHA</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>4-III.D</p>	<p>the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.</p> <p>4-III.D. THE APPLICATION INTERVIEW</p> <p>If the family is unable to attend a scheduled interview, the family should contact DHA in advance of the interview to schedule a new appointment. If the family does not attend a scheduled interview, DHA will not send another notification letter to reschedule the interview. Applicants who fail to attend scheduled interviews without DHA approval will have their applications made inactive based on the family’s failure to supply information needed to determine eligibility. Such failure to act on the part of the applicant prevents DHA from making an eligibility determination; therefore DHA will not offer an informal hearing.</p> <p>5-II.B. NUMBER OF OFFERS</p> <p><u>DHA Policy</u> DHA has adopted a “two offer plan” for offering units to applicants. Under this plan, DHA will determine how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. The unit offer will be based on the distribution of vacancies. If a suitable unit is available in two (2) locations, the applicant will be offered a suitable unit in the location with the higher number of vacancies. If more than one</p>	<p>will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.</p> <p>4-III.D. THE APPLICATION INTERVIEW</p> <p>If the family is unable to attend a scheduled interview, the family should contact DHA in advance of the interview to schedule a new appointment. If the family does not attend a scheduled interview, DHA will not send another notification letter to reschedule the interview unless DHA receives returned mail with a forwarding address. Applicants who fail to attend scheduled interviews without DHA approval will have their applications made inactive based on the family’s failure to supply information needed to determine eligibility. Such failure to act on the part of the applicant prevents DHA from making an eligibility determination; therefore DHA will not offer an informal hearing.</p> <p>5-II.B. NUMBER OF OFFERS</p> <p><u>DHA Policy</u> Under the site-based waiting list plan, DHA has adopted a one offer plan for offering units to applicants. Once a suitable unit is available, the applicant will be offered that unit based on the oldest vacant unit on the applied for Site.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>5-II.B</p>	<p>unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy. An applicant may only reject the unit in accordance with paragraph 5-II-D.</p> <p>5-II.D. REFUSALS OF UNIT OFFERS</p> <p>Good Cause for Unit Refusal</p> <p>An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].</p> <p><u>DHA Policy</u> Applicants may refuse to accept a unit offer for "good cause." <i>Good cause</i> includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:</p> <p>Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational</p>	<p>5-II.D. REFUSAL OF UNIT OFFER</p> <p>Good Cause for Unit Refusal (OMITTED)</p> <p>Unit Refusal</p> <p><u>DHA Policy</u> When an applicant rejects the unit offer, DHA will remove the applicant's name from the site-based wait list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14).</p> <p>Applicants may refuse to accept a unit offer under the following circumstances:</p> <p>An elderly or disabled family may decline an offer for designated housing such a refusal must not advertently effect the family's position or placement on the PH site-based waiting list [24CFR 945.303(d)].</p> <p>A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members "as listed on final application" or live-in aide necessary to the care of the principal</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

	<p>program for children with disabilities</p> <p>The family demonstrates to DHA's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption</p> <p>A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member</p> <p>The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move;</p> <p>The unit has lead-based paint and the family includes children under the age of six.</p> <p>In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.</p>	<p>household member.</p> <p>The applicant may reapply for assistance if the site-based wait list is open. If the waitlist is not open, the applicant must wait to reapply until DHA opens the site-based wait list.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>DHA will require documentation of good cause for unit refusals.</p> <p>Unit Refusal without Good Cause</p> <p><u>DHA Policy</u> When an applicant rejects the final unit offer without good cause, DHA will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14).</p> <p>The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until DHA opens the waiting list.</p> <p>7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS</p> <p>HUD's Verification Hierarchy [Notice PIH 2010-19] HUD authorizes DHA to use six methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires DHA to use the most reliable form of verification that is available and to document the reasons when DHA uses a lesser form of verification.</p> <p><u>DHA Policy</u> In order of priority, the forms of verification that DHA will use are:</p>	<p>7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS</p> <p>HUD's Verification Hierarchy [Notice PIH 2010-19] HUD authorizes DHA to use six methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires DHA to use the most reliable form of verification that is available and to document the reasons when DHA uses a lesser form of verification.