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CHAPTER I - OVERVIEW OF THE PROGRAM AND PLAN

Introduction

The Puerto Rico Public Housing Administration (PRPHA) receives its operating subsidy for the Public Housing Program from the Department of Housing and Urban Development (HUD). It is a governmental Agency of the Commonwealth of Puerto Rico, created and authorized by local law to develop and operate the Public Housing Program for very-low and low-income families, according to the limits of income established by HUD.

The PRPHA has entered into an Annual Contributions Contract (ACC) with HUD to administer the Public Housing Program. The PRPHA must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to implement federal requirements and to ensure consistency in the operation of the Program.

The Chapter I has three (3) parts:

- Part 1: The Puerto Rico Public Housing Administration (PRPHA)
- Part 2: The Public Housing Program
- Part 3: The Admission and Continued Occupancy Policies (ACOP)

Part 1: The Puerto Rico Public Housing Administration

1.1.1 The Law

The Puerto Rico Public Housing Administration (PRPHA) was created by Law Number 66 of August 17, 1989, as amended. Conforming to the Law, the PRPHA was given faculties and was authorized to establish the policies for the administration of the Public Housing Program. The vision of the PRPHA will serve as a fundamental instrument of service to ensure the community development and promote activities which could meet the needs of housing applicants and tenants, with an emphasis on meeting the requirements. Also promote the achievement of higher quality living standards.

The PRPHA is governed by a Board of Government elected by the Secretary of the Department of Housing, according with local law. The Board of Government is comprised of members from the following public and private sectors:

- Secretary of the Department of Housing (Chairman);
- Secretary of the Department of Labor;
- Secretary of the Department of Family;
- Executive Puerto Rico Housing Finance Authority;

- Three (3) members, two (2) of this should tenants of different PRPHA's housing projects.

The administration of the Public Housing Program and the functions and responsibilities of the PRPHA staff must comply with the requirements of HUD, this Admission and Continued Occupancy Policies (ACOP), and local laws of the Commonwealth of Puerto Rico.

1.1.2 Organization and Structure of the PRPHA

The Public Housing Program is funded by the federal government and administered by the PRPHA for the Commonwealth of Puerto Rico and is governed by a Board of Government.

The Board of Government establishes policies under which the PRPHA conducts business, and ensures that those policies are followed by the PRPHA staff. The Board of Government is responsible for preserving and expanding the Agency's resources and assuring the Agency's continued viability and success. The formal procedures of the PRPHA are taken through written resolutions, adopted by the Board of Government and entered into the official records of the PRPHA.

The principal staff member of the PRPHA is the Administrator, who is selected and hired by the Governor of the Commonwealth of Puerto Rico in consultation with the Board members. The Administrator oversees the day to day operations of the housing administration and is directly responsible for carrying out the established policies. The Administrator's duties include hiring, training, and supervising the PRPHA's staff, as well as budgeting and conducting financial planning for the PRPHA. Additionally, the Administrator is in charge of ensuring compliance with federal and local laws, as well as the public housing program mandates.

1.1.3 Mission and Objectives

The PRPHA mission is to effectively administer the resources of the Public Housing Program, promote services for the economic self-sufficiency of the tenants, and contribute towards a better quality of life in Puerto Rico.

In order to achieve this mission, the PRPHA will:

- Recognize residents as its ultimate customer;
- Deliver a competitive management and excellent services;
- Seek problem solving partnerships with residents as well as the public and private sector;
- Use available and accepted resources to effectively manage and operate the Public Housing Program.

1.1.4 Commitment to Ethics and Service

As a public service agency, the PRPHA is committed to providing effective service to all public housing applicants, tenants, and the public in general. In order to provide superior service, the PRPHA resolves to:

- Administer applicable federal and local laws, regulations and notices to achieve high ratings in compliance measurement indicators while maintaining efficiency in Program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing in good repair in compliance with program Uniform Physical Condition Standards (UPCS) – for very low and low-income families.
- Achieve a mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward deconcentration of poverty goals.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities. This includes being facilitators to make viable that the families obtain services of education, social and economics services, services of recreation and other services relating to the human needs.
- Promote fair housing and the equal opportunity principle to families interesting in participate in the Public Housing Program, regardless their race, ethnicity, national origin, religion, ethnic background, and disabilities.
- Create positive public awareness and expand the level of family and community support in accomplishing the PRPHA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing Agency through continuous improvement of the PRPHA's support systems and commitment to our employees and the professional development of these.
- To preserve, improve, and expand the public housing inventory through the capital funds finance program, public and private grants, low income housing tax credits, and other financial resources approved by HUD.
- Maintaining informed the tenants about the requirements and regulations of the Program and to notify the participants on the effect of the rules.

Part 2: The Public Housing Program

1.2.1 History of the Program

The United States Housing Act of 1937 (the "Act") is responsible for the creation of federal housing program initiatives, known as Public Housing Program. The Act was intended to provide financial assistance to states and cities for public works projects,

slum clearance, and the development of affordable housing for low-income residents.

The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD).

The Housing Act of 1969 created an operating subsidy for the Public Housing Program for the first time. Until then, public housing was a self-sustaining program.

The Quality Housing and Work Responsibility Act of 1998 (QHWRA), have the purpose to provide management guidelines to the Public Housing Program in order to provide tenants with greater choices. It also allowed the PHA to implement additional remedies to replace or revitalize severely distressed public housing developments. The highlights of the Reform Act include: the establishment of flat rents; the requirement for public housing agencies to develop five-year and annual plans; information verification; a requirement that forty percent (40%) of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and tenant self-sufficiency incentives.

1.2.2 Public Housing Program Basics

HUD publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the PRPHA to administer programs in accordance with HUD regulations and provides an operating subsidy to the PHA. The PRPHA must create written policies that are consistent with HUD regulations. The Admissions and Continued Occupancy Policies (ACOP) they are part of these regulations and procedures. The ACOP must be approved by the PRPHA's Board of Government.

The job of the PRPHA pursuant to HUD regulations is to provide decent, safe, and sanitary housing, in good repair, to low-income families at an affordable rent. The PRPHA screens families for public housing and, if they are found eligible and accepted, the PRPHA offers the family a unit. If the family accepts the offer, the PRPHA will enter into a contract with the family. When the family subscribes to the Lease becomes a tenant of the Public Housing Program.

Since the PRPHA owns the public housing developments, the PRPHA is the landlord. The PRPHA must comply with all of the legal and management responsibilities of a landlord, in addition to administering the program in accordance with HUD rules and regulations and PRPHA policies and procedures.

1.2.3 PUBLIC HOUSING PARTNERSHIPS

Relationships between partnerships are defined by federal regulations and by contract. These contracts outline the roles and responsibilities of each party.

Federal regulations further identify the important obligations of the parties involved. To make the program work is necessary to know the roles and responsibilities of each of the parties to interacting among if.

The key aspects of the public housing relationships are:

- Congress appropriates funds;
- HUD funds PHAs;
- Program Regulations and Annual Contribution Contract provide PHA Operating Subsidy;
- PHAs administer the program;
- The PHA and Family enter into a Lease.

HUD has the responsibility to develop regulations, program requirements, notices, and other guidelines in order to implement housing legislation enacted by Congress. It also shall allocate operating subsidies and capital funds to the PHAs, provide technical assistance, and monitor the PHA's compliance with the Public Housing Program requirements.

The PRPHA owns and manages the public housing developments, administers the public housing program by means of contractual agreements with HUD. Have the following responsibilities:

- establish local policies and procedures;
- evaluate the applications of interesting families to determine their eligibility to the Program;
- maintain waiting lists and selection the family for admission;
- maintain housing units and make repairs;
- screen families;
- offer units;
- maintain properties in a safe, decent and sanitary standard;
- ensure families qualify for the program and comply with program rules;
- collect rents;
- lease enforcement;
- ensure that family comply with the regulations;
- provide services to the families;
- comply with Fair Housing and Equal Opportunity requirements, the Violence Against Women Act (VAWA), HUD's rules and regulations, the Annual Contribution Contract, ACOP, and other federal and local laws.

