

Chapter 11

REEXAMINATIONS

[24 CFR 5.613, 24 CFR 5.61524 CFR Part 960 Subpart C]

INTRODUCTION

HUD requires that LSHA offers all families the choice of paying income-based rent or flat rent at least annually. Families who choose to pay flat rent are required to complete a reexamination of income, deductions and allowances at least once every three years. Flat rent families must still report family composition and community service requirements on an annual basis. To determine the amount of income-based rent, it is necessary for LSHA to perform a reexamination of the family's income annually. At the annual reexamination, families who choose to pay income-based rent must report their current household composition, income, deductions and allowances. Between regular annual reexaminations, HUD requires that families report all changes in household composition, but LSHA decides what other changes must be reported and the procedures for reporting them. This chapter defines LSHA's policy for conducting annual reexaminations. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ELIGIBILITY FOR CONTINUED OCCUPANCY

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined in this policy.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Have provided Social Security numbers on all eligible family members or have certifications on file indicating they have no Social Security number for ineligible members
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent ¹.
5. Who are in compliance with the LSHA's community service requirements.
6. Who remains eligible for non-criminal status or sex offender ineligibility

Remaining Family Members and Prior Debt

1. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse. LSHA will not hold remaining family members

(other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.

2. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

B. ANNUAL REEXAMINATION

Regular reexaminations: LSHA shall, at least once a year, re-examine the family composition, incomes, and community service requirements of all resident families, except for families that are paying flat rent and elect to pay flat rent. Flat rent families shall have their incomes reexamined every three years ². Flat rent families will have the family composition and community service requirements reexamined annually. **All LSHA annual recertifications are processed to be in compliance with a twelve-month effective period. Form 50058s must be sent annually, even for flat rent families paying flat rent.**

Special Reexaminations: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special reexamination will be scheduled every 90 days until a reasonably accurate estimate of income can be made.

Special reexaminations shall be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder.

Zero/Extremely Low Income Families: Unless the family has income that is excluded from rent computation, families who report zero income or extremely low income will have the income re-verified through EIV every 120 days for income changes and are further required to complete a written no/low income checklist and worksheet/certification every 120 days and undergo an interim recertification every 120 day, i.e., expenses for food, cleaning, grooming, and paper products, transportation, entertainment, clothing, smoking, communications, shelter, medical and miscellaneous s. (See Other Interim Reporting Issues below).

1) Reexamination Procedures

- (a) At the time of reexamination, all adult members of the household will be required to sign an application for continued occupancy and other forms required by HUD.
- (b) Income, allowances, Social Security Numbers, and such other data as is deemed necessary will be verified, and all documentation will be filed in the resident's folder.
- (c) An EIV report will be requested on each family at recertification to help detect unreported income, provide third-party verification, identify family members not reported on the lease, etc. ³.

- (d) Verified information will be analyzed and a determination made with respect to:
 - (i) Eligibility of the resident as a family or as the remaining member of a family;
 - (ii) Unit size required for the family (using the Occupancy Guidelines);
 - (iii) Criminal Status of each member;
 - (iv) Rent the family should pay; and
 - (v) Community Service requirements.

- (e) LSHA will anticipate, based on tenants' past and anticipated future employment, the income of tenants with a history of regular employment whose regular reexamination takes place when they are not employed (e.g., school bus drivers). Residents with a history of employment whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.

- (f) Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy ⁴.

- (g) Families failing to respond to the initial reexamination appointment will be issued a final appointment within the same month. LSHA will send a notice of lease violation to families that fail to respond to the final notice for noncompliance with the lease. Failure to respond to the final request will result in the family being sent a notice of lease violation and for termination of the lease ⁵.

2) Action Following Reexamination

- (a) If there is any change in rent, the lease will be amended, a new lease will be executed, or a Notice of Rent Adjustment will be issued ⁶.
- (b) If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described within the policy and moved to an appropriate unit when one becomes available ⁷.
- (c) A tenant who has a criminal record that violates LSHA or federal provisions, or any provisions of this policy, above, will be served with a lease termination notice.

