

SECTION III

ADMISSIONS AND OCCUPANCY PROVISIONS

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3.1 Fair Housing

It is the policy of JCHA to comply fully with all Federal, State, and local nondiscrimination law, the Americans with Disabilities Act and the U.S. Department of Housing and Urban Development regulations governing Fair Housing, and Equal Opportunity.

No person shall, on the ground of race, color, sex, religion, age, national or ethnic origin, familial status or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, under any JCHA housing program.

To further its commitment to full compliance with applicable Civil Rights laws, JCHA will provide: Federal/State/local information to applicants for and participants in the Housing Choice Voucher Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available to the applicant and all applicable fair housing information and discrimination complaint forms will be made available at JCHA office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

3.2 Reasonable Accommodation

It is the responsibility of an applicant or resident/client with a disability to request an accommodation. JCHA requires all requests for reasonable accommodation to be put in writing. If an applicant or resident/client with a disability is unable to provide a request in writing they should contact JCHA staff member who will assist by completing the form; however, the applicant or resident/client, or their legal representative, must sign the form.

When necessary as a reasonable accommodation, JCHA may, in its sole and absolute discretion, request from HUD Regional Field Office, an approval of an exception payment standard within the upper limits for a family that includes a person with disabilities.

3.3 Eligibility for Admissions to Section 8 Tenant-Based and Project Based Assistance Programs.

- The applicant shall meet the definition of a family.
- The applicant must be income eligible in accordance with the annual published income limits for admission.
- The applicant must be a U.S. Citizen or U.S. national and must provide a signed declaration. All non-citizens who are 62 years of age or older must provide a signed declaration of eligible immigration status and proof of

age document. All other non citizens must provide a signed declaration of eligible immigration status, one of the documents referred to in 24 C.F.R. 5.510, and a signed verification form.

3.4 JCHA Denial of Assistance

- JCHA will deny applicant who has a history of drug-related criminal activity or violent criminal activity or other criminal activity including, but not limited to any illegal criminal activity that has as one of its elements, the use, attempted use or threatened use of physical force against the person or property of another.
- JCHA will deny applicant who has been convicted of manufacturing or otherwise producing methamphetamine in violation of Federal or state law. JCHA may deny assistances if the preponderance of evidence indicated that a family member has engaged in such activity, regardless of whether applicant or applicant's family member has been arrested or convicted.
- Lack of having maintenance and poor housekeeping habits that could adversely affect the health, safety or welfare of other tenants.
- A criminal background check on all adult household members, including Live-in Aides.
- Applicant or any household member has been convicted of a crime involving unlawful sexual behavior, or any person classified as a sexually violent predator, which is required to register with the local law enforcement agency in which he/she resides.
- History of applicant or applicant family's illegal use, or possession for personal use, of a controlled substance within five (5) year from the date the JCHA provides notice to the applicant of JCHA's determination to deny assistance.
- JCHA may waive the policies prohibiting admission in these circumstances if the person demonstrates to the housing authority's satisfaction that the person is no loner engaging in illegal use of a controlled substance or abuse of alcohol and:
 - (i) has successfully completed a supervised drug or alcohol rehabilitation program.
 - (ii) Has otherwise been rehabilitated successfully; or
 - (iii) Is participating in a supervised drug or alcohol rehabilitation program.
- Applicant or applicant's families who have been evicted from any public housing programs because of drug related criminal acitivity are ineligible for participation in the Section 8 program for a three year period.
- Applicant or applicant's family has a history of other criminal activity which may threaten the health or safety or right to peaceful enjoyment of the premises by residents, management staff or persons performing a contract administration function or responsibility on behalf of the housing authority.

JCHA has the discretion to consider all of the circumstances in each case including the seriousness of the case, the extent of participator or culpability of the individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

3.5 College Student Admissions:

- Student Rule is not applicable to students living with parents applying for assistance or already receive assistance.
- If the student is under 24 and not a veteran, not married, or has no dependents, student income and parent's income must be used for eligibility determination.
- Financial assistance over tuition is counted in annual income for eligibility purposed for all students except those older than 23 of age with dependents.
- Independent students are the only group of participants who would be terminated if ineligible individuals.

3.6 Social Security Number Disclosure/Section 8 Program

At the time of initial application Section 8 participants must submit the complete and accurate social security number ("SSN") assigned to each member of their family who is at least (6) years of age. The documentation necessary to verify the SSN is a valid card issued by the Social Security Administration or such other evidence prescribed by HUD or by the housing authority.

New family member at least six years of age must provide verification prior to being added to the lease. Children in assisted households must provide this information at first regular re-examination after turning six. Social Security information will be obtained only once prior to admission.

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

If a member of a participant family indicates that they have a Social Security Number, but cannot readily verify it they shall be asked to certify this and shall have up to 60 days to provide the verification. If the individual is a least 62 years of age, they will be given 120 days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance termination.