</p> <p><u>DHA Policy</u> In order of priority, the forms of verification that DHA will use are:</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>7-I.B</p>	<ul style="list-style-type: none"> • Up-front Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system • Up-front Income Verification (UIV) using a non-HUD system whenever available • Written Third-party Verification (may be provided by applicant or resident) • Written Third-party Verification form • Oral Third-party Verification • Self-Certification <p>8-I.B. LEASE ORIENTATION <u>DHA Policy</u> After unit acceptance but prior to occupancy, a DHA representative will provide a lease orientation to the family. The head of household or spouse is required to attend.</p> <p>Orientation Agenda <u>DHA Policy</u> When families attend the lease orientation, they will be provided with:</p> <ul style="list-style-type: none"> • A copy of the lease • A copy of DHA’s grievance procedure 	<ul style="list-style-type: none"> • Up-front Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system • Up-front Income Verification (UIV) using a non-HUD system whenever available • Written Third-party Verification (may be provided by applicant or resident) • Written Third-party Verification form • Oral Third-party Verification (if written third party verification is not available) • Self-Certification/Tenant Declaration (use as a last resort when unable to obtain any third party verification) <p>8-I.B. LEASE ORIENTATION <u>DHA Policy</u> After unit acceptance but prior to occupancy, a DHA representative will provide a lease orientation to the family. The head of household or spouse is required to attend.</p> <p>Orientation Agenda <u>DHA Policy</u> When families attend the lease orientation, they will be provided with:</p> <ul style="list-style-type: none"> • A copy of the lease • A copy of DHA’s grievance procedure • A copy of the Resident Handbook
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>8-I.B</p>	<ul style="list-style-type: none"> • A copy of the house rules • A copy of DHA’s schedule of maintenance charges • A copy of the pamphlet <i>Protect Your Family From Lead in Your Home</i> • A copy of <i>Things You Should Know</i> (HUD-1140-OIG) <p>Topics to be discussed will include:</p> <ul style="list-style-type: none"> • Applicable deposits and other charges • Review and explanation of lease provisions • Unit maintenance and work orders • DHA’s reporting requirements • Explanation of occupancy forms • Community service requirements • Family choice of rent <p>8-I.D. MODIFICATIONS TO THE LEASE</p> <p>Other Modifications <u>DHA Policy</u> The lease will be amended to reflect all changes in family composition. If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by drawing a line through the person's name. The head of household and DHA will be required to initial and date the change.</p>	<ul style="list-style-type: none"> • A copy of DHA’s schedule of maintenance charges • A copy of the pamphlet <i>Protect Your Family From Lead in Your Home</i> • A copy of <i>Things You Should Know</i> (HUD-1140-OIG) • A copy of the Bedbug policy • A copy of the housekeeping policy • A copy of the pet policy <p>Topics to be discussed will include:</p> <ul style="list-style-type: none"> • Applicable deposits and other charges • Review and explanation of lease provisions • Unit maintenance and work orders • DHA’s reporting requirements • Explanation of occupancy forms • Community service requirements • Family choice of rent • Minimum rent hardship exemption <p>8-I.D. MODIFICATIONS TO THE LEASE</p> <p>Other Modifications <u>DHA Policy</u> The lease will be amended to reflect all changes in family composition. If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by checking the “delete” column. The head of household and DHA will be required to initial and date the change.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>8-I.D</p>	<p>If a new household member is approved by DHA to reside in the unit, the person’s name and birth date will be added to the lease. The head of household and DHA will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease.</p>	<p>If a new household member is approved by DHA to reside in the unit, the person’s name, birth date and social security number will be added to the lease. The head of household and DHA will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease.</p>
<p>8-I.E</p>	<p>8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)] At the option of DHA, the lease may require security deposits. The amount of the security deposit cannot exceed a reasonable fixed amount as determined by DHA. Subject to applicable laws, security deposits may be refunded to the tenant after vacating the unit, or used for tenant services or activities.</p> <p><u>DHA Policy</u> DHA will require the resident to pay the full amount of the deposit on or before the occupancy date unless waived under an official marketing promotion that is approved by the CEO or designee.</p> <p>The security deposit shall be an amount equal to one month’s total tenant payment or a fixed amount as determined by DHA.</p> <p>DHA will provide the resident with a written list of any charges against the security deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged, DHA will provide a meeting to discuss the charges.</p>	<p>8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)] At the option of DHA, the lease may require security deposits. The amount of the security deposit cannot exceed a reasonable fixed amount as determined by DHA. Subject to applicable laws, security deposits may be refunded to the tenant after vacating the unit, or used for tenant services or activities.</p> <p><u>DHA Policy</u> DHA will require the resident to pay the full amount of the deposit on or before the occupancy date unless waived under an official marketing promotion that is approved by the CEO or designee.</p> <p>The security deposit shall be an amount equal to one month’s total tenant payment or a fixed amount of \$300.00.</p> <p>DHA will provide the resident with a written list of any charges against the security deposit within 30 days of the move-out inspection. If the resident disagrees with the amount charged, DHA will provide a meeting to discuss the charges.</p>

PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

8-I.F	<p>8-I.F. PAYMENTS UNDER THE LEASE</p> <p>Rent Payments [24 CFR 966.4(b)(1)] Families must pay the amount of the monthly tenant rent determined by DHA in accordance with HUD regulations and other requirements. The amount of the tenant rent is subject to change in accordance with HUD requirements.</p> <p>The lease must specify the initial amount of the tenant rent at the beginning of the initial lease term, and DHA must give written notice stating any change in the amount of tenant rent and when the change is effective.</p> <p><u>DHA Policy</u> The tenant rent is due and payable at DHA-designated location on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.</p> <p>DHA will not accept partial payments.</p> <p>If a family's tenant rent changes, DHA will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease.</p> <p>Maintenance and Damage Charges</p> <p><u>DHA Policy</u> When applicable, families will be charged for maintenance and/or damages according to DHA's current schedule. Work that is not covered in the schedule will be charged based on the actual cost</p>	<p>8-I.F. PAYMENTS UNDER THE LEASE</p> <p>Rent Payments [24 CFR 966.4(b)(1)] Families must pay the amount of the monthly tenant rent determined by DHA in accordance with HUD regulations and other requirements. The amount of the tenant rent is subject to change in accordance with HUD requirements.</p> <p>The lease must specify the initial amount of the tenant rent at the beginning of the initial lease term, and DHA must give written notice stating any change in the amount of tenant rent and when the change is effective.</p> <p><u>DHA Policy</u> <u>PAYMENT LOCATION</u> The tenant rent is due and payable at DHA-designated location on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.</p> <p><u>AUTOMATIC PAYMENTS (DIRECT DEBIT)</u> All charges due and payable on the 1st of the month shall be withdrawn from the tenant designated bank account. This includes all monies currently due. The monies will be withdrawn for the full amount on the 5th of the month. If the 5th falls on a weekend or a holiday, then the funds will be withdrawn on the 1st business day following the weekend or holiday. Automatic payments will be reflected on the Tenant's account as having been paid on the 1st of the month.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

	<p>of labor and materials to make needed repairs (including overtime, if applicable).</p> <p>Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, DHA may not take action for nonpayment of the charges until the conclusion of the grievance process.</p> <p>PART II: INSPECTIONS 8-II.B. TYPES OF INSPECTIONS</p>	<p><u>NOTICE PROCEDURE FOR NONPAYMENT</u> When payment in full is not received, a fourteen-day Notice of Termination shall be mailed to the Tenant on the sixth day of the month, or such later date as may be applicable because of holidays or weekends. Notices will be by first class mail, or by hand delivery to the tenant's address who is delinquent with their payment.</p> <p>If a family's tenant rent changes, DHA will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease.</p> <p>Maintenance and Damage Charges</p> <p><u>DHA Policy</u> When applicable, families will be charged for maintenance and/or damages that are due to misuse, neglect or deliberate vandalism.</p> <p>Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 30 calendar days after billing. If the family requests a grievance hearing within the required timeframe, DHA may not take action for nonpayment of the charges until the conclusion of the grievance process.</p> <p>PART II: INSPECTIONS 8-II.B. TYPES OF INSPECTIONS</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>8-II.B</p>	<p>Move-In Inspections [24 CFR 966.4(i)] The lease must require DHA and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by DHA and the resident, must be provided to the tenant and be kept in the resident file.</p> <p><u>DHA Policy</u> Any adult family member may attend the initial inspection and sign the inspection form for the head of household.</p> <p>Move-Out Inspections [24 CFR 966.4(i)] DHA must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to DHA. DHA must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear.</p> <p>The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.</p> <p><u>DHA Policy</u> When applicable, DHA will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 10 business days of conducting the move-out inspection.</p>	<p>Move-In Inspections [24 CFR 966.4(i)] The lease must require DHA and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by DHA and the resident, must be provided to the tenant and be kept in the resident file.</p> <p><u>DHA Policy</u> Any adult family member may attend the initial inspection; however, the inspection form must be signed by the head of household.</p> <p>Move-Out Inspections [24 CFR 966.4(i)] DHA must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to DHA. DHA must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear.</p> <p>The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.</p> <p><u>DHA Policy</u> When applicable, DHA will provide the tenant with a statement of the condition of the unit beyond normal wear and tear within 10 business days of conducting the move-out inspection.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>9.1-B</p>	<p>Special Inspections <u>DHA Policy</u> DHA staff may conduct a special inspection for any of the following reasons:</p> <ul style="list-style-type: none"> • Housekeeping • Unit condition • Suspected lease violation • Preventive maintenance • Routine maintenance • There is reasonable cause to believe an emergency exists <p>9-I.B. SCHEDULING ANNUAL REEXAMINATIONS DHA must establish a policy to ensure that the annual reexamination for each family paying an income-based rent is completed within a 12 month period [24 CFR 960.257(a)(1)].