The terms annual recertification and annual reexamination are synonymous.

For families who move in on the first of the month, the annual recertifications will be completed within 12 months of the anniversary of the move-in date. (Example: If family moves in August 1, the annual recertification will be conducted to be effective on August 1, the following year.)

For families who move in during the month, the annual recertifications will be completed no later than the first of the month in which the family moved in, the following year. (Example: If family moves in August 15, the effective date of the next annual recertification is August 1.)

When families move to another dwelling unit:

The annual recertification date will not change.

Reexamination Notice to the Family

All families will be notified of their obligation to recertify by U.S. Mail Service delivery of the notice. The notification shall be sent at least 120 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, LSHA will provide the notice in an accessible format. LSHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they met the need presented by the disability.

The notification shall explain family choice of income-based or flat rent.

During this reexamination period, the family will be given the option to choose flat rent or income-based rent. LSHA will provide a form that states what the flat rent would be and what the family's income-based rent would be. The family will be required to make a choice and sign the form prior to the effective date of their reexamination. The form will be retained in the tenant's file.

If the family chooses flat rent, an annual recertification is still required to verify community service requirements and family composition. **Recertification of income is only required every three years.**

Methodology

If the family chooses income-based rent, or if the family has paid the flat rent for three (3) years, LSHA will use the following methodology for conducting annual recertifications:

Schedule a specific date and time of appointments in the written notification to the family.
Include information on the required documents that the tenant will need to supply.

Persons with Disabilities

If requested as an accommodation by a person with a disability, LSHA will provide the notice in an accessible format. LSHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they met the need presented by the disability.

Persons with disabilities, who are unable to come to the site office will be granted an accommodation of conducting the interview at the person's home, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

The LSHA representative will interview the family and enter the information provided by the family on the recertification form.

The family is required to complete a Personal Declaration form prior to all annual recertification interviews.

Requirements to Attend

The following family members will be required to attend the recertification interview and sign the application for continued occupancy:

- The head of household and spouse/co-head, and
- All adult household members, age 18 and older.

If the head of household is unable to attend the interview:

The spouse/co-head may recertify for the family, provided that the head of household comes in within 5 days to recertify.

Failure to Respond to Notification to Recertify

The written notification will explain which family members are required to attend the recertification interview. The family may call to request another appointment date up to 5 business days prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with LSHA, LSHA will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, LSHA will:

Terminate tenancy for the family.

Exceptions to these policies may be made by the Executive Director or Deputy Director if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

Documents Required From the Family

In the notification letter to the family, LSHA will include instructions for the family to bring the following:

- Documentation of income for all family members
- Documentation of assets
- Documentation to substantiate any deductions or allowances
- Documentation of family composition
- Personal Declaration Form completed by head of household
- Documentation of community service requirements
- Other required documents on new family members, such as SSN or citizenship requirements
- Other required documentation required by HUD and LSHA

Verification of Information

All information that affects the family's continued eligibility for the program, and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures and guidelines described in this Policy. **The LSHA will use the streamlining of income and assets as allowed by HUD (See Verification Chapter)**

When the information has been verified, it will be analyzed to determine:

- the continued eligibility of the resident as a family or as the remaining member of a family;
- the unit size required by the family;
- the amount of rent the family should pay.

EIV Documentation

A. Historical Adjustments-For each historical adjustment (form HUD-50058 action type 14), the PHA is required to do the following:

- Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
- Print and maintain a copy of the EIV Income Report in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.

B. Interim Adjustments- For each interim reexamination (form HUD-50058 action type 3) of family income and composition, the PHA is required to have the following documentation in the tenant file:

- **EIV Income Report or ICN Page** when there is **no** household income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report. (PHAs have the discretion to print the EIV Income report, however, only the ICN page is required.)
- **EIV Income Report** when there **is** an income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.