3.7 Verification of Statements and Income

All income and asset information for admission and continued occupancy will be verified by JCHA, prior to determining eligibility for admissions. Verification of family composition will be satisfied by submitting birth certificates from the Bureau of Vital Statistics on all family members. Legal custody papers or other sufficient documentation must be submitted once it has been determined that the mother and father do not live together. For the dependent children listed in the family composition, who are not the children of the head of household or spouse, documentation of legal custody or the written designation of the parent or other person having legal custody of the children must be submitted.

Verification of disability, for application and qualification for disabled housing purposes only, will be satisfied by presenting evidence of SSI and Social Security benefits or a doctor's statement that the individual is disabled.

Verification of citizenship will be satisfied by submitting birth certificates or naturalization documents.

When an applicant, or Section 8 participant reports annual income that appears to be less than adequate to support the family composition, or if the family appears to be eligible for income that the family reports they do not receive the absence of income will be verified.

Application information verifying that applicant and members of the household is/are eligible for Section 8 programs can be no more than ninety (90) days old in order for JCHA to issue a voucher.

3.8 Applicants May Be Denied Section 8 Housing Assistance Based on The Following:

- Applicant does not meet any one or more of the eligibility criteria.
- Reference checks demonstrate that applicant's and applicant's family conduct creates a threat to health, safety, or welfare of neighbors;
- Applicant currently owes rent or other amounts to JCHA or another PHA.
- Applicant or any member of the applicant's family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program including the intentional misrepresentation of information related to their housing application or benefits.
- Applicant or applicant's family violates any family obligation under the Section 8 programs including, but not limited to: failure to supply information needed to determine income eligibility and family composition.
- Applicant or a member of the applicants' family has a history of drug-related criminal activity or violent criminal activity.

- JCHA has previously terminated assistance under the Housing Choice Voucher Program for applicant or any member of applicant's family.
- Applicant or applicant family has breached an agreement with JCHA to pay amount owed to JCHA.
- Applicant or applicant's family was evicted from federally assisted housing in the last five years,
- Applicant or applicant's family members have a pattern of illegal use of a controlled substance or patterns of abuse of alcohol, or other criminal activity within five (5) years of the date JCHA denies assistance.
- Applicant or applicant's family has a felony within the five (5) years of the date JCHA denies assistance.
- Applicant or member of household has failed to respond to a written request for information or a request to indicate their continued interest in the program.
- Applicant or any member of applicant's family does not sign and submit the consent forms for obtaining information.
- Applicant or member of households have engaged in or threatened abusive or violent behavior towards any JCHA staff or residents.
- Applicant or applicant's family members do not meet the applicable SSN disclosure, documentation, and verification and certification requirements.

JCHA will require additional information prior to determining eligibility such as, but not limited to:

The Colorado Bureau of Investigations ("CBI") reports.

HUD regulations required that assistance be denied:

Denied for Life: Applicant or any member of applicant's household is subject to a lifetime registration requirements under a state sex offender registration program; and

Denied for Life: Applicant or any applicant's family member has been convicted of manufacturing or producing methamphetamine in a public housing property or in a Section 8 property.

Although JCHA determines eligibility for admission to the Section 8 program, the applicant must also meet tenant selection criteria as defined by the private landlord.

3.9 Notification of Cancellations and Denials for Ineligible Applicants/Section 8 Programs.

Cancellations

Applicants for the Section 8 programs may be canceled for:

- Failure to provide necessary requested information in the required timeframe.

- Failure to resolve any dispute concerning alleged debts owed to JCHA within a required time frame.

Denials

For admission to the Section 8 programs, the applicant must meet tenant selection criteria.

Applicants for Section 8 assistance shall be notified of denial or cancellation, in writing, and informed of his/her right to an informal review. Applicants cannot reapply for at least one year from the date of denial.

3.10 Informal Review Process/Section 8 Housing Choice Voucher

Refer to Section 7: Section 8 Informal Review and Hearing Provisions for details regarding the informal review procedures utilized when an applicant for Section 8 has been denied.

NOTE: JCHA is not required to provide the applicant an opportunity for an informal review for any of the following:

- Discretionary administrative determination by JCHA.
- General policy issues or class grievances.
- A determination of the family unit size under JCHA subsidy standards.
- A JCHA determination not to approve an extension or suspension of a voucher term.
- A JCHA determination that a unit selected by the applicant is not in compliance with Housing Quality Standards (“HQS”).
- A JCHA determination that the unit is not in accordance with HQS because of the family size or composition.

3.11 Selection Preference For Section 8 Programs

The Section 8 Housing Choice Voucher program does not maintain a waiting list, it selects applicants by lottery.