</p> <p><u>DHA Policy</u></p> <p>Generally, DHA will schedule annual reexaminations to coincide with the family's anniversary date. DHA will begin the annual reexamination process approximately 120 days in advance of the scheduled effective date.</p> <p><i>Anniversary date</i> is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).</p>	<p>Special Inspections <u>DHA Policy</u> DHA staff may conduct a special inspection for any of the following reasons:</p> <ul style="list-style-type: none"> • Housekeeping • Infestation/Bedbugs • Unit condition • Suspected lease violation • Preventive maintenance • Routine maintenance • There is reasonable cause to believe an emergency exists <p>9-I.B. SCHEDULING ANNUAL REEXAMINATIONS DHA must establish a policy to ensure that the annual reexamination for each family paying an income-based rent is completed within a 12 month period [24 CFR 960.257(a)(1)].</p> <p><u>DHA Policy</u></p> <p>When establishing the reexamination date for new developments, DHA will either use the date the first unit was occupied or the date the last unit was occupied. If the time period between the two is greater than 12 months, DHA will use the date the first unit was occupied.</p> <p>Generally, DHA will schedule annual reexaminations to coincide with the family's anniversary date. DHA will begin the annual reexamination process approximately 120 days in</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>12-I.E</p>	<p>[NEW SECTION]</p>	<p>advance of the scheduled effective date.</p> <p><i>Anniversary date</i> is defined as 12 months from the effective date of the family’s last annual reexamination or, during a family’s first year in the program, from the effective date of the family’s initial examination (admission).</p> <p>PART I: EMERGENCY TRANSFERS 12-I.E. EMERGENCY TRANSFERS UNDER VAWA REQUEST EMERGENCY TRANSFER PLAN</p> <p>A. Eligibility for Transfer</p> <p>In accordance with the Violence Against Women Act (VAWA) DHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit, regardless of sex, gender identity, or sexual orientation. The ability of DHA to honor such request for tenants currently receiving assistance may depend upon:</p> <p>(1) A preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and</p> <p>(2) On whether DHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>B. Requesting a transfer</p> <p>(1) In order to request an emergency transfer the tenant shall notify DHA by submitting a written request for a transfer (HUD-5383). DHA will provide reasonable accommodations to this policy for individuals with disabilities. In addition to submitting the HUD-5383, the tenant 's written request for an emergency transfer should also include either:</p> <ul style="list-style-type: none">a. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the PH program; orb. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer. <p>(2) DHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. However, DHA will act as quickly as possible to expedite and finalize the move of a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.</p> <p>(3) If a tenant believes a transfer within DHA's jurisdiction would not be safe, the tenant may request an external transfer to a different PHA. DHA will assist the tenant by completing a form indicating that the tenant is a victim of domestic or sexual violence</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

<p>13</p>	<p>[NEW SECTION]</p>	<p>and is eligible for a VAWA emergency transfer and that DHA does not have a safe unit immediately available.</p> <p>(4) If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. DHA may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit.</p> <p>(5) In cases where DHA determines that the family's decision to move out of public housing was reasonable under the circumstances, then DHA may wholly or partially waive rent payments and any rent owed shall be reduced by the amounts of rent collected for the remaining lease term from a tenant subsequently occupying the unit.</p> <p>(6) Should for any reason DHA be unable to successfully process/facilitate the tenant's emergency transfer, DHA will refer the tenant to other housing providers who may have safe and available units to which the tenant could move.</p> <p>(7) At the tenant's request, DHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>Chapter 13</p> <p>REASONABLE ACCOMMODATION POLICY</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>INTRODUCTION This chapter explains DHA’s Reasonable Accommodation Policy, based on HUD regulations, HUD guidance, Section 504; the ADA; Fair Housing Act and DHA policy decisions.</p> <p>This chapter describes HUD regulations and DHA policies related to transfers in four parts:</p> <p>Part I: Definitions. This part defines various terms regarding Reasonable Accommodation.</p> <p>Part II: Examples of Reasonable Accommodation Request. Although not all inclusive, this part describes types of request that may be made by DHA residents.</p> <p>Part III: Reasonable Accommodation Procedures. This part describes the procedures for residents to make a request and Management to process the request.</p> <p>Part IV: Grievance Process. This part describes the grievance procedure process.