The tenant's responsibilities are included in the public housing lease:

- comply with the terms of the lease;
- provide complete and accurate information to the PRPHA;
- assist to scheduled appointments;
- allow inspection of the housing unit;

- take responsibility over the care of the unit;
- not participate in drug related or other criminal activities;
- use the housing unit solely for residency;
- immediately notify the PRPHA of any family changes or circumstances that may affect their participation in the program;
- not commit fraud or program abuse;
- and other establish by PRPHA.

1.2.4 Applicable Regulations

The following regulations apply to the public housing program:

- 24 CFR Part 5: General HUD Program Requirements
- 24 CFR Part 8: Non discrimination
- 24 CFR Part 135: Economic Opportunities for low and very-low income persons
- 24 CFR Part 901: Public Housing Management Assessment Program
- 24 CFR Part 902: Public Housing Assessment System (PHAS)
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 905: The Public Housing Capital Fund
- 24 CFR Part 906: Public Housing Homeownership Program
- 24 CFR Part 908: Electronic Transmission of Required Family Data
- 24 CFR Part 941: Public Housing Development
- 24 CFR Part 943: Public Housing Agency
- 24 CFR Part 945: Designated Housing-Public-Housing Designated for Occupancy by Disabled, Elderly, or Disabled and Elderly Families
- 24 CFR Part 960: Admission to, and Occupancy of, Public Housing
- 24 CFR Part 963: Public Housing-Contracting with Residents-Owned Businesses
- 24 CFR Part 964: Tenant Participation and Tenant Opportunities in Public Housing
- 24 CFR Part 965: PHA-Owned or Leased Projects – General Provisions
- 24 CFR Part 966: Public Housing Lease and Grievance Procedures
- 24 CFR Part 968: Public Housing Modernization
- 24 CFR Part 969: PHA-Owned Projects-Continued Operation as Low Income Housing after Completion of Debt Service
- 24 CFR Part 971: Assessment of the Reasonable Revitalization Potential of Certain Public Housing Required by Law
- 24 CFR Part 972: Conversion of Public Housing to Tenant Based Assistance
- 24 CFR Part 984: Section 8 and Public Housing Family Self-Sufficiency Program
- 24 CFR Part 990: The Public Housing Operating Fund Program

Part 3: The Admission and Continued Occupancy Policies

1.3.1 Purpose of the Policy

The ACOP is the PRPHA's written statement of policies used to carry out the Public Housing Program in accordance with federal law and regulations, and HUD requirements. The ACOP also contains policies that support the objectives contained in the PRPHA's Annual Plan and Five Years Plan.

All issues related to public housing not addressed in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local laws. The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding. The PHA is responsible for complying with all changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations will have precedence.

The ACOP is designed to demonstrate that the PRPHA is managing its Public Housing Program in a manner that reflects its commitment to improving the quality of housing available to its customers, and its capacity to manage housing in a manner that demonstrates its responsibility to the public trust. In addition, this ACOP is designed to achieve the following objectives:

- To provide improved living conditions for very low and low-income families while maintaining rent payments at an affordable level;
- To operate a socially and financially sound public housing agency that provides decent, safe, and sanitary housing within a drug free, suitable living environment for its customers;
- To avoid concentrations of economically and socially deprived families in any one or all of the PRPHA's public housing developments;
- To lawfully deny the admission of applicants, or the continued occupancy of residents, whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the community, or create a danger to the PRPHA's employees;
- To attempt to have a resident body in each development composed of families with a broad range of incomes and rent-paying abilities that are representative of the range of incomes and rent paying abilities of low-income families in the PRPHA's jurisdiction;
- To provide opportunities for upward mobility of families that desire to achieve self-sufficiency;
- To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so that admissions and continued occupancy are conducted without regards to race, color, religion, sex, national origin, disability or familial status.

1.3.2 Contents of the Policy

The Admission and Occupancy Policies includes, among others:

- The organization of the waiting list. Include the procedure of selection of families and assignment of units; the procedures of admission, to remove or eliminate applicants of the Waiting List; and the procedure for close and reopening the Waiting List;
- Transfer policies and the circumstances under which a transfer would take precedence over an admission;
- Standards for determining eligibility, suitability for tenancy, and the size and type of the unit needed;
- Procedures for verifying the information the family has provided;
- The method for achieving deconcentration of poverty and income-mixing of public housing developments;
- Grievance procedures;
- Policies governing family annual recertification;
- Policies concerning family payment to the PHA of amounts the family owes the PHA;
- Interim redeterminations of family income and composition;
- Policies regarding community service requirements;
- Policies and rules about safety and ownership of pets in public housing.

1.3.3 Updating and Revising the Policy

The PRPHA will revise this ACOP as needed in order to comply with changes made to HUD's regulations and local laws. The original policy and any changes may be posted for comment and must be approved by the PRPHA Board Members, and the pertinent sections included in the Agency Plan, and a copy provided to HUD.

The PRPHA will review the ACOP annually and update as necessary, to reflect changes in federal regulations, local laws, PRPHA operations, or when needed to ensure staff consistency in operation and services.

CHAPTER II - FAIR HOUSING AND EQUAL OPPORTUNITY

Introduction

This chapter explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing and equal opportunity in the Public Housing Program. The responsibility to further nondiscrimination pertains to all areas of the PRPHA's operations.

The Chapter II has three (3) parts:

- Part 1: Nondiscrimination
- Part 2: Service and Reasonable Accommodation Policy
- Part 3: Accessibility and Plain Language for Limited English Proficient Persons.

Part 1: Nondiscrimination

2.1.1 Nondiscrimination Policy (24 CFR Sec. 8)

1. The policy of the PRPHA to fully comply with all federal and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The PRPHA will comply with all laws and agreements relating to civil rights and non-discrimination, including but not limited to the following:

- a. Title VI of the Civil Rights Act of 1964
- b. Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- c. Section 504 of the Rehabilitation Act of 1973
- d. Title II of the American with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments)
- e. Age Discrimination Act of 1975
- f. PRPHA Voluntary Compliance Agreement
- g. Any applicable local laws or ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

2. The PRPHA will not discriminate in the provision of public housing based on race, color, sex, religion, and familial status, disability, related to any housing that is part of any development or developments under the PRPHA's jurisdiction covered by an Annual Contributions Contract under the United States Housing Act of 1937, as amended.

3. To further its commitment to full compliance with applicable civil rights laws and agreements, the PRPHA will provide federal and local information to its tenants regarding discrimination and any recourse available to them if they believe they are victims of discrimination. Such information will be made available during the applicant or tenant orientation session.

4. All PRPHA's developments and offices will be accessible to persons with disabilities and reasonable accommodation will be provided upon request, as long as it does not create a substantial burden on the agency.

5. The PRPHA will not, on account of race, color, sex, religion, familial status, disability, or national origin:

- a. Deny to any Family the opportunity to apply for housing;
- b. Deny to any qualified family the opportunity to lease housing suitable to its needs;
- c. Provide housing that is different from that provided to others;
- d. Subject a person to segregation or unequal treatment,
- e. Restrict a person's access to any benefit enjoyed by others in connection with the Public Housing Program;
- f. Treat a person differently in determining eligibility or other requirements for admission; or
- g. Deny a person access to the same level of services.

6. The PRPHA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents, families with elderly members, or others).

7. If an applicant or tenant family believes that any family member has been discriminated against by the PRPHA, the family should advise the Agency. HUD requires PHAs to make every reasonable effort to determine whether the applicant's or tenant family's assertions have merit and if so, to take any warranted corrective action.

8. The applicants or tenant families who believe that they have been subject to unlawful discrimination may notify the PRPHA either orally or in writing. The PRPHA will attempt to remedy discrimination complaints made against the Agency. The PRPHA will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO), as specified on the grievances and appellation procedure.

2.1.2 Privacy Rights

1. Authorization for Release of Information

It is part of the PRPHA's practices and procedures to safeguard the privacy of applicants and tenants. Applicants and tenants, including all adults in their households, are required to sign the Form HUD-9886, "Authorization for Release of Information and Privacy Act Notice." This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

2. Release of Information Policy

PRPHA's policy regarding release of information is in accordance with federal and local laws and regulations, which may restrict the release of Family information. Requests for information by parties (other than the applicant or resident) must be accompanied by a signed release before the PRPHA releases any information involving an applicant or resident, unless disclosure is authorized under federal or local law or regulations.