- Local Preferences

Families who reside in Jefferson County, families whose head of household or spouse work in Jefferson County, or families whose head of household or spouse have been given a bona fide offer of employment in Jefferson County will be given residency preference. This preference for the priority preference is the ranking of the lottery pool.

Families where the head of household or spouse is currently employed or currently enrolled and participating in a job training program or is a graduate of a job training program and that program prepares them for entering or reentering the job market will receive ranking preference.

- Special Admissions
HUD awarded special program funding that is targeted for families in a specific program.

3.12 Notification of Selection Preference Denial

If JCHA determines that an applicant does not qualify for a local selection preference claimed by the applicant, JCHA will notify the applicant in writing, within five (5) working days of the determination. The notice will contain a brief statement of the reason for the determination, and state that the applicant has the right for an informal review.

3.13 Notification of Eligibility

All applicants who are approved for admission into the Section 8 program and qualify for a selection preference will be notified, in writing.

3.14 Section 8 – Lottery System

The Section 8 application process is not a waiting list system; it is a “lottery” system. This system was created because previously, thousands of people would apply, creating years between openings, resulting in crowd problems and a lack of hope.

The Section 8 Lottery pool will be opened once each year. A public notice will be issued in the Legal Section of all applicable newspapers advertising the lottery system and lottery pool opening.

Lottery cards will be available to the public at the Jefferson County Housing Authority office at 7490 West 45th Avenue Wheat Ridge CO 80033. A lottery instruction sheet is attached to each lottery card.

The applicant must pick up a lottery card, complete all information, sign and date it, mail it to the Jefferson County Housing Authority and it must be postmarked and received by the established deadline date. Lottery cards must be mailed to JCHA or they will be considered invalid. An incomplete lottery card is also considered invalid.

A public notice is placed in the Legal Section of all applicable newspapers advertising the dates of the drawings. The numbers drawn are posted at the Jefferson County Housing Authority and on the web site. The numbers are drawn randomly by the computer system. Drawings from that pool will be conducted as Housing Choice Vouchers become available.

The Section 8 Department will schedule the informal interviews for selected lottery recipients. A letter, a checklist, and an application packet will be given to

each applicant. The letter will note the date and time of the informal interview. The applicant will need to complete and sign the application packet, and provide all of the required documentations and verifications and return the packet within 10 days.

Applicants will be processed and eligibility will be determined once all documents are received and verified. Applicants will be notified of their eligibility. Once the applicant is approved, he/she becomes a Section 8 participant and will be referred to a Section 8 Housing Specialist to schedule their briefing.

If there are any applicants still in the lottery pool that were not drawn as of December 31st, those lottery tickets are discarded. The lottery system gives the applicant an opportunity to enter the lottery pool each year.

3.15 Occupancy Guidelines

Each applicant shall be assigned his or her appropriate bedroom size using the following guidelines:

- “The specific and unmodified standards” from HUD’s General Counsel’s Memorandum from March 1991. This memorandum states “an occupancy standard no more restrictive than ‘one person per bedroom plus one’ is reasonable and should be presumed lawful, absent special circumstances.”

JCHA will grant exceptions to normal occupancy when a family requests a larger size than the guidelines allow. Families seeking an exception to the subsidy standards will be required to submit a Request for a Reasonable Accommodation form and document the medical reason why the larger size is necessary.

The family size will be determined by JCHA in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that may be larger or smaller than the family unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size unit, the payment standard for the families voucher size will determine the maximum subsidy.

JCHA will take into consideration children living in the unit on a part-time basis when determining the voucher size. JCHA will require 3rd party verification that the children reside with the voucher holder at least 50% of the time per week.

A child who is “temporarily away” (up to six months) from the home because of placement in foster care is considered a member of the family. At the end of the six-month period, verification of the out-of-home placement is extended in order for the family to continue to include the dependent as a family member. If documentation is not received the family will be considered over housed and their voucher size will be reduced if applicable.

It is the responsibility of the JCHA to approve all family members who reside in the unit at admission and any time new family members are added, except through birth, adoption, or court awarded custody of a child. Failure to notify JCHA may result in termination of assistance.

3.16 Under- Housed and Over- Housed Participants

Under housed participants are those who have a voucher too small for their family size. Over housed are those with larger size allocations than their current family size allows.

JCHA will upgrade a family's voucher to the appropriate bedroom size at the time of annual reexamination or at the time of a move if the family is under-housed.

Within Public Housing, families may be asked to move from initial placement based on family size due to:

1. Fewer family members than bedroom size.
2. More family members than bedroom size.
3. If an accommodation is required to fulfill need for a handicap assessable unit.

Participants who are over-housed will be required to relinquish their over-housed voucher and will be issued a voucher in the appropriate bedroom size. If participant chooses to move to a smaller unit, the term of the voucher (initial 60 days, with possible extensions) applies. If participants choose not to move, rent calculations will be based on the voucher size the family is entitled to. Failure on behalf of the family to report an over-housed situation may result in repayment of the excess subsidized rent and/or termination from the program.

