

**North Chicago Housing Authority
Admission and Continued Occupancy Policy
(ACOP)
Effective January 9, 2019**



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Glossary

Chapter 1

OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

The NCHA receives its operating subsidy for the public housing program from the Department of Housing and Urban Development. The NCHA is not a federal department or agency. A public housing agency (PHA) is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. The NCHA enters into an Annual Contributions Contract with HUD to administer the public housing program. The NCHA must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about the NCHA and its programs with emphasis on the public housing program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

Part I: The Public Housing Agency (PHA). This part includes a description of the NCHA, its jurisdiction, its programs, and its mission and intent.

Part II: The Public Housing Program. This part contains information about public housing operation, roles and responsibilities, and partnerships.

Part III: The Admissions and Continued Occupancy (ACOP). This part discusses the purpose and organization of the plan and its revision requirements.

Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the NCHA's public housing operations.

This chapter describes HUD regulations and NCHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the NCHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the NCHA to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register*.

Chapter 3

ELIGIBILITY

INTRODUCTION

The NCHA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the NCHA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the public housing program:

- The applicant family must:
 - Qualify as a family as defined by HUD and the NCHA.
 - Have income at or below HUD-specified income limits.
 - Qualify on the basis of citizenship or the eligible immigrant status of family members.
 - Provide social security number information for family members as required.
 - Consent to the NCHA's collection and use of family information as provided for in NCHA-provided consent forms.
- The NCHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the NCHA.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and NCHA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Admission. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause the NCHA to deny admission.

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides the NCHA with the information needed to determine the family's eligibility. HUD requires the NCHA to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, the NCHA must select families from the waiting list in accordance with HUD requirements and NCHA policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

The NCHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the NCHA to receive preferential treatment.

HUD regulations require that the NCHA comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. Adherence to the selection policies described in this chapter ensures that the NCHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and NCHA policies for taking applications, managing the waiting list and selecting families from the waiting list. The PHAs policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the NCHA's Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the NCHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the NCHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the NCHA will use to keep the waiting list current.

Part III: Tenant Selection. This part describes the policies that guide the NCHA in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that the NCHA has the information needed to make a final eligibility determination.

Chapter 5

OCCUPANCY STANDARDS AND UNIT OFFERS

INTRODUCTION

The NCHA must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families.

This chapter contains policies for assigning unit size and making unit offers. The NCHA's waiting list and selection policies are contained in Chapter 4. Together, Chapters 4 and 5 of the ACOP comprise the NCHA's Tenant Selection and Assignment Plan (TSAP).

Policies in this chapter are organized in two parts.

Part I: Occupancy Standards. This part contains the NCHA's standards for determining the appropriate unit size for families of different sizes and types.

Part II: Unit Offers. This part contains the NCHA's policies for making unit offers, and describes actions to be taken when unit offers are refused.

PART I: OCCUPANCY STANDARDS

5-I.A. OVERVIEW

Occupancy standards are established by the NCHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. Part I of this chapter explains the occupancy standards. These standards describe the methodology and factors the NCHA will use to determine the size unit for which a family qualifies, and includes the identification of the minimum and maximum number of household members for each unit size. This part also identifies circumstances under which an exception to the occupancy standards may be approved.

5-I.B. DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, the NCHA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. NCHAs are permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].

Although the NCHA does determine the size of unit the family qualifies for under the occupancy standards, the NCHA does not determine who shares a bedroom/sleeping room.

The NCHA's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

NCHA Policy

The NCHA will use the same occupancy standards for each of its developments.

Chapter 6

INCOME AND RENT DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's rent payment. The NCHA will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations. This chapter describes HUD regulations and NCHA policies related to these topics in three parts as follows:

Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and NCHA policies for calculating annual income are found in Part I.

Part II: Adjusted Income. Once annual income has been established HUD regulations require the NCHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and NCHA policies for calculating adjusted income are found in Part II.

Part III: Calculating Rent. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining family rent payment. Also included here are flat rents and the family's choice in rents.

Chapter 7

VERIFICATION

[24 CFR 960.259, 24 CFR 5.230, Notice PIH 2010-19]

INTRODUCTION

The NCHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain the family's consent to collect the information. Applicants and tenants must cooperate with the verification process as a condition of receiving assistance. The NCHA must not pass on the cost of verification to the family.

The NCHA will follow the verification guidance provided by HUD in Notice PIH 2010-19 and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary NCHA policies.

Part I describes the general verification process. More detailed requirements related to individual factors are provided in subsequent parts including family information (Part II), income and assets (Part III), and mandatory deductions (Part IV).

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies established by the NCHA.

Chapter 8

LEASING AND INSPECTIONS

[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

INTRODUCTION

Public housing leases are the basis of the legal relationship between the NCHA and the tenant. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations.

HUD rules also require the NCHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the NCHA may require additional inspections in accordance with NCHA policy.

This chapter is divided into two parts as follows:

Part I: Leasing. This part describes pre-leasing activities and the NCHA's policies pertaining to lease execution, modification, and payments under the lease.

Part II: Inspections. This part describes the NCHA's policies for inspecting dwelling units.