Any and all information that divulges the nature or severity of a person's disability must be kept in a separate folder and marked "confidential". The information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. The designate PRPHA's staff must approve all requests for access to this information. Files should not be left unattended or placed in common areas.

The PRPHA staff will not discuss or access applicant or resident information contained in files unless there is a business reason to do so. The improper disclosure of applicant or resident information by staff may result in disciplinary action.

3. Social Security Numbers

As it relates to the Social Security numbers of applicants and residents, the PRPHA will:

- a. Maintain the confidentiality of the-Social Security numbers that it receives and maintains in the ordinary course of business;
- b. Limit the internal use to those functions where the use of the Social Security number is the only reliable method available to ensure that the correct applicant or resident has been identified;
- c. Limit access, whether in hard copy or electronic format, to those persons with the PRPHA who have a need to access that information;

- d. Properly dispose of documents which contain Social Security numbers to ensure their confidentiality, according with the rules for that matter; and
- e. Prohibit the unlawful disclosure of Social Security numbers by its employees.

Part 2: Service and Reasonable Accommodation Policy

1. One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the Program.
2. The PHA must ensure that persons with disabilities have full access to the PHA's programs and services, if qualifies. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the Public Housing Program.
3. The PHA must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet Lease requirements or other requirements of tenancy.
4. The PHA will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the PHA, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the Puerto Rico Public Housing Administration.”

5. The offices of contact shall be the PRPHA's Fair Housing and Equal Opportunity Office, PRPHA's Regional Offices and Project Administration Office.

2.2.1 Definitions

1. Reasonable Accommodation

A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. The policies and services from the PRPHA may have a different effect on persons with disabilities than on other persons. For example, treating persons with disabilities exactly the same as others will sometimes deny

them an equal opportunity to use and enjoy a dwelling unit or public areas.

2. Adaptable Dwelling

An adaptable dwelling is the change of certain elements of an accessible unit such as: bump, sinks, washbasin and bars to get to be added, raised, descended or altered of any another way to accommodate them to the needs of people with different types or levels of disabilities and don't result in economic burden the PRPHA.

2.2.2 Consideration for Reasonable Accommodation

1. The PRPHA must make accommodations according with this policies and procedures. If it is necessary and reasonable must make certain structural modifications for people with disabilities (applicants, tenants, staff and contractors) according with the policy and procedure of reasonable accommodation.
2. The PRPHA cannot refuse to make a reasonable accommodation in rules, policies, practices or services when such accommodation may be necessary to afford a person with a physical or mental impairment an equal opportunity to use and enjoy a PRPHA dwelling unit, including public and common areas, whenever the person comply with the requirements of the Public Housing Program.
3. The PRPHA should carry out changes in the existing facilities, when these changes are requested by a person with disabilities, and if said modification is reasonable and necessary to provide the equal opportunity to use in the facilities of the PRPHA.
4. Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create or impose an "undue administrative and financial burden" on the PRPHA, or fundamentally alter the nature of the program or services.
5. In determining whether an accommodation would create an undue hardship, the following factors will be considered:
 - a. The nature and cost of the accommodation needed;
 - b. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation;
 - c. The number of persons employed at such facility, the number of families likely to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation; and

- d. Any alteration or modification that may impact the physical structure and stability of facilities as it relates to the building codes or other applicable requirements.
6. When it is reasonable, the PRPHA shall accommodate the needs of a person with disabilities. Examples include but are not limited to:
 - a. Conducting home visits;
 - b. Transferring the family to an accessible unit;
 - c. Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability;
 - d. Installing a ramp into a dwelling unit or building;
 - e. Installing grab bars in bathrooms and toilet areas;
 - f. Installing visual fire alarms for hearing impaired persons;
 - g. Allowing a PRPHA-approved live-in aide to reside in the unit;
 - h. Providing a designated handicapped-accessible parking space;
 - i. Allowing an assistance animal;
 - j. Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PRPHA staff; and
 - k. Displaying posters and other housing information in locations throughout the PRPHA's office, 54" from the floor, in such a manner as to be easily read from a wheelchair.
 7. All requests for accommodation or modification to a unit will be verified by qualified PRPHA designated staff.
 8. The PRPHA will engage with public and private organizations which provide assistance for hearing and sight-impaired persons when necessary to permit the applicant, resident, PRPHA employee and Contractors to conduct business with the PRPHA.
 9. Requests for reasonable accommodation shall be submitted in written form. Request forms for reasonable accommodation are available in the administrative office of projects, regional offices and Fair housing and equal opportunity office. The policy and procedures for reasonable accommodations of PRPHA may be consulted at any time.

2.2.3 Request for an Accommodation

1. If an applicant or tenant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed due to a disability, HUD requires that the PHA treat the information as a request for a reasonable accommodation, even if no formal request is made. The family must explain what type of

accommodation is needed to provide the person with the disability, full access to the PHA's programs and services. If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability.

2. The PRPHA will expect the family to make its request in writing using a reasonable accommodation request form. If the person with disabilities deserves the aid or assistance of a representative or need support to complete the form of reasonable accommodation, will be able to have these. However, the PRPHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

2.2.4 Verification of Disability

1. A person with a disability, as defined under federal civil rights laws, is any person who:
 - a. Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or has a record of such impairment, or is regarded as having such impairment.
 - b. The phrase "physical or mental impairment" is applicable to persons who have: (i) Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
 - c. The term "physical or mental impairment" includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
2. The definition of a person with disabilities does not include current illegal drug users, people whose alcohol use interferes with the rights of others, and persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the Public Housing Program.
3. The above definition of disability determines whether an applicant or tenant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition of disability is not entitled to a

reasonable accommodation under federal civil rights and fair housing laws and regulations. The determination should be supported for the conclusions through the verification process of the information established in the regulations of the Public Housing Program.

4. The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the allowance for medical expenses, or the allowance for disability assistance expenses, and may be used for waiting list preferences.
5. When verifying a disability, the Agency will follow the verification policies provided in Chapter VII.
6. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter XV. In addition to the general requirements that govern all verification efforts also apply the third-party verification must be obtained from a medicine doctor.
7. The Agency must request only the information necessary to evaluate the disability-related need for the accommodation. The Agency may not inquire about the nature or extent of any disability.
8. Medical records will not be accepted or retained in the applicant or tenant file.

2.2.5 Approval and Denial of Accommodation

1. The PRPHA must approve a request for an accommodation if the following three conditions are met:
 - a. the request was made by or on behalf of a person with a disability,
 - b. there is a disability-related need for the accommodation, and
 - c. the requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PRPHA, or fundamentally alter the nature of the PRPHA's operations.
2. Requests for accommodations must be assessed on a case-by-case basis. The evaluation should be carried out in a framework of impartiality and without judgments toward the person with disabilities, that impact in a sensitive and just deal to the need of the family.
3. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested

accommodation, the financial resources of the PRPHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs, whenever the basic nature of the operation of the Agency will not be alter.

4. Before making a determination whether to approve the request, the PRPHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PRPHA may verify the need for the requested accommodation.
5. After a request for an accommodation is submitted, the PRPHA will respond, in writing, within ten (10) business days.
6. If the PRPHA denies a request for an accommodation because there is no relationship found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the PRPHA's decision by means of the grievance process, established on the Chapter XIII.
7. If the PRPHA believes that after three (3) meetings of discussion and negotiations with the person, the family has failed to identify a reasonable alternative accommodation, the PRPHA will notify the family, in writing, of its determination, within ten (10) business days from the date of the third meeting of discussion or verbal or writing communication with the family. The notice will inform the family of the right to appeal the PRPHA's decision through an Informal Hearing or the grievance process according with Chapter XIII.

2.2.6 Accessibility for Persons with Visual, Hearing and Physical Disability

1. HUD requires PHAs to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the public housing program and services. At the initial point of contact with each applicant, the PRPHA shall inform all applicants of alternative forms of communication that may be used in lieu of the written word.
2. When possible, the PRPHA makes available for persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication.
3. When possible, to meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with PRPHA staff, assistance will be provided upon request.
4. The PRPHA also allows applicants and tenants to use other forms of communication such as sign language interpretation; having material explained orally by PRPHA staff members. Also, having a third party representative (a

friend, relative or advocate, named by the applicant/tenant) to receive, interpret and explain housing materials and be present at all meetings.