</p> <p>POLICY STATEMENT The Durham Housing Authority (“DHA”) is dedicated to ensuring that persons with disabilities are not discriminated against on the basis of disability in connection with the DHA’s programs, services and activities. If a person with a disability requests an accommodation to an existing rule, policy, practice, or service in order to have an equal opportunity to use a dwelling unit or enjoy the benefits of participating in</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>the DHA's services, the DHA must provide the resident an opportunity to request an accommodation. The DHA is not required to make changes that would fundamentally alter a program or create an undue financial or administrative burden to the DHA. The DHA will make a reasonable accommodation for people with disabilities when an accommodation is necessary to insure equal access to DHA's amenities, services and programs. Reasonable accommodations include changes to the building, grounds or an individual unit as well as changes to policies, practices and procedures.</p> <p>This policy applies to applicants and residents of public housing. An applicant or resident family that has a member with a disability must still be able to meet essential obligations of tenancy. They must be able:</p> <ul style="list-style-type: none">a. to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;b. to care for and avoid damaging the unit and common areas;c. to use facilities and equipment in a reasonable way;d. to create no health, or safety hazards, and to report maintenance needs;e. to not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;f. to not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>activity; and</p> <p>g. to comply with necessary and reasonable rules and program requirements of HUD and the DHA.</p> <p>But there is no requirement that they be able to do these things without assistance.</p> <p>PART I: DEFINITIONS</p> <p>13-I.A Definitions [24 CFR§8.3]</p> <p>A “reasonable accommodation” is defined as a change, modification, alteration or adaptation in a policy, procedure, practice, program, or facility that is necessary for a qualified individual with a disability to have the opportunity to participate in, and benefit from, a program or activity.</p> <p>Impairment: Any loss or abnormality of psychological, physiological or anatomical structure or function.</p> <p>Disability: An inability or a reduced capacity to perform a task in a specific way.</p> <p>Handicap: The impact or consequence of a disability, not the condition itself. In other words, the result of the disability's severity.</p> <p>An “individual with a handicap” is defined as a person who has a physical and/or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment. The term does not</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase “physical or mental impairment” includes:</p> <p>(A) Physical or mental impairment means:</p> <ol style="list-style-type: none">1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>addiction and alcoholism.</p> <p>(B) Major life activities means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.</p> <p>(C) Record of impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.</p> <p>(D) Regarded as having an impairment means:</p> <ol style="list-style-type: none">1. Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;2. Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or3. Has none of the impairments defined in paragraph (A) of this section but is treated by a recipient as having such an impairment. <p>PART II: EXAMPLES OF REQUEST FOR REASONABLE ACCOMMODATIONS</p> <p>13-II.A Reasonable Accommodation Examples</p> <p>Examples of reasonable accommodations/modifications may include, but are</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>not limited to:</p> <ol style="list-style-type: none">1. Making an offer to transfer a resident with a disability to a public housing unit with the required accessibility features;2. Making a housing unit, part of a housing unit or public and common use areas accessible for an individual with a disability;3. Providing an additional bedroom for a disabled family member's medical equipment;4. Permitting a family to have a service or assistance animal necessary to assist a household member with a disability; NOTE: With regards to service animals as a reasonable accommodation, DHA may not ask a resident or applicant to provide documentation showing the disability or disability-related need for a service or assistance animal, if the disability or disability-related needs is readily apparent.5. Transferring a family that is participating in the public housing program to a larger size housing unit in order to provide a separate bedroom for the resident with a disability;6. Transferring a resident with a disability that is participating in the public housing program to a ground floor level unit;7. Installing strobe-type flashing lights and other such emergency equipment for a
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>household member with a hearing impairment;</p> <p>8. Allowing a live-in aide for a resident or program participant with a disability to reside in an appropriately sized housing unit;</p> <p>9. Making documents available in larger type, computer disc or Braille;</p> <p>10. Providing an accessible parking space for a disabled resident;</p> <p>11. Providing qualified sign language interpreters for applicants, residents and program participants at appointments with DHA staff, Resident Council meetings, or DHA Board of Commissioners meetings; and</p> <p>12. Permitting an outside agency or family member to assist an applicant or resident with a disability in meeting screening criteria or meeting essential lease obligations.</p> <p>Part III: Reasonable Accommodation Procedures</p> <p>13-III.A Reasonable Accommodation Procedures</p> <p>A person with a disability may request a reasonable accommodation during the application process or during their residency in public housing. The person with a disability may submit all requests in writing, orally or by any other equally effective means of communication.