Chapter 9

REEXAMINATIONS

[24 CFR 960.257, 960.259, 966.4]

INTRODUCTION

The NCHA is required to monitor each family's income and composition over time, and to adjust the family's rent accordingly. PHAs must adopt policies concerning the conduct of annual and interim reexaminations that are consistent with regulatory requirements, and must conduct reexaminations in accordance with such policies [24 CFR 960.257(c)].

The frequency with which the NCHA must reexamine income for a family depends on whether the family pays income-based or flat rent. HUD requires the NCHA to offer all families the choice of paying income-based rent or flat rent at least annually. The NCHA's policies for offering families a choice of rents are located in Chapter 6.

This chapter discusses both annual and interim reexaminations.

Part I: Annual Reexaminations for Families Paying Income Based Rents. This part discusses the requirements for annual reexamination of income and family composition. Full reexaminations are conducted at least once a year for families paying income-based rents.

Part II: Reexaminations for Families Paying Flat Rents. This part contains the NCHA's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every 3 years. This part also contains the NCHA's policies for conducting annual updates of family composition for flat rent families.

Part III: Interim Reexaminations. This part includes HUD requirements and NCHA policies related to when a family may and must report changes that occur between annual reexaminations.

Part IV: Recalculating Tenant Rent. After gathering and verifying required information for an annual or interim reexamination, the NCHA must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

Policies governing reasonable accommodation, family privacy, required family cooperation and program abuse, as described elsewhere in this ACOP, apply to annual and interim reexaminations.

Chapter 10

PETS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

INTRODUCTION

This chapter explains the NCHA's policies on the keeping of pets and any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of the NCHA to provide a decent, safe and sanitary living environment for all tenants, and to protect and preserve the physical condition of the property, as well as the financial interest of the NCHA.

The chapter is organized as follows:

Part I: Assistance Animals. This part explains the difference between assistance animals and pets and contains policies related to the designation of an assistance animal as well as their care and handling.

Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

Part III: Pet deposits and fees for elderly/disabled developments. This part contains policies for pet deposits and fees that are applicable to elderly/disabled developments.

Part IV: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.

Chapter 11

COMMUNITY SERVICE

INTRODUCTION

This chapter explains HUD regulations requiring PHAs to implement a community service program for all nonexempt adults living in public housing.

This chapter describes HUD regulations and NCHA policies related to these topics in two parts:

Part I: Community Service Requirements. This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency.

Part II: NCHA Implementation of Community Service. This part provides NCHA policy regarding NCHA implementation and program design.

Chapter 12

TRANSFER POLICY

INTRODUCTION

This chapter explains the NCHA's transfer policy, based on HUD regulations, HUD guidance, and NCHA policy decisions.

This chapter describes HUD regulations and NCHA policies related to transfers in four parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: NCHA Required Transfers. This part describes types of transfers that may be required by the NCHA, notice requirements, and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, deconcentration, transferring to another development and reexamination.

The NCHA may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

The NCHA must have specific policies in place to deal with acceptable transfer requests.

Chapter 13

LEASE TERMINATIONS

INTRODUCTION

Either party in a lease agreement may terminate the lease under certain circumstances. A public housing lease is different from a private dwelling lease in that the family's rental assistance is tied to their tenancy. When the family moves from their public housing unit, they lose their rental assistance. Therefore, there are additional safeguards to protect the family's tenancy in public housing.

Likewise, there are safeguards to protect HUD's interest in the public housing program, to assure that qualified families are provided decent, safe, and sanitary housing which is in good repair. The NCHA may terminate the lease because of the family's failure to comply with HUD regulations, for serious or repeated violations of the terms of the lease, and for other good cause. HUD regulations specify some reasons for which a NCHA can terminate a family's lease, and give NCHAs authority to determine other reasons.

When determining NCHA policy on terminations, state and local landlord-tenant laws must be considered, since such laws could vary from one location to another. These variances may be either more or less restrictive than federal law or HUD regulation.

This chapter presents the policies that govern both the family's and NCHA's termination of the lease. It is presented in four parts:

Part I: Termination by Tenant. This part discusses the family's voluntary termination of the lease and the requirements the NCHA places upon families who wish to terminate their lease.

Part II: Termination by NCHA - Mandatory. This part describes the policies that govern how, and under what circumstances, a mandatory lease termination by the NCHA occurs. This part also includes nonrenewal of the lease for noncompliance with community service requirements.

Part III: Termination by NCHA – Other Authorized Reasons. This part describes the NCHA's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes NCHAs to terminate. For some of these options HUD requires the NCHA to establish policies and lease provisions for termination, but termination is not mandatory. For other options the NCHA has full discretion whether to consider the options as just cause to terminate as long as the NCHA policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that the NCHA may consider in lieu of termination, and the criteria the NCHA will use when deciding what actions to take.

Part IV: Notification Requirements. This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements and NCHA policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.

Chapter 14

GRIEVANCES AND APPEALS

INTRODUCTION

This chapter discusses grievances and appeals pertaining to NCHA actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not the NCHA's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.