5. The PRPHA must comply with a variety of regulations pertaining to physical accessibility, including the following:
 - a. PIH 2002-01 (HA), Accessibility Notice;
 - b. Section 504 of the Rehabilitation Act of 1973;
 - c. The Americans with Disabilities Act of 1990;
 - d. The Architectural Barriers Act of 1968; and
 - e. The Fair Housing Act of 1988
6. The design, construction, or alteration of the PRPHA's facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the PRPHA.

2.2.7 Denial or Termination of Assistance

1. If the PRPHA decides to deny or terminate the assistance of a family that includes a person with disabilities, this decision is subject to consideration of reasonable accommodation.
2. When assistance to applicants with disabilities is denied, the notice of denial must inform the person or family of their right to request an informal hearing. When a family's lease is terminated, the notice of termination must inform the family of its right to request a hearing in accordance with the PRPHA's grievance process.
3. When the family shows that the situation that motivates the refusal or the termination of assistance was turned out of a good cause, the PRPHA will reviewing reasonable accommodation requests, and must consider whether reasonable accommodation will allow the family to overcome the problem that led to the PRPHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the PRPHA will make the accommodation.
4. PRPHA must provide reasonable accommodation for persons with disabilities to participate in the hearing process.

Part 3: Accessibility and Plain Language

1. Facilities and programs used by Applicants and Tenants shall be made accessible. Admission and Management Offices, hearing rooms, community centers, laundry facilities, and other public spaces will be available for use by applicants and tenants with disabilities. If these facilities are not already accessible (and located on accessible routes), they will be made accessible so long as this does not impose an undue financial and administrative burden on the PRPHA.
2. Documents intended for use by applicants and tenants will be presented in accessible formats for those with vision or hearing impairments and they will be written simply and clearly to enable applicants and tenants with learning or cognitive disabilities to understand as much as possible.
3. At the point of initial contact, PRPHA staff shall ask applicants or tenants whether they need some other form of communication additional to the printed form. Some alternatives may include: sign language interpretation, having materials explained orally by staff, either in person or by phone, large type materials, information on tape, and having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials. The PRPHA may pay, when possible, for sign language interpreters for the hearing impaired.
4. Some applicants and tenants may be Limited English Proficiency Persons (LEP) and this can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 in the Federal Register.
5. The PRPHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP). LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applicants and tenant families.
6. In order to determine the level of access needed by LEP persons, the PHA will balance the following factors:

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- a. the number or proportion of LEP persons eligible to be served or likely to be encountered by the Public Housing Program;
 - b. the frequency with which LEP persons come into contact with the Program;
 - c. the nature and importance of the program, activity, or service provided by the program to people's lives;
 - d. the resources available to the PRPHA and costs.
7. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PRPHA.

2.3.1 Oral Interpretation

1. In a hearing room or situations in which health, safety, or access to important benefits and services are at stake, the PRPHA will generally offer, or ensure that the family is offered through other agencies, competent interpretation services free of charge to the LEP person, when not available in the PRPHA.
2. The PRPHA will analyze the various types of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken.
3. Whenever feasible, the PRPHA will train and hire bilingual staff to be available to act as interpreters and translators, and will standardize documents. Where available and possible, the PRPHA will encourage the use of qualified community volunteers.
4. When the LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their-own choosing, in place of or as a supplement to the free language services offered by the PRPHA. The interpreter may be a family member or friend.

2.3.2 Written Translation

1. Translation is the replacement of a written text from one language into an equivalent written text in another language.
2. In order to comply with written-translation obligations, the PRPHA will provide written translations of vital documents. Translation of other documents, if needed, can be provided orally. The PRPHA will inform applicants and tenants by means of a written notice in the primary language of the LEP persons, stating the right to receive competent oral interpretation of those written materials, free of cost.

CHAPTER III - ELIGIBILITY FOR ADMISSION

Introduction

This chapter defines the policy of the PRPHA to allow or deny admission to public housing program. Determining eligibility of applicants is one of the first steps in the admissions process. Although the term "eligible" is often used as "qualified for admission", that term has a technical meaning that less and does not cover all aspects of the qualification process.

The staff at the PRPHA carefully reviewed and analyzed, as required by HUD, any information provided by the family. Families will have the opportunity to explain their personal circumstances, to provide additional information if necessary and to obtain information about the decision of the PRPHA regarding your eligibility.

Chapter III consists of four (4) parts:

Part 1: Definition of the Family and its Members

Part 2: Basic Eligibility Criteria

Part 3: Notice of Eligibility for Admission or Rejection

Part 4: Informal Hearing Applicants for Public Housing Program

Part 1: Definitions of the Family and its Composition

3.1.1 Family and household composition (24 CFR 5100, 24 CFR 5403)

To be eligible for admission, an applicant must qualify as a family. A family consists of two or more persons living together most of the time, united by blood, marriage, adoption, custody, or by operation of law.

The term "Family" also includes, but is not limited to:

- a. Family with or without children: The family is defined as a group united by blood tie to the fourth degree of consanguinity, marriage or adoption. This also includes children who are temporarily absent under temporary care or custody, or children who are under custody, or children not yet born (only applies to units designated under the Tax Credit Program) and children in the adoption process who are considered family members for purposes of determining the size of the bedrooms, but they are not considered as members for determining income limits.
- b. Elder Family: A family whose head, spouse, or sole member is a person 62 years of age, or two or more persons living together who are at least 62 years of age, or one or more persons live with one or more companions who assist people in their daily lives.

- c. Near Elderly Family: A family whose head, spouse, or sole member is a person who is at least 50 years of age but less than 62 years.
- d. Disable Family is a family whose head, spouse, or sole member is a disable person, or two or more persons living together who are disabled, or two or more persons with disabilities living with one or more companions who help in their daily lives.
- e. Members of the family remaining tenant: a person who is mentioned in the lease of a public housing unit and is (the) one (s) Member (s) left (n) of the family. Accompanying persons, children or the elderly in care short, do not qualify as outstanding members of the family. A minor as defined by law, can be considered as remaining a member only if the adult allowed joining the home through a lease, has legal custody of the minor, and come to live with the minor.
- f. Single Person: A person who is not elderly or near-elderly or disabled, or the sole remaining member of the farm family.

3.1.2 Head of Household

Head of the Family is one adult family member who is regarded as the leader for purposes of determining eligibility based on income and income determination. Must have the legal capacity to enter into a lease under applicable laws. The Head of Household is responsible for ensuring that the family meets all its responsibilities under the program. A child who has been emancipated according to law may be appointed as Head of Family. Families can designate an elder or an incapacitated person as Head of Household only that the family qualifies as an elderly or disabled family.

3.1.3 Spouse

The Spouse is the person legally united in marriage to the Head of Family and dissolving that relationship would be the person must be divorced or receive a marriage annulment. An emancipated minor and married according to the law could qualify as a husband or wife. A husband or wife qualifies as a dependent.

The term Spouse does not apply to friends, who live together, or any other person other than a marriage partner. For marriages under the laws of Puerto Rico, the term spouse.

3.1.4 Other Adult

Under the services and benefits of the Public Housing Program, Other Adult means a family member, other than the head of household, spouse and that is more than twenty one (21) years of age. Adults and persons under temporary care companions who provide assistance or daily

attendance are not considered as Other Adults. Other Adult does not qualify as dependent.

In Puerto Rico the age of majority is reached at twenty one (21) years or at emancipation. The Public Housing Program provides direct services to eighteen (18) years and twenty (20) years persons not emancipated by the requirement for the appearance of the parent or guardian to filing the application and for admission to the Program. The signature of the father, mother or legal guardian meets or supplies the deficiency of the minor, according to the Civil Code of Puerto Rico.

3.1.5 Dependent

A dependent is a family member under 18 years of age not emancipated or other person of any age with a disability, or a full-time student.