C. Annual Recertification- For each annual reexamination of family income and composition, the PHA is required to have the following documentation in the tenant file:

- **No Dispute of EIV Information:** EIV Income Report, current acceptable tenant-provided documentation, and *if necessary* (as determined by the PHA), traditional third party verification form(s).
- **Disputed EIV Information:** EIV Income report, current acceptable tenant provided documentation, and/or traditional third party verification form(s) for disputed information.
- **Tenant-reported income not verifiable through EIV system:** Current tenant-provided documents, and *if necessary* (as determined by the PHA), traditional third party verification form(s).

Sex Offender Ineligibility

LSHA at the annual recertification/reexamination documents include a question asking whether the tenant or any member of the tenant's household is subject to a lifetime state sex offender registration program in any state. The LSHA will verify this information using the Dru Sjodin National Sex Offender Database or other local source and document this information in the same method used at admission. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. The website for the database is located at: <http://www.nsopw.gov>. A record of this screening, including date performed, should be retained.

For any family in occupancy, if the recertification/reexamination screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registration requirement, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification/reexamination forms, the LSHA shall pursue eviction or termination of tenancy to the extent allowed by their lease and state or local law.

LSHA determines, in accordance with their screening standards, whether the applicant/tenant and the applicant's/tenant's household members meet the screening criteria. If the processes reveal an applicant's/tenant's household includes an individual subject to State lifetime sex offender registration, the LSHA must offer the family the

opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the LSHA must deny admission to the family or terminate the lease.

All families at the time of reexamination shall be subject to reverification via Missouri CaseNet for any criminal and/or drug activity since the last annual reexamination.

Notwithstanding the above, if the tenant or a member of the tenant's household, regardless of when they were admitted, commits criminal activity while living in federally assisted housing, LSHA will pursue eviction or termination of tenancy to the extent allowed by their lease and state or local law.

Changes In The Tenant Rent

Residents will be notified in writing of any rent adjustment including the effective date of the adjustment.

1. Rent decreases go into effect on the anniversary date and upon receipt of all verification.
2. Rent increases (except those due to misrepresentation) require 30 days notice and become effective the first of the second month.

If there is any change in rent, including change in family's choice in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued [24 CFR 966.4(c)].

Tenant Rent Increases

If tenant rent changes, a thirty-day notice will be mailed to the family prior to the required effective date.

If less than thirty days are remaining before the required effective date, the tenant rent increase will be effective on the first of the second month following the thirty-day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases

Rent decreases go into effect the first of the month following receipt of all verification.

If the family causes a delay so that the processing of the reexamination is not complete by the required effective date, rent change will be effective on the first day of the month following completion of the reexamination processing by LSHA.

C. NOTICE of CHANGES and REPORTING INTERIM CHANGES

Rent Adjustments

Residents are required to report **all changes in family composition or status** to LSHA within 10

calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report income decreases promptly.

LSHA will process interim changes in rent in accordance with the chart below:

<u>INCOME CHANGE</u>	<u>LSHA ACTION</u>
(a) Decrease in income for any reason, <u>except</u> for decrease that lasts less than 30 days. Increase in income following LSHA granting of interim rent decrease. Decreases in income resulting from welfare fraud or from TANF reductions for failure to comply with self-sufficiency program rules are not eligible for rent reduction.	<ul style="list-style-type: none"> • LSHA will process an interim reduction in rent if the income decrease will last more than 30 days. LSHA will process an interim increase for income increases that follow interim rent reductions. • LSHA will process the rent adjustment unless LSHA confirms that the decrease in income will last less than 30 calendar days.
(b) Increase in earned income from the employment of a current household member that was previously reported.	<ul style="list-style-type: none"> • LSHA will either defer the increase to the next regular reexamination or, if the individual is eligible for an earned income disallowance, will apply the disallowance.
(c) Increase in unearned income that was previously reported	<ul style="list-style-type: none"> • LSHA will defer the increase to the next regular reexamination.
(d) Increase in income because a person with income (from any source) joins the household.	<ul style="list-style-type: none"> • LSHA will process an interim increase in rent.
(e) New Incomes that were previously not received or reported, or non-reported income change or misrepresenting the facts upon which the rent is based, so that the rent the resident is paying is less than the rent that he/she should have been charged	<ul style="list-style-type: none"> • LSHA will process an interim in rent if it is found that the resident at annual or interim re-examination misrepresented or new income to his/her household income. Any increase in rent will be retroactive to the first of the month following the month in which the misrepresentation occurred.