Chapter 15

PROGRAM INTEGRITY

INTRODUCTION

The NCHA is committed to ensuring that funds made available to the NCHA are spent in accordance with HUD requirements.

This chapter covers HUD and NCHA policies designed to prevent, detect, investigate and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents NCHA policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures the NCHA must and may take when errors or program abuses are found.

Chapter 16

PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption of NCHA-furnished utilities.

Part II: Establishing Flat Rents and Public Housing Maximum Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts and public housing maximum rents.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families, and describes the circumstances under which the NCHA will offer repayment agreements to families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part IV: Public Housing Assessment System (PHAS). This part describes the PHAS indicators, how PHAs are scored under PHAS, and how those scores affect a PHA.

Part V: Record Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the NCHA will follow.

Part VI: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the NCHA's reporting responsibilities related to children with environmental intervention blood lead levels that are living in public housing.

Part VII: Violence against Women Act (VAWA): Notification, Documentation, and Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, and stalking; and maintaining the confidentiality of information obtained from victims.

EXHIBIT 16-2: NCHA SMOKE FREE POLICY

NCHA PROPERTY SMOKE-FREE POLICY

Effective August 1, 2017, smoking or tobacco use will be prohibited on all properties owned and operated by The Housing Authority of the City North Chicago (NCHA). The Smoke-Free Policy is intended to improve the quality of air and the safety of residents, guests, and employees.

Implementation of a Smoke-Free Policy is encouraged by the U.S. Department of Housing and Urban Development and it is consistent with its program goals and objectives. There are NO exceptions to this policy. Smoking is only permitted in specifically designated outside areas.

1. No person may use, smoke, hold or carry lighted tobacco in any form, including cigarettes, pipes, or cigars, pipes, water pipes (hookahs) in all North Chicago Housing Authority (NCHA) Public Housing owned properties; all interior common areas including but not limited to community rooms, community bathrooms, lobbies, offices, reception areas, hallways, laundry rooms, stairways, and elevators. Smoke or tobacco use will also be prohibited within all living units.
2. Smoking outside NCHA owned properties shall be permitted only in designated smoking areas, which shall be at least 25 feet from entry ways, windows, porches, balconies, patios, or ventilation system. Smoking areas shall be located sufficient distances from the buildings and sidewalks so that secondhand tobacco smoke does not enter the buildings and to ensure residents and guests can avoid walking through secondhand tobacco smoke to enter or leave NCHA owned properties.
3. Persons who smoke in designated smoking areas are responsible for properly disposing of cigarette butts or other tobacco products so as not to litter the grounds.
4. Residents and employees who smell tobacco smoke from inside NCHA owned properties are to report this to the Property Manager or Central Office as soon as possible. NCHA's Management staff will try to identify the source of the smoke and take appropriate action.
5. Current residents will receive a copy of this Smoke-Free Policy and are required to sign lease addendums reflective of the Smoke-Free Policy before June 1, 2017. New residents who sign leases effective on or after June 1, 2017 will be given copies of the Smoke-Free Policy and their lease will reflect this policy.
6. NCHA will post signage to clearly designate smoking and non-smoking areas.

NCHA staff is responsible for fully implementing and enforcing this Smoke-Free Policy, which includes taking steps to ensure 100% of the new and current residents and guests are aware of and abide by the Smoke-Free Policy. Failure to abide by this Smoke-Free Policy is considered a lease violation with the following consequences:

1st Violation will result in a Verbal Reminder with copy of Smoke-Free Policy.

2nd Violation will result in a Written Lease Violation Letter.

3rd Violation will result in a Written Lease Violation Letter; stating it's the 2nd Letter.

4th Violation in any 12 month period will result in a 30 day lease termination.

Also, at move out, a cleanup fee of \$300.00 may be added to help cover the costs of the removal of smoke residue from your unit and/or any related damages caused by smoking.

Current and new tenants will be given two (2) copies of NCHA's Smoke-Free Policy. After review, tenant (head of household) will initial page 1 and sign and date page 2. Return the fully executed (signed and dated) policy to NCHA Administration and keep the other copy for your records. The NCHA's copy will be placed and maintained in your Resident housing file.

TENANT CERTIFICATION

As Head of Household, I have read and understand the above Smoke-Free Policy and I agree to comply fully with the provisions. I understand that failure on my part, other members of the household, and my guests to comply with this Smoke-Free Policy could result in a 30 day eviction notice as outlined above.

Resident's Signature (Head of Household)

Other Adult Member of Household

Unit Number: _____

Date: _____

EXHIBIT 16-3: NCHA CO2 POLICY

NCHA CO2 Policy for Public Housing Properties

North Chicago Housing Authority runs its Public Housing Program at the following locations.

Kukla Towers 1440 Jackson North Chicago, Illinois 60064

Thompson Manor 1705 Sheridan Rd. North Chicago Illinois 60064

The following terms are to be applied for both NCHA properties.

All dwelling units, common spaces and offices are serviced with electric appliances and heating is either baseboard electric or hot water fed. CO2 detectors have been installed in mechanical areas that have equipment that is serviced with gas fed utilities.

Effective 12/19/2018