A full-time student is someone who attends a school or receive vocational training full time. The time must be spent or the burden of studies needed to be a full-time student is defined by the educational institution.

These people may not be considered as dependents: the head of household, spouse, guests, children or adults under temporary custody.

Those dependent on custody, shall be a member of the family living with the applicant's family or a resident of fifty (50%) percent or more of the time. When more than one applicant or assisted the family (regardless of the Program), claiming the same dependents as members of the family, family with primary custody at the time of the initial interview to the time of annual re-examination, may claim the dependent. If there is a conflict for which the family must claim the dependent, the PRPHA will make a decision based on evidence available, such as court orders, or the income tax return showing that the family has claimed the dependent for income tax purposes of contributions. Also consider that a parent who is the custodian of the children in the study period.

3.1.6 Live in Aides (Persons who aid or assist others in your household)

A person who assists or helps others and living in the home, (live in aide) is not considered a family member and is not covered by the rights and benefits of the contract. Such assistants may only live in unity with the approval of the PRPHA. Will need to provide a written verification from a professional about the need for an assistant or helper will be required to certify that an assistant or helper needed to provide care to a family member who may be an old man, almost an elder or incapacitated person. Further, to be approved to accompany the individual does not live in the unit except to provide care to the elderly, most elderly or disabled person.

The PRPHA approve the live in aide person under a request for special accommodations. Such special assistants, a member of the household is not a member of the family and their income will not be counted in determining eligibility of the family, the level of profits or income calculation. These helpers do not apply the requirements or regulations applicable to persons who are not citizens and not be considered as remaining members of the family. People who

provide special care must comply with the procedures of the Agency while in the premises of the PRPHA. The relatives of head of household which do comply with the fourth degree of consanguinity, such as father, mother, son or grandson shall not be automatically excluded from care assistants but they must meet all the requirements described above.

The request for permission to seek a special care must be submitted in writing. The written verification will be requested on behalf of the PRPHA and come from a professional or medical doctor qualified that certify the medical condition and that an assistant or helper is needed to provide care to a member of the family, which may be an old man, almost an elder or disabled person. The PRPHA will require a certification from the family stating that this person is not obliged to support economically the person in need of special care and that this person does not live in the unit and will only be present to provide care to elderly most elderly or disabled person.

The PRPHA has the right to deny an application for individual care or revoke an approval if the person commits fraud, bribery or other corrupt criminal act in connection with any federal housing program, or the person currently owes money for income or any other concept to PRPHA or other Public Housing Agency in connection with housing programs and Section 8 (Housing Choice Voucher).

The PRPHA must notify the final decision in writing within a period of seven (7) days after receipt of the request and the required documents to apply for a special care.

3.1.7 Child and Adult under Temporary Care

A child in temporary care is one that is under the legal custody of a guardian, guardian or custody of the state or private agency for adoption or temporary care agency. However, the child may be cared for by people at home are under a special arrangement for short or long term care agency.

Children in temporary care living with a family or resident applicant are not considered family members. The admission of children in care is not temporary in annual income of families and children in care do not qualify for a temporary deduction as a dependent.

3.1.8 Visitor or Guest

A visitor or guest is defined as any person who temporarily resides in the dwelling unit with the consent of the lessee. The Head of Household will be responsible for the conduct of their guests and visitors within the unit and in the common places in the vicinity or near the premises of the PRPHA.

A family must notify the resident PRPHA when guests or their guests will stay in the unit for more than three (3) days. The PRPHA allows, as your discretion, a visitor to stay in the unit for a period not to exceed ninety (90) consecutive days or a total of ninety (90) cumulative calendar days during a period of twelve (12) months.

The PRPHA request a family to provide a certification attesting that his guest or host is not obligated to provide any support for family needs and the person do not receive economic support from the family during the stay, and not continue to live in the unit except for the time approved by the PRPHA. The Head of Household will also be required to provide proof of permanent address of your visitor or guest at the moment of the authorization request.

Guests or visitors who use the postal address of the unit's own benefit or for any other purpose shall be considered non-residents or occupants permitted. Additional, guests or guests who stay in the unit beyond the allowable time limit will be considered unauthorized occupants and their presence in the dwelling unit shall constitute a violation of the Contract Leasing jeopardizing the continued occupation of the family.

The PRPHA has the right to refuse any application for a visitor or guest, as your discretion. PRPHA may cancel an approval if the visitor commits perjury, fraud, bribery or other corrupt or criminal act in connection with any federal housing program, or if that person has criminal record related to illegal drugs or violence, or if the visitor owes money for rent or any other concept to PRPHA or other Public Housing Agency in connection with Housing Programs Section 8 (Housing Choice Voucher). The PRPHA refused the request to a visitor who has been evicted from a housing project financed by the Federal Government.

The PRPHA should notify in writing their final decision within a period of ten (10) working days after receiving the request and the documents required to apply for a visitor's permit or guest.

A Head of Household may request an exception to this policy for extraordinary reasons that justified an extension to the stay of the visitor in benefit of a member of the family. For example, to provide caring for a relative who is recovering from a medical procedure that is expected to last ninety (90) consecutive days. This exception will not be granted unless the Head of Family can identify and provide documentation of residence to which the person will return after recovery y present documents that accredited the exceptional circumstance as require for the PRPHA.

Children under a shared custody arrangement or that the family has visitation rights and are not included as members of the family because they live more than fifty percent (50%) of the time in another place, are not subject to the time constraints have visitors or guests of the family.

3.1.9 Family Members Absent

Generally an individual who is or will be absent from the public housing unit for ninety (90) days or less is considered temporarily absent and will be regarded as a family member. Generally, an individual who is or will be absent for more than ninety (90) consecutive days will be considered permanently absent and excluded as a family member.

Below are discussed several exceptions:

1. Absent Students

When a person is considered a family member attending a school far from home, this person is still considered a family member, unless the PRPHA receives information that this person has established the residence in the place on this person study. The head of household must submit documentary evidence of the school. The student must comply with the conditions of the lease.

2. Absences due to placement in temporary foster care

Children temporarily absent from home because they have been assigned to temporary foster care are considered family members.

If a child has been placed in temporary foster care, the PRPHA corroborated with the agency that placed the child the date when he is expected to return home again. Unless the PRPHA confirm that the child has been permanently removed from their homes, children continue to be regarded as a family member.

3. Head of Household, Husband or Spouse

A head of household, spouse or husband employed, for reasons due to their use must be absent from the dwelling unit for more than 90 days will remain as a member of the family, where it can be comply with its obligations under the lease and applicable regulations.

4. Persons admitted for medical reasons

An individual permanently confined to a clinic or hospital care, is not considered a family member.

If there is a question about the health status of a family member, the PRPHA asked for the verification of a responsible medical professional that certify the medical condition and use this certification for the determination. If the responsible medical professional cannot provide a medical certification, as general rule, the PRPHA consider the person temporarily absent. The family may present evidence that a family member have been held permanently in a health facility and ask PRPHA that this person is not considered as a family member.

5. Return of family members who were permanently absent

The family must apply for permission or approval of the PRPHA when a family member declared permanently absent, returns home. This person will be subject to verification and eligibility requirements previously discussed in Part 2 of this chapter.

3.1.10 Segregation of Family and remaining members of the Family

During the application process, a family on the waiting list could be split or separate into two (2) or more eligible families. Only one of the new families may retain the date and time of the original application. The other family members can file a new application, if the Waiting List so permits.

If a family currently lives in public housing programs are divided into two new families eligible, only one of the new families continue to be assisted. The other family can file an application for public housing separate and independent of the first.

In case of divorce, if a court of law determines the legal custody of children, the PRPHA will obey the determination of the court and considered as a Head of Household the parent to whom the court grants custody of children, this would not prevent the other parent to apply for housing benefit in a separately and independently manner. If there are no children in the family composition, the PRPHA shall comply with any judicial determination for this purpose.

In the absence of a judicial decision or an agreement among the members of the original family, the family kept PRPHA will determine its position on the waiting list, or who continue to occupy the dwelling taking into account the institutional commitment to protect the interests of children or minors. The PRPHA will set the criteria to be considered and the determination to follow procedure.