Complete verification of the circumstances applicable to rent adjustments must be documented and approved by the Executive Director or his/her designee ⁸.

LSHA will process interim adjustments in rent as follows:

- (a) When a decrease in income is reported, and the Authority receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed.

(b) Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.

Residents granted a reduction in rent under these provisions would be required to report for special reexaminations at intervals determined by the LSHA. Reporting is required until income increases or it is time for the next regularly scheduled reexamination, whichever occurs first.

Families must report all changes in household composition to LSHA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain LSHA approval prior to all other additions to the household.

When there is a change in head of household or a new adult family member is added, LSHA will complete an application for continued occupancy and reverify, using the same procedures LSHA staff would use for an annual reexamination, except for effective dates of changes. In such case, the Interim Reexamination Policy would be used.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the approval by the PHA of the family member being added to the lease.

Increases in Income to be Reported

Families paying flat rent are required to report any increases in income or assets between the recertification periods, but the change in income will not increase the rent.

Families paying an income-based rent are required to report increases in income/assets of household members to LSHA within 10 days of occurrence.

Families are required to report the following increases in income:

- Increases in income because a person with income joins the household;
- Increases in household income that come as a result of a new income source.
- Increases in household income that was not anticipated at the annual recertification period.

Increases in Income and Rent Adjustments

LSHA will process rent adjustments for required income adjustment, which are reported between regularly scheduled recertifications.

Rent increases (except those due to misrepresentation) require 30 days notice.

Decreases in Income and Rent Adjustments

Residents may report a decrease in income and other changes, such as an increase in allowances or deductions which would reduce the amount of the total tenant payment.

Rent decreases go into effect the first of the month following receipt of all verification.

LSHA will process the rent adjustment unless LSHA confirms that the decrease in income will last less than 30 calendar days.

Any request or verification for a decrease in rent that is received after the 25th of the month will go into effect on the 1st of the next month. If a request or verification for a decrease in rent is received after the 1st of the month it shall go into effect the 1st of the following month. Any decrease in income that would require a decrease in rent must be submitted no later than 3 days before the end of the month, except in situations where the decrease in income shall take effect on the last day of the month or first day of the following month.

Special Reexaminations

If a family's income is unstable and cannot be projected for twelve months, including families that temporarily have no income or a temporary decrease in income, the LSHA may schedule a special reexamination every 30 days until the income stabilizes and an annual income can be determined.

Special Reexamination Following Income Disallowance: When a family qualifies for an earned income disallowance, a special reexamination will occur at the end of the initial 12 month disallowance period and at the end of the phase-in period. This is subject to be removed upon implementation of HUD's HOTMA Final Rule.

D. OTHER INTERIM REPORTING ISSUES

Residents are required to report **all changes in family composition or status** to LSHA within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report and verify income decreases promptly.

An interim reexamination will be scheduled for families with zero or extremely low-income every 90 days. Unless the family has income that is excluded from rent computation, families who report zero income or extremely low income will have the income be re-verified through EIV every 90 days for income changes and are further required to complete a written no/low income certification every 90 days and undergo an interim recertification every 90 days, until they have a stable income. If any increases in income are indicated in any of the above information or other verification, then the family will be reviewed for an interim and the rent will be adjusted accordingly. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income. Families that report zero or extremely low income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

LSHA will process interim adjustments in rent as follows:

1. When a decrease in income is reported, and the Authority receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed.
2. Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.

PHA Errors

If LSHA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted to correct the error, but the family will not be charged retroactively.

E. REPORTING OF CHANGES IN FAMILY COMPOSITION

The members of the family residing in the unit must be approved by LSHA. The family must inform LSHA and request approval of additional family members other than additions due to birth, adoption, marriage, court-awarded custody before the new member occupies the unit.

All changes in family composition must be reported within 10 working days of the occurrence in writing.