3.17 Determination of Total Tenant Payment and Tenant Rent

Minimum Rent

The minimum rent for participants in the Section 8 Housing Choice Voucher Program pay at least \$50.00. Project Based participants pay at least \$25.00. However, if a family requests a hardship exemption, JCHA will suspend the minimum rent for the family beginning the month following the family's hardship request. The hardship request must be in writing to JCHA. However, the minimum rent may be increased or decreased as determined by resolution of the Board of Commissioners.

Hardship Exists

When the family would be evicted as a result of the imposition of the minimum rent requirement; when the income of the family has decreased because of changed circumstances, including loss of employment; when the income of the family has decreased because of changed circumstances for medical costs, childcare, transportation, education, or similar items; when death has occurred in the family; other situations as determined in JCHA sole discretion.

Minimum Rent Exception

If the JCHA determines there is no qualifying hardship, the request will be denied or the minimum rent requirement will be reinstated including back payment of minimum rent to JCHA for the time of suspension. JCHA will offer a reasonable repayment agreement for any minimum rent back payment.

3.18 Leasing of Units/Section 8

Refer to the Section 4: Participants Provisions; Section 5: Landlord/Owner Provisions; and Section 6 Client/Landlord Provisions.

3.19 Re-Examinations/Interims

Annually and at interim periods, as circumstances may require, the tenant will furnish information and certification to JCHA as to family income, employment, and family composition. This information will be used in determining participant's rent.

Rent is determined at the time of move-in, at the regular annual re-examinations, and anytime there is a change in income or household composition.

- All changes must be reported to JCHA within thirty (30) days of the change.
- If the amount of welfare is reduced specifically because the family engaged in fraud or failed to comply with requirements, the rent cannot be reduced based on the benefit reduction. This provision does not apply if the reduction is the result of the expiration of a lifetime limit on benefits.
- Discovery that the participant has misrepresented the facts upon which the rent is based, and the participant is paying less than they should have been charged. The increase in rent shall be retroactively. If participant intentionally misrepresents facts upon which rent is calculated a second time, it will be cause to terminate the assistance.

For additional detail, refer to the Section 4: Participant Provisions.

3.20 Addition of Household Member or Live-In Aide to HAP Contract

Refer to Section 4: Participant Provisions.

3.21 Misrepresentations/Section 8

The Section 8 Participant will be notified, in writing, of any misrepresentations or lease violations discovered during the re-examination, rent review, or at other times. The applicant or Section 8 participant certifies the accurate information has been provided regarding family composition, income, net family assets, allowances, and deductions. Any misrepresentation is a violation of Federal regulations and shall result in lease termination, termination of Section 8 assistance and/or punishment under Federal law.

3.22 Order of Precedence

This Admission and Occupancy Provisions define JCHA's policies for the Section 8 Program, incorporating Federal, State, and local law. If there is any conflict between this Policy and Federal law or HUD regulations, the laws and regulations shall prevail. If there is any conflict between this Policy and the dwelling lease, the dwelling lease shall prevail.

3.23 Services for Non-English Speaking Applicants and Participants

The Jefferson County Housing Authority will ensure that its programs, services and benefits are accessible to eligible individuals who, as a result of national origin, are limited in their English proficiency. The Jefferson County Housing Authority will, after determination of a language needs, translate vital documents and provide interpretation services for non-translated documents. The Jefferson County Housing Authority reserves the right to certify that an individual is limited in English proficiency prior to providing specific interpretation and/or translation services.

3.24 Paragraph Headings

The captions and headings set forth herein are for convenience of reference only, and shall not be construed so as to define or limit the terms and provisions hereof.

3.25 Violence Against Women Act (VAWA)

No applicant for the HCV program who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program if they are otherwise qualified.

Criminal activity directly related to domestic violence, dating violence, or

stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim of that domestic violence, dating violence or stalking.

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

The housing authority may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

The housing authority may honor court orders regarding the rights of access or control of the property, including other orders issued to protect the victim and is used to address the distribution or possession of property among household members where the family "breaks up."

There is no limitation on the ability of the housing authority to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a "more demanding standard" than non victims.

There is no prohibition of housing authority termination assistance if it "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property" if that tenant's (victim's) assistance is not terminated.

Any protections provided by law which give greater protection to the victim are not superseded by those provisions.

The housing authority may require certification by the victim of victim status on such forms as the housing authority and /or HUD shall prescribe or approve.

A section 8 recipient who moves out of the assisted dwelling unit to protect their health or safety and who is a victim under the policy, reasonably believes he/she was imminently threatened by harm from further violence if he or she remains in the unit, has complied with all other obligations of the Section 8 program may receive a voucher and move to another Section 8 jurisdiction.