Part 2: Basic Eligibility Criteria

3.2.1 Qualifications for Admission to Program

The PRPHA qualified applicants and accept only these satisfy the following basic requirements:

- Being a family as defined in this Chapter.
- Being the head of a family home in which at least one family member is a citizen or "eligible non-citizen" for purposes of determining rent.
- Have a family income not exceeding, in the time of admission, the limit of low income set by HUD.
- Provide a Social Security number for all family members or certify in writing that some members have no social security number.
- Meet the selection criteria for applicants described in Chapter IV.
- Do not reside in a dwelling unit of PRPHA when allocating housing. Applicants who are registered in a contract with the PRPHA and wish to become Chief of Family in another dwelling unit, must apply as if it were a new admission and follow the admissions process;
- Not having debt for rent and other miscellaneous charges with any federal housing agency, and
- Sign all documents required consent.

3.2.2 Eligibility and Income Limits

HUD is required to establish the income limits that determine eligibility of applicants for programs to assist public housing. The income limits are published annually and are based on HUD estimates made by taking the average income in a particular area of the country, with adjustments according to family size.

HUD may establish income limits higher or lower than 30, 50 or 80 percent of the area median income if HUD finds that such variations are necessary because household incomes are not normal, either because very low or very high.

For purposes of the admission policies and continued occupation, households with low income, very low-income and extremely low defined according to 24CFR5.603.

Consequently, the following definitions apply:

1. Low-income families: A family whose annual income does not exceed 80% of the area median income, adjusted to family size.
2. Very low income families: A family whose annual income does not exceed 50% of the area median income, adjusted to family size.
3. Extremely low-income family. It is a family whose income does not exceed 30% of the area median income, adjusted to family size.

The income limits are used for purposes of initial eligibility during the admissions process. Eligibility is established by comparing the annual income of the family with the income limits published by HUD. To be eligible for income a family must qualify as a low-income family.

PRPHA aims to obtain, over a reasonable period of time a resident population consists of all their projects for low-income families, but with a diverse range of income. The PRPHA will work for that each project will include homes with a wide range of income that generally represent low-income families in Puerto Rico. However, according to HUD requirements, admissions from families whose income does not exceed thirty percent (30%) of the area median income may not be lower than forty percent (40%) in any fiscal year.

To achieve and maintain the basic objective of providing housing to households with an income range of the PRPHA, review its waiting list to determine if a representative mix of low income, very low and extremely low income. If there is a mix of revenue, the PRPHA will consider strategies to encourage a broader mix of income, including but not limited to conduct outreach efforts focused on certain areas to achieve their goals or setting preferences for admission.

3.2.3 Social Security Number Required

Each family member has a valid Social Security card is required to disclose and present social security number. This requirement also applies to members who join the family after it has been admitted to the shelter. Failure to provide social security number justifies the refusal of admission or cancellation of the lease.

If a family member has no Social Security number, he or she or their parents or authorized guardian must sign a certification stating that such person has no Social Security number.

The certification must include:

- Full name of individual;
- Place and date of birth;
- Claiming that no such person has been assigned a Social Security number and the reasons;
- Stating that the person disclose the Social Security number, if you get the number in the future and
- The certification shall be signed by the individual or their parent or guardian and must include date approved.

The PRPHA can use official documents of other federal or State Government agencies to verify the social security number. For the determination of eligibility for continued occupation, the residents of sixty-two (62) years or older as of January 31, 2010, shall be exempt from present evidence of their social security. The PRPHA provides that in cases that warrants include a child of six (6) years as part of the family composition, may be the member through the creation of an alternate identification number and the granting of ninety (90) days to the head of family to present a valid evidence of the minor's social security.

The AVP shall comply with the provisions on Notice PIH2010-03 (HA) for the verification of the social security numbers or any HUD's instruction of this matter.

3.2.4 Citizenship or Eligible Immigration Status

Section 214 of the Law on Housing and Community Development 1980 and its amendments restrict HUD to provide financial assistance to people who are not citizens, unless they meet one of the categories of legal immigration status specified in Section 214.

The federal housing assistance is available only to citizens of the United States of America, belonging to national territorial possessions of the United States, (hereafter referred to as citizens and nationals) or persons with lawful immigration status and eligibility. In at least one family member must be a citizen or national, or have an eligible legal immigration status in order to qualify for any level of assistance.

All applicant families must be notified about the requirement to submit evidence of their citizenship status when applying. As far as reasonable and in accordance with the Plan of the

Agency's limited English proficiency (LEP) the notice must be published in a language of knowledge, the person is not fluent in English.

HUD requires that each family member declares whether he is a citizen, national or immigration status is legal and eligible. Those who choose not to have to prove eligibility status shall be deemed ineligible.

For citizens, nationals and those with eligible immigration status of the declaration should be signed personally by the head of household, husband, and any other family member older than eighteen (18) years and a parent or guardian of minors. The family must identify in writing those family members who choose not to prove their immigration status. A person attending or helping others (guides), children or adults under temporary custody are not required any kind of statement.

The citizenship or immigration status of each eligible family member must be determined, regardless of age. The declaration of an adult will have to be signed by him. For a minor, the declaration must be signed by an adult (which reside in the dwelling) who is responsible for the minor. In every new addition to the family, whether adult or child is need determine the citizenship or immigration status prior to admission. Evidence of eligible immigration status is required only once for each household member applying for the continued occupation.

Before being admitted, all citizens need to sign the declaration of Section 214 under penalty of perjury. Applicants and household members are required to show proof of their status by providing at least two (2) of the following documents in original or certified copy:

- Birth Certificate
- Passport
- Certificate of Baptism
- Military ID
- Military Form DD 214

Family members who are citizens or are not nationalized not require additional information from the above, unless the PRPHA receives information indicating that an individual's statement is not accurate.

In addition to the declaration signed before being admitted, the family members who declare themselves to be "citizens not eligible" need sign a form consenting to the investigation and cooperate with the efforts of the PRPHA to verify their immigration status.

The documentation required to establish the status of eligible citizens do not vary depending on such factors as: the date the person entered the United States, the conditions under which their immigration status was granted, and the person's age. Citizens who are not eligible and sixty-two (62) years of age must sign a statement about his immigration status, the consent form and provide verification of original documents from the Department of Immigration and Naturalization Service (INS).

Those who are not citizens and do not wish to prove their immigration status must provide their name for it to be included in a list of family members who do not wish to prove their immigration status. This list must be signed by the head of household, the husband or wife or partner (regardless of citizenship status) and it should indicate the status of their ineligibility. The PRPHA is not required to verify the status of ineligibility for a family member and does not require the Agency to report the presence of individuals who are illegally in the United States Department of Citizenship and Immigration Services.

The housing assistance to students who are not citizens is prohibited. This prohibition extends to the wife or husband who is not citizens, including children who accompany or join the student is not that non-citizen. This prohibition does not extend to the husband or wife of a student who is not a citizen, if the husband or wife is a legal citizen. The same applies to children of this family. This family is eligible for family assistance apportioned as mixed.

A mixed family is eligible for admission if at least one family member is a citizen, is nationalized, or eligible non-citizen. Families that include eligible and ineligible individuals are considered mixed families. These families will be informed that its assistance or aid is apportioned, and which may request a hearing if the family does not agree with the determination.

The PRPHA must verify eligibility on the immigration status of new members when the Head of Household request the inclusion of the member in the Lease Agreement.

3.2.5 Consent to Disclose Information for Families

HUD requires that each adult family member, and the head of the family, spouse, or partner regardless of age, sign the form HUD-9886 Authorization to disclose information and consent forms as required by the PRPHA to gather the information necessary to determine the eligibility of the family and the assistance they receive.

The PRPHA will deny admission to the program if any family member or applicant does not submit the signed consent forms that allow the PRPHA to obtain information it considers necessary to administer public housing programs.

PART 3: Notice of Eligibility or Denial of Admission

3.3.1 Notification of eligibility or ineligibility

For a family that does not meet the eligibility criteria that are discussed in Parts II and III will be denied admission.

Additionally, HUD requires or allows the PRPHA to deny admission based on certain types of conduct of current or past members of the family, as discussed in this Part. The authority of the Agency in this area is limited by the Violence Against Women Act of 2005 (VAWA). That law

expressly prohibits denying admission to applicants qualified by the fact that this person has been the victim of domestic violence or persecution.