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>The Request for Reasonable Accommodation form [form 13.A] may be obtained at the management office for the Development where the person applies or resides. Staff will assist applicants or residents who need such assistance and will accept requests in alternate format if necessary because of a disability. Management has the right to sufficient documentation to make a decision, but does not have a right to diagnosis, medical history or treatment unless directly relevant to a reasonable accommodation request, example chemical sensitivity to certain materials. Therefore, management may request a medical provider, peer support group, or reliable third party who is in a position to know about the individual's disability, to provide verification of a disability.</p> <p><u>DHA Policy</u></p> <p>For clarity for both parties, DHA recommends filling out a written request. If verification is not received within thirty (30) calendar days, Management will deny the request for a reasonable accommodation due to lack of verification and will notify the requester in writing.</p> <p>When the disability is obvious or known to the staff of the residence, documentation of the disability will not be required. When the need for the accommodation is obvious or known to the staff of the residence, documentation of the need for the accommodation will not be required. When the disability or need is not obvious or known to the staff of the residence, requests will require verification of disability status,</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>need for equal access, and/or when relevant, likelihood that the request will resolve the problem.</p> <p>Within ten (10) business days of receipt of all required supporting documentation to render a decision, Management will issue a determination on the request for a reasonable accommodation and notify the requester in writing.</p> <p>DHA must approve a request for an accommodation if the following three conditions are met:</p> <ul style="list-style-type: none">• the request was made by or on behalf of a person with a disability• there is a disability-related need for the accommodation; and• the requested accommodation is reasonable, meaning it would not impose an undue financial or administrative burden on DHA, or fundamentally alter the nature of DHA's operations. <p>Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial or administrative burden must be made on a case-by-case basis involving various factors such as the cost of the requested accommodation, the financial resources of DHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.</p> <p>If DHA denies a request for an accommodation because there is no relationship found between the</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>disability and the requested accommodation, the written notice will inform the family of the right to appeal DHA's decision through an informal hearing (if applicable) or the grievance process.</p> <p><u>Part IV: Grievance Process</u></p> <p><u>13-II.A Reasonable Accommodation Grievance Process</u></p> <p>If a reasonable accommodation request is denied for any reason, Management will notify the requester and will include in the denial notification a written or alternate format notice of the right to a grievance hearing and the procedures for requesting one. If the requester disagrees with a reasonable accommodation decision, they may request a grievance hearing by asking management either verbally or in writing within ten (10) calendar days of the decision.</p> <p><u>DHA Policy</u> For clarity for both parties DHA will recommend the request for a hearing be in writing.</p> <p>Within 10 calendar days of receipt of the request DHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.</p> <p>If a tenant fails to attend the scheduled meeting without prior notice, DHA will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

18	[NEW SECTION]	<p>reasonable accommodation for a person with disabilities.</p> <p>Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.</p> <p>The written request must be submitted to the Hearing Officer within ten (10) business days in order to receive an informal hearing. All parties will have an opportunity to present documentation of the request and reasons for the denial.</p> <p>The Hearing Officer will render a decision within ten (10) business days and mail the decision to the requester and submit a copy to the management office.</p> <p>If, with or without a grievance hearing a requester agrees to an alternative accommodation, the requester must sign a statement agreeing to the alternative accommodation.</p> <p>Chapter 18</p> <p>SMOKE FREE POLICY</p> <p>INTRODUCTION</p> <p>This policy establishes standards and requirements to provide a smoke-free environment for all properties of</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>the Housing Authority of the City of Durham. To insure that quality of air and the safety of residents are protected, the Housing Authority of the City of Durham (DHA) has declared all of their properties to be smoke-free. Smoking is not permitted within any building to include: apartment units, common areas, DHA offices or DHA administrative buildings. All tenants, guests, employees, contractors and employees of contractors providing services at DHA must abide by the following rules and regulations. The policies are discussed in the following three parts:</p> <p><u>Part I: Definitions.</u> This part defines specific terminology related to this policy.</p> <p><u>Part II: Implementation and Enforcement of Policy.</u> This part discusses the implementation and enforcement procedures.</p> <p><u>Part III: Smoking Cessation Assistance.</u> This part outlines the assistance DHA will give for tenants wanting to quit smoking.</p> <p>PART I: DEFINITIONS</p> <p>18-I.A. DEFINITIONS</p> <p><u>SMOKING/SMOKING DEVICES</u> – Means carrying or smoking a lighted tobacco product or the burning of any material to be inhaled, including but not limited to: cigarettes, cigars, hookahs, pipes, electronic smoking devices, marijuana, etc.