

**VI. Eligibility for Continued Occupancy, Annual Reexaminations,
And Remaining Family Members**

A. Eligibility for Continued Occupancy

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

1. Qualify as a family as defined by HUD.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members each have Social Security numbers
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.
5. Who are in compliance with the PHA's 8 hour per month community service requirements.

B. 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. PHA 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.

C. Break-Up of Family

The following are policies of HAB used when breakup or dissolution of an assisted family requires that HAB determine which family members will retain the PHA unit. There is only subsidy per family. Individual circumstances will be considered in each situation.

In absence of a court decision:

1. When there are children in the family, and one of the parents vacates, the custodial parent will retain the unit.
2. When there are children in the family, and one parent and all children vacate the unit in a move, the adult remaining will not retain the unit but may be transferred to a unit of appropriate size if requested in writing.
3. When joint custody of children in the family, the person remaining in the rental unit will retain assistance, the parent remaining in the rental unit will retain assistance.
4. When there are no children in the family, the person remaining in the rental unit will retain assistance.
5. When a family member is forced to leave a unit as a result of actual or threatened physical violence against other family members, members remaining in the unit will retain assistance. The violent member forced to leave will not be assisted.

6. If the family contains an elderly or disabled person, the HAB may provide two units, if the moving party requests an additional unit in writing.

7. If there is a family where two adults retain custody of minor children, the HAB may provide two units, if the moving party requests an additional unit in writing.

D. Family Absence from Unit.

A family may be absent from the unit, up to 90 days with written notification to and permission from the HAB. If the absence is due to medical reasons, a family may obtain written permission from the HAB to be absent up to a maximum of 180 consecutive calendar days, without losing its right to tenancy in the unit. Family will be required to provide HAB with written acceptable written verification of need.

E. Reexaminations

1. Regular reexaminations: PHA shall, at least once a year, reexamine the family composition and incomes of all resident families.

2. 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 60 days until a reasonable accurate estimate of income can be made.

3. Special reexamination 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.

4. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every 60 days until they have a stable income. 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. In all zero-income cases, the zero income questionnaire/certification must be completed by all adult resident family members every 60 days.

5. 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 and HAB.

(b) Income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified and all verified findings will be filed in the resident's folder.

(c) A wage and labor check will be run on each family at recertification to help detect any unreported income.

(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); and

(iii) Rent the family should pay.

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

(f) Families failing to respond to the reexamination appointment will result in the family being sent a notice of lease violation and termination of the lease.

6. Action Following Reexamination

(a) If there is any change in rent, a Notice of Rent Adjustment will be issued.

(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 above in this policy and moved to an appropriate unit when one becomes available.

7. Over income families

Families whose income exceeds 120% of the median income for their family size for two (2) years will be notified that they may be required to move from Public Housing within 6 months or pay a higher rent amount.

If one year after the initial over-income finding by the PHA, the family's income continues to exceed the over-income limit, the PHA will provide written notification to the family. This notification will inform the family that their income has exceeded the over-income limit for one year, and if the family's income continues to exceed the over-income limit for the next 12 consecutive months, the family will be subject to either a higher rent or termination based on the PHA's policies.

If the initial over income determination was made during an interim reexamination, the PHA must conduct a second interim income reexamination on that date one year later. However, if a PHA discovers through an annual or interim reexamination that a previously over-income family has income that is now below the over-income limit, the family is no longer subject to these provisions.

A previously over-income family would be entitled to a new two-year grace period if the family's income once again exceeds the over-income limit.