3.2.2. Obligation to Deny Admission

HUD requires the Public Housing Administration to deny assistance if:

1. If any applicant family member has been reported in the last three (3) years for drug-related criminal activities. Drug-related criminal activity is the illegal production, sale, distribution, or use of any drug or drug possession with intent to manufacture, sell, distribute or use drugs as defined in section 102 of the Substances Act controlled [21 USC 802]. Related activities including drugs they have been made within or outside the premises of the PRPHA. The PRPHA may be admitted to an eligible family was evicted from an assisted living by the federal government in the last three (3) years for drug-related criminal activity, if the agency verifies that the household member involved in such criminal activity has completed a rehabilitation program approved by the Agency or the person who committed the criminal activity no longer resides with the family.
2. If the PRPHA has reasonable cause to believe that a household member is currently using illegal drugs.
3. If the PRPHA is reasonable evidence to believe that a household member for his history of abuse or current abuse or current abuse or past abuse of alcohol, would endanger the health, safety or right to peacefully enjoy the premises by other residents. In determining reasonable cause, the PRPHA will consider the entire evidence probable, but not limited to, records of lawsuits or judgments, arrests, evictions or family members linked to the use of illegal drugs or abuse alcohol, incidents reports from the Management Agents. A sentence will have more weight than an arrest. The PRPHA will also consider evidence from people who provide treatment or community organizations that provide rehabilitation services to household members.
4. If a family member has been sentenced for criminal activities related to the production of drugs such as meta-amphetamine, at the premises of assisted housing by the federal government. This represents ineligibility for life.
5. If any family member has been subject to registration for the rest of his life in a state registration of sex offenders. This represents ineligibility for life.

3.3.3 General Eligibility Criteria

The PRPHA has set standards prohibiting the admission of applicants to public housing programs, whether these are involved in criminal activities or if the PRPHA is reasonable evidence to believe that a household member could jeopardize the health, safety or right to peaceful enjoyment of the premises of any other resident or employee because of his history of abuse or current abuse or current abuse or history of alcohol abuse.

The PRPHA is responsible for verifying the behavior of the family and whether it should be considered for entry into the program. Hence, the Agency considers that an applicant's criminal history involving crimes of physical violence to persons or property and other criminal acts adversely affect the health, safety or welfare of other tenants.

The PRPHA has also established criteria to refuse admission or continued occupation based on past conduct and other criminal activities. If any member of the family is currently involved or has been involved in any criminal activity listed below, depending on the terms set forth in this policy, the family is not admitted:

1. Other Criminal Activity - means a history or record of criminal activities related to violence or threats to use violence toward other persons or property, or any other record of criminal activity or conduct which could adversely affect the health, safety or welfare of other residents or employees of the PRPHA.
2. Violent Criminal Activity - means any criminal activity that has as one of its elements the use, attempted use or threatened use of physical force or violence sufficient to cause or could cause serious personal injury or private property, including domestic violence and child abuse.
3. Criminal Sexual Conduct - means any sexual offense, including but not limited to rape, sexual assault, incest, indecent or immoral acts or abuse of children, adversely affecting the health, safety or welfare of other residents or employees of the PRPHA.

3.3.4 Evidence

The evidence of the family record of such criminal activity include, but are not limited to any records of protection orders, judgments, arrests, evictions or criminal activities because of drug-related, tentative or violent criminal acts perpetrated by a household member.

HUD allows the PRPHA to deny admission based on relevant information about the behavior or past behavior of the family and its ability to be a tenant. In case of unfavorable information with respect to an applicant, the PRPHA must consider the time, nature and extent of the conduct of the applicant including the seriousness of the offense. The PRPHA may also consider whether the cause of unfavorable information is that the applicant has been a victim of domestic violence, persecution, or stalking.

1. **The agency refused admission to an applicant family if it is determined that the family:**

People registered for life in a state registry of sex offenders	Criminal Activity	Ineligible for Life
People convicted by the production and distribution of methamphetamine on the premises of an assisted housing with federal funds.	Criminal Activity	Ineligible for Life
Drug-related criminal activity on or off the premises of an assisted housing with federal funds.	Criminal Activity	3 years
Other criminal activities no related with drugs.	Criminal Activity	2 years
Exceed the maximum income limits	Income Limits	Until qualifying
The family has a record of not fulfilling their financial obligations, including leases for the past 5 years.	Breach of contract in subsidized programs with federal funds	2 years
The family has a record of causing disturbances with their neighbors, destruction of property, or bad habits or cleaning in the last 3 years, which could endanger health, safety or welfare of other tenants.	Breach of contract in subsidized programs with federal funds	2 years
The family has been evicted or terminated the assistance in subsidized programs with federal funding in the last 3 years.	Breach of contract in subsidized programs with federal funds	2 years

The family owes rent or other sums of money to the Agency or any other agency or owner, in connection with any housing program subsidized with federal funds.	Breach of contract in subsidized programs with federal funds	2 years
The family has provided inaccurate information, false or incomplete information regarding your eligibility, including income, special treatment for admission, costs, family composition or leases.	False Representation	Ineligible for Life
The family has committed fraud, extortion, or any other corrupt or criminal act in connection with any federal housing programs.	Breach of contract in subsidized programs with federal funds	2 years
The family has participated in or has threatened the staff of the PRPHA with violence or abusive behavior.	Violent Conduct	2 years

Abusive or violent behavior against staff of the PRPHA includes verbal abuse, physical violence. The use of racial epithets or any other written or oral language, which is generally used to intimidate can be considered abusive or violent. Threats relate to physical gestures, verbal threats or oral interpreting or imply intent to abuse or violence.

3.3.5 Factors of Evidence

The PRPHA will consider the existence of documents such as job loss or other financial hardship before denying assistance to an applicant family if it for such reasons, could not meet its financial obligations. Supporting factors are factors in the applicant's file related to difficulties in paying the rent or misconduct shown after scrutiny:

1. why there is a record of not paying the rent or the reasons why there was misconduct in the past,
2. the current status of rent payments and conduct,
3. the potential of the applicant to comply with the lease.

To the factors supporting documents may be accepted in the research process of the PRPHA such circumstances must be verified.

If the circumstances stated by the applicant documents related to change in disability, medical condition, or course of treatment, the PRPHA has the right to refer such information to qualified individuals or individuals with sufficient knowledge to assess the evidence and to verify them.

The PRPHA will also have the right to request additional information necessary to verify the circumstances, evidence, even if such information is of a confidential medical nature. These investigations are limited to request the information necessary to verify the mitigating circumstances, or in the case of a person with a disability to ensure reasonable accommodation.

3.3.6 Verification of Eligibility

Under the Act, the Quality Housing and Work Responsibility (QHWRA) of 1998, Section 578 and Section 5903 of Volume 24 of the Code of Federal Regulations, Part 5 (2CFR5.903), the PRPHA is authorized to obtain records or files containing criminal records, FBI, state and local police agencies and other offices that impose the law, in order to verify the eligibility of applicants, execute the Contract and make eviction. To get access to these records the criminal PRPHA requires each family requesting assistance to sign a Certificate of Consent. This certification must be signed by each adult household member older than eighteen (18) years. PRPHA may also request the records of juveniles who have been sentenced as adults.

The PRPHA corroborated the criminal record to determine if any adult family member has been involved in criminal activities or drugs or was a sexual predator and must comply with the requirement of registering as such in a register State sex offenders.

The PRPHA is also authorized to request and obtain information from applicants to agencies for treatment of drug use or abuse. Treatment Agency for Substance Abuse is an entity that is projected to provide community services for diagnosis, treatment, or recommended to other agencies for treatment of abuse of illegal drugs and can be identified as a unit within an agency or clinic for general care or an entity in itself.

The PRPHA will investigate all applicants for adults whether they use or have used any illegal controlled substance and whether they are currently receiving or had ever received treatment at a treatment agency for substance abuse.