If an adult family member is declared permanently absent by the head of household, the notice must contain a certification by the head of household that the member (who may be the head of household) removed is permanently absent.

Deceased Tenant Actions (PIH 2012-4)

Corrective Actions Required by PHAs. When the Deceased Tenants Report identifies an individual as being deceased, LSHA is required to take the following actions:

- a. Immediately contact the head of household (HOH) or emergency contact person (if the HOH is deceased and there is no other adult household member) to confirm the death of the listed household member. A letter should be sent to the HOH, followed by a telephone call.
- b. LSHA shall conduct a home visit to determine if anyone is residing in the unit. LSHA will follow the more stringent of Federal, State and local Tenant and Landlord laws to regain possession of the unit.
- c. When the remaining household member is a live-in aide.** When the HOH dies and the only remaining household member is the live- in aide, the live- in aide is not entitled or eligible for any rental assistance or continued occupancy in a subsidized unit. By definition, the live-in aide would not be living in the subsidized unit except to provide the necessary supportive services on behalf of the elderly or disabled HOH. The LSHA may not designate the live-in aide as the new HOH or change the relation code (line item 3h on the form HUD-50058) of the live- in aide to make him or her an eligible household member (eligible for assistance). The LSHA must notify the live- in aide s/he is required to vacate the unit at the end of ten (10) business days. If the live- in aide does not vacate the unit, the LSHA must follow the more stringent of Federal, State and/or local Tenant and Landlord laws to regain possession of the unit.

What to do if the HOH is deceased and the remaining household members are minors.

LSHA shall follow the established policy for dealing with situations when the HOH dies during tenancy and the remaining household members are minors. LSHA's policy includes (but is not limited to) allowing a temporary adult guardian to reside in the unit until a court-appointed guardian is established. In accordance with its screening policies, the LSHA may add the new guardian as the new HOH should the legal appointment be of a duration of greater than 6 months. LSHA will work with the local Department of Social Services to ensure that the best interests of the children are addressed.

What to do if an identified household member is reported to be deceased and is actually alive.

There are a very few instances when an error has been made in the SSA's Death Match File (DMF), where an individual is reported as deceased, but actually living. In the event that a household member is misidentified as deceased on the Deceased Tenants Report, LSHA will immediately notify the individual in writing and advise the individual to contact SSA so that SSA may correct its records. The individual may contact SSA at (800) 772-1213, or visit his/her local SSA office for assistance.

The LSHA will provide the individual with his/her section of the EIV Income Report, which shows the death information. LSHA is authorized to provide EIV information only to the individual the information pertains to. The LSHA will provide the minor's information to the minor's adult parent or guardian.

LSHA will make a note in the tenant file that the individual has been identified as deceased; however, the LSHA has confirmed that the individual is actually alive. Only SSA can correct erroneous death information.

For deceased single member households (where there are no unauthorized unit occupants), LSHA may list the date of death as the last day of the month, in which the death occurred. LSHA is required to then classify the unit as vacant in PIC. The LSHA may use a later date based on the date that all personal belongings were removed from the unit by the family per state law. The LSHA may coordinate the removal of personal belongings within a reasonable time frame (not to exceed 30 days). In situations where the LSHA seeks judicial intervention to regain possession of the public housing unit, the LSHA must list eviction date (the day in which the LSHA has regained possession of the unit) as the effective date of action.

Increase in Family Size

LSHA will consider a unit transfer (if needed under the Occupancy Guidelines) for additions to the family in the following cases:

- Addition by marriage/or marital-type relation.
- Addition of a minor who is a member of the nuclear family who had been living elsewhere.
- Addition of a PHA-approved live-in attendant.
- Addition due to birth, adoption or court-awarded custody.

Definition of Temporarily/Permanently Absent

LSHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. LSHA will evaluate absences from the unit in accordance with this policy.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, LSHA will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.

Families are required to notify LSHA before they move out of a unit in accordance with the lease and to give LSHA information about any family absence from the unit.

Families must notify LSHA if they are going to be absent from the unit for more than (14) fourteen consecutive days. A person with a disability may request an extension of time as a reasonable accommodation.