</p> <p><u>INSTITUTIONAL PROPERTY</u> – Means any property owned, leased, or otherwise controlled or operated by DHA,</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>including buildings, other structures and grounds and vehicles owned or leased by the institution.</p> <p>DESIGNATED AREAS – DHA will not have designated smoking areas; however, smoking is limited to outside the buildings – 25 feet away from the building.</p> <p>PART II: IMPLEMENTATION AND ENFORCEMENT OF POLICY</p> <p>18-I.B. IMPLEMENTATION OF POLICY This policy shall be administered by the DHA. DHA shall provide initial and ongoing information to communicate the requirements of this policy, including:</p> <ul style="list-style-type: none">• Dissemination of the policy to tenants, staff and others through the DHA website and in appropriate written materials.• The placement of exterior and interior (where appropriate) notices and signs announcing that smoking is prohibited. Residents will be responsible to inform all their guest and visitors that their apartment is smoke free and that their housing may be affected by violators.• New tenants will be required to sign two copies of the smoke-free policy. After review, the tenant will be given a copy for their household and one will be retained in the tenant file. <p>18-I.C. ENFORCEMENT OF POLICY Effective May of 2018 all current and new residents, all employees, guests and visitors in and/or on DHA</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>property will be prohibited from smoking inside the buildings, common areas and including all housing units.</p> <p>Any resident, including the members of their household, guests or visitors will be considered in violation of the lease if found smoking in any DHA apartment or facility or anywhere on DHA property that is deemed as a nonsmoking area.</p> <p>Three (3) violations will be considered to be a repeated violation of the material terms of the lease and will be cause for eviction.</p> <ul style="list-style-type: none">• Violation One – First violation of the smoke-free policy will be enforced through a written warning• Violation Two – Second violation of the smoke-free policy will be enforced by conferencing the tenant; issuing a 2nd warning and referring to a local cessation assistance program.• Violation Three – Third violation of the smoke-policy will be enforced by conferencing the tenant; a 3rd warning and a fine of \$25.00• The final enforcement will be a lease termination issued to the household. <p>Violations will have to be witnessed by a DHA representative, examples of violations include but are not limited to witnessing a tenant smoking in the apartment or an area not identified as a smoking area or entering an apartment, smelling smoke and seeing cigarettes in an ashtray.</p> <p>Smoking outside any DHA building or housing unit may be limited to the following area(s): 25 feet from any entrance or window.</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

19	[NEW SECTION]	<p>Part III: Smoking Cessation Assistance 18-I.D. Assistance with Cessation Programs DHA will refer tenants to the Durham County Health Department for assistance in opportunities to participate in smoking cessation seminars, classes, counseling as well as smoking cessation products and materials.</p> <p>DHA will refer tenants to outside resources and otherwise provide information about smoking cessation assistance options and opportunities.</p> <p>CHAPTER 19 PART III: HARASSMENT POLICY</p> <p>Introduction</p> <p>It is the policy of the Durham Housing Authority to administer all aspects of its housing programs without regard to age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation. This policy extends to all residents of public housing and the Housing Choice Voucher program as well as their lawful visitors, and all applicants for such housing. The DHA will not discriminate against or harass such persons with regard to their age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation, and will not retaliate against such persons for having reported,</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>complained of, or assisted or encouraged another person to report or complain of any such discrimination or harassment.</p> <p>The DHA takes all complaints of discrimination, harassment, or retaliation seriously, and will respond within 10 days of receiving complaint. This document will set forth the specific terms and conditions of the DHA's policies against discrimination, harassment, and retaliation, and will explain the procedure to be followed in the event that a person believes that he or she has been subjected to such conduct.</p> <p>19-III.A. Definitions</p> <p>Discrimination. When used in this policy the word "discrimination" shall mean conduct that has the effect of treating a resident of public housing or HCV program, participants, a lawful visitor of such resident, or an applicant for public housing or HCV program differently in the terms, conditions, or privileges of housing on the basis of such person's age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation. Depending upon the circumstances, examples of discriminatory conduct could include, but are not limited to the following:</p> <ul style="list-style-type: none">• Verbal abuse or innuendo, which is continued or repeated, concerning a person's age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>veteran status, marital status and political affiliation, or any other legally-protected status.</p> <ul style="list-style-type: none">• Open display of objects or pictures that are offensive to persons of any legally-protected class.• Use of derogatory words to describe a person's age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation, or other legally-protected status.• Making housing decisions based upon a person's age, race, sex, color, religion, national origin, disability, pregnancy, sexual orientation, military or veteran status, marital status and political affiliation, or other legally-protected status. <p>1. Hostile Environment. Subjecting a person to unwelcome conduct that is sufficiently severe or pervasive such that it interferes with or deprives the person of the right to use and enjoy the housing.</p> <p>2. Quid Pro Quo. Subjecting a person to an unwelcome request or demand and making</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>submission to the request or demand a condition related to the person's housing.</p> <p>3. Sexual Harassment. Sexual harassment is a form of illegal sex discrimination. When used in this policy, the term "sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature where: (1) submission to, or rejection of, such advances, requests, or conduct is made either explicitly or implicitly a term or condition of a person's housing, or a basis for housing decisions affecting such person; or (2) such conduct has the purpose or effect of creating a hostile, humiliating, or sexually offensive housing environment such that a person's tenancy in housing is rendered less desirable to a reasonable person. Depending upon the circumstances, examples of sexual harassment could include, but are not limited to the following:</p> <ul style="list-style-type: none">• verbal harassment or abuse;• jokes of a sexual nature or circulation of sexual pictures;• subtle pressure for sexual activity;• obscene gestures or sexually degrading words;• patting or pinching;• leering, staring, or stalking;• unwanted touching of another employee's body;• demanding sexual favors accompanied by implied or overt threat
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<ul style="list-style-type: none">• repetitive or continual remarks that intimidate, ridicule, and maliciously demean the status of an individual gender <p>4. Retaliation. When used in this policy, the word “retaliation” shall mean any adverse action taken against a resident of DHA public housing or HCV program participant, any member of such resident’s household, or any applicant for DHA public housing or HCV program, including, without limitation, rejection of an application, commencement of eviction proceedings, harassing or annoying conduct or behavior, non-responsiveness to requests for maintenance and repair of leased premises, or other adverse or disparate treatment that is prompted and motivated by such person’s having made a complaint of discrimination or harassment.</p> <p>The DHA will not tolerate discrimination or harassment of any resident in public housing or participant in the HCV program, or of any person applying for residence or participation in any such programs, regardless of the source of the discriminatory or harassing conduct. The DHA will not take retaliatory action against any person for having reported or opposed any incidence of discrimination or harassment engaged in by any resident of public housing or the HCV program, by any employee of the DHA, or by any other person, or for having assisted or encouraged another to report or complain of, any such discrimination or harassment.</p> <p>19-III.B. Complaints of Discrimination or Harassment</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>Persons who believe that they have been subject to discrimination or harassment, as described above, or employees of the DHA who believe they have witnessed, or have been informed of, discriminatory or harassing conduct, should file a complaint with the DHA as soon as reasonably possible, as outlined below. (Disabled persons, who believe they have been subject to discrimination because of their disability, or have been denied a request for a reasonable accommodation because of their disability, should review the Request for Reasonable Accommodation (listed within this document).</p> <p>19-III.C. Reporting Process/Procedure Complaints of discrimination or harassment should be made first to DHA's Human Resources department, located at the Central Office at the mailing address: 330 East Main Street, Durham, NC 27701; telephone: (919) 683-1551, ext. 7276. All persons making such complaints must provide a <u>written</u> statement describing the events or conduct that forms the basis of the complaint. Upon being notified of the complaint in writing, Human Resources will provide a copy of the complaint to the Department Head. Human Resources will then schedule an interview with the person making the complaint for the purpose of determining whether an informal resolution of the complaint is possible, or if further investigation is warranted. Within 10 business days of receiving the complaint, DHA will provide a written notice to those alleged to have violated policy. DHA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated policy, as well as information on how to complete and submit a</p>
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PROPOSED ADMISSIONS & CONTINUED OCCUPANCY POLICY (ACOP) CHANGES

		<p>housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).</p> <p>Retaliation Any person who believes he/she had been retaliated against by the DHA for having reported any incidence of discrimination or harassment against any resident or applicant of public housing or HCV participant, for having assisted or encouraged another person to report or complain of any such discrimination or harassment, is encouraged to file a complaint with the DHA in the manner outlined above.</p> <p>Record Keeping DHA will maintain written records of all complaints of discrimination or harassment made to it, including all records pertaining to any investigation undertaken pertaining to such complaints, separately from participant files. All records will be kept confidential to the extent required by law.</p>
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