All adult applicants who respond affirmatively required to sign a written consent that allows the PRPHA to receive information from the Agency for the Treatment of Drug Abuse, indicating only that the agency has reasonable cause to believe that the applicant is currently using illegal controlled substances. The authorization will be sent to the Agency for the Treatment of Drug Abuse and receive a permit as PRPHA

The PRPHA will keep the information received in absolute confidentiality. This information is not inappropriately disseminated and will be destroyed after a period of five (5) days after the date on which the PRPHA make your final decision to admit the person as a family member under the Public Housing Program.

If the application is denied or revoked, the evidence in the possession of PRPHA from the Agency for the Treatment of Drug Abuse to be destroyed immediately.

The PRPHA will document in the archives of the family that the family was denied admission or residence was canceled because of evidence of the Agency for the Treatment of Drug Abuse.

3.3.7 Research Process for determining capacity as Tenant

The PRPHA will deny admission to applicants whose habits and practices could reasonably have a negative effect on the operations of the project or neighborhood or the quality of life for its residents.

The PRPHA will interview all applicants in detail. The interview will consist of questions designed to assess the ability of applicants to meet residence requirements. Most questions are subject to verification by third parties. The distortion of information from an applicant regarding your eligibility, preference for admission, record of housing allowances, family composition or income will result in denial of admission.

Applicants must demonstrate the ability and willingness to comply with the terms of the lease, either alone or with the assistance of others, which must be shown upon admission.

The minimum age imposing the PRPHA to admit a Head of Household is eighteen (18) years. The PRPHA will not allow a parent or legal guardian sign the contract on behalf of a Head of Household less than eighteen (18) years.

As part of the final determination for admission, the PRPHA will investigate each applicant to assess their suitability as a tenant. For the evaluation, the PRPHA will depend on other sources of information. Those sources could include but are not limited to, the PRPHA records, personal interviews, interviews with owners where the applicant has resided in the past, employers, social workers, probation officers, court and criminal records, clinics, doctors or Agencies that impose law and order.

The investigation of the relevant information from the PRPHA regarding the habits and practices past and present include, but are not limited to an assessment of:

- rent and utilities;
- the care of housing and facilities;
- respect the rights of other residents to enjoy peace in your home;
- criminal activities that pose a threat to the health, safety or property of others;
- the behavior of all household members, and
- compliance with any other essential condition of the lease.

3.3.8 Criteria to refuse admission

The PRPHA must have convincing evidence of the alleged violation and must establish the violation by a preponderance of the evidence. The evidence can be obtained from the following sources:

- Judicial and police records;
- Probation Officer's file;
- Parole Officer's Records;
- Landlord References;
- Social Services Providers;
- Home visits; and
- Reports of the Management Agents

The testimony of neighbors, when combined with other evidence, it can be used in the evaluation. Other evidence may be convincing documentation from a drug investigation, arrest warrant or evidence collected by employees of the PRPHA.

The preponderance of evidence is defined as the evidence that has greater strength or weight or more convincing than the evidence offered in opposition, that is, evidence which as a whole, demonstrates that they are trying to prove is more likely positive to negative. The intention is not to prove criminal charges, but to prove that the events occurred. The preponderance of the evidence cannot be determined by the number of witnesses, if not the greatest weight of the evidence.

3.3.9 Consideration of Circumstances

In the event that the PRPHA receives unfavorable information regarding a person applying for, consider the time, the nature and extent of the person's conduct, including the seriousness of the offense. In a manner consistent with its policies, the PRPHA can give consideration to factors that may indicate a reasonable likelihood of future changes in the conduct of that person.

The Agency will consider the following factors before making your decision, but in no way obliged to make its determination solely by them:

1. the seriousness of the case, especially with regard to how it would affect other residents;
2. the impact that denial of admission may have on other family members who were not involved in the action or lack thereof;
3. the degree of participation or culpability of individual family members, including whether the family member offender is a minor or a person with disability;
4. if the person is a victim of domestic violence, persecution or stalking;

5. the time elapsed since the violation occurred, the recent history of the family and the likelihood of favorable conduct in the future;
6. evidence of participation or willingness of family involvement in seeking social service programs or other appropriate counseling and advice.

3.3.10 Removing the name of a family member of the Application

The PRPHA will impose a requirement of disqualification to the admission to family members who participated or were guilty of an act or failure to warrant the denial of admission. In accordance with provisions of the preceding indents and policies prescribed by HUD and PRPHA, such persons may not reside in the unit.

As a condition of receiving assistance, a family may choose to request to remove the disqualified member. In such cases, the Head of Household must certify, under penalty of perjury, Lease cancelation and eviction, that it will not allow family members to visit or stay as a guest in the unit of public housing.

After admission to the program at the request of the PRPHA, the Head of Household must present evidence that the family member does not reside in the dwelling.

3.3.11 Reasonable Accommodations

If the family includes a person with a disability as a member of the family, the decision of the PRPHA to the admission or exclusion is subject to consideration of such a condition as proof or disqualified to eligibility, as appropriate.

If the family indicates that the behavior of one of its members resulting from a failure condition is the only reason why refused admission, the PRPHA assesses and determines if the behavior is related to disability. In which case the family provide the documentary evidence including a certification of expert as may be necessary to establish such justification. If so, the family should apply to the PRPHA consider establishing alternate measures as reasonable in relation to the condition established. The PRPHA will consider only those reasonable accommodations expected can remedy the behavior of the disabled person and can be verified and certified by a doctor or any other health professional with expertise in disability or alleged status, as determined by the PRPHA. Where the required measures could not be supplemented by the PRPHA due to his cost means that the reasonable accommodation available and the Agency will not be obliged to make up for it.

3.3.12 Prohibition Against Denial of Assistance to Victims of Domestic Violence, Sexual Harassment and Persecution

The Law of Violence Against Women 2005 (VAWA) prohibits denying admission to a person who otherwise would have qualified based on that person is or was a victim of domestic violence, sexual abuse, harassment or persecution. Specifically, Section 607 (2) of VAWA adds the following provision to Section 6 of the Housing Act in the U.S. 1937, indicating the provisions and requirements of the Public Housing Program:

Each Annual Contribution Contract (ACC) will provide that the public housing agency shall not deny admission to any project otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, sexual abuse, harassment or persecution and that nothing in this Section shall be construed to replace any available federal or state or local law that provides greater protection than that stipulated in this section for victims of domestic violence, sexual abuse, harassment or persecution.

3.3.13 Definitions Relating to the Law on Violence Against Women (VAWA)

1. Domestic violence - includes crimes or minor offenses committed by a former spouse or current spouse of the victim, or a person with whom the victim shares a child in marriage, or by a person who has cohabited or lived together with the victim as a spouse or a person or place in a position similar to that of the husband of the victim in the jurisdiction that receives federal funds and is under the laws of domestic or family violence, or any other person against a victim adult or young person who is protected from acts of such person under the laws of domestic violence or family court.
2. Dating violence - is a type of violence committed by a person which has been or is in a social relationship of a romantic or intimate with the victim, the existence of such a relationship should be determined based on consideration of the following factors: duration and type of this relationship, and frequency of interaction between the person involved in this relationship.
3. Pursuit - Pursuing harass or repeatedly committed acts with the intent to kill, injure, intimidate or harass another person or to monitor a person with intent to kill, injure, intimidate or harass a person carrying a state of fear his life or personal injury or emotional damage caused to that person or a family member of the victim, (linked by marriage or blood) or due to course or as a result of such persecution, harassment, surveillance or persecution or repeated acts.

The PRPHA recognizes that a victim of domestic violence, sexual abuse, harassment or persecution, can have a negative history that could cause the denial of assistance under the policies of the PRPHA. Therefore, if the PRPHA determines denied admission to the family asks that the history of disadvantage, the PRPHA will include in its notification a declaration of

ineligibility for protection against denial of assistance, as the Law on Violence Against Women (VAWA) and give the family requesting the opportunity to provide documentation stating that the cause of the downturn in the family history is because a family member has been the victim of domestic violence, sexual abuse, harassment or persecution.

The documentation should include:

1. A statement writing and signed, under penalty of perjury or certified by a lawyer by the victim of violence or abuse that provides the name of the perpetrator and certify that the above incidents are true incidents of domestic violence, sexual abuse, harassment or persecution, and one of the following:
 - a. A Report of the Judicial Police or