"Absence" means that no family member is residing in the unit.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for 30 consecutive days in a 12 month period except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, LSHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent and removed from the lease. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current.

Temporary caretaker request must be provided by the resident and verified by a medical provider. The status must be updated every thirty (30) days. The LSHA will review the request and verified reasons for the caretaker during an extended medical hardship. Approval of the caretaker to occupy the unit for a period beyond 2 weeks will require prior approval by the Property Manager.

Absence due to Incarceration

If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 30 consecutive days. The rent and other charges must remain current during this period.

LSHA will determine if the reason for incarceration is for drug-related or criminal activity that would threaten the health, safety and right to peaceful enjoyment of the dwelling unit by other residents. If the offense is drug related or criminal activity that violates the lease and policy, the lease will be terminated.

Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, LSHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 180 days from the date of removal of the child(ren), the family will be required to move to a smaller size unit if the unit is needed by LSHA. If all children are removed from the home permanently, the unit size will be reduced in accordance with the PHA's occupancy guidelines.

Absence of Adult

If neither parent remains in the household and the LSHA and appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, LSHA will treat that adult as a visitor for the first 30 calendar days. The Executive Director has the right to extend this waiting period for the visitor during the time legal guardianship status for children residing in the unit is being resolved by the court.

If by the end of that period or end of the extended period granted by the Executive Director, court-awarded custody or legal guardianship has been awarded to the guardian, and the guardian qualifies under Tenant Suitability criteria, the lease will be transferred to the guardian.

If the court has not awarded custody or legal guardianship, but the action is in process, LSHA will secure verification from social services staff or the attorney as to the status.

The guardian will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

LSHA will transfer the lease to the guardian, in the absence of a court order, if the guardian qualifies under the Tenant Suitability criteria and has been in the unit for more than 30 days and it is reasonable to expect that custody will be granted.

When the LSHA approves a person to reside in the unit as guardian for the child(ren), the income of the guardian should not be counted pending a final disposition. LSHA will work with the appropriate service agencies to provide a smooth transition in these cases.

If an adult child goes into the military and vacates the unit, they will be considered permanently absent.

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses is considered temporarily absent and the income is included for rent purposes. If the person will not return to the unit, that member is permanently absent and the income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of unit size.

Visitors (See Chapter on Leasing)

A visitor/*guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including

reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near PHA premises [24 CFR 966.4(f)].

A resident family must notify the LSHA in writing when overnight guests will be staying in the unit for more than 3 days.

A guest can remain in the unit no longer than 14 consecutive days or a total of 14 cumulative calendar days during any 12-month period.

Residents are responsible for the actions and conduct of their guests in accordance with the lease.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 30 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

Statements from neighbors and/or LSHA staff will be considered in making the determination.

LSHA will consider:

- Statements from neighbors and/or LSHA staff
- Vehicle license plate verification
- Post Office records
- Drivers license verification
- Law enforcement reports
- Credit reports
- Other reliable documentation

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and LSHA will terminate the family's lease since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 60 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 183 days per year, the minor will be considered to be an eligible visitor and not a family member. **The family will not receive a \$480 dependent deduction for this minor.**

If both parents reside in Assisted Housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

F. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF UNIT

To be considered the remaining member of the tenant family, the person must have been previously approved by LSHA to be living in the unit. In order for a minor child to continue to receive assistance as a remaining family member:

- The court has to have awarded emancipated minor status to the minor or is legally married; or
- LSHA has verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

G. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members. Mixed families are eligible for prorated assistance in accordance with the mixed-family portion of the policy. Family members that have temporary eligible status will be re-verified for eligibility at the annual recertification period.

¹ 24 CFR § 5.5

² 24 CFR § 960.257

³ 24 CFR § 960.259(c)

⁴ 24 CFR § 5

⁵ 24 CFR § 966.4 (c)(2)

⁶ 24 CFR § 966.4(c) & (o)

⁷ 24 CFR § 966.4 (c)(3)

⁸ 24 CFR § 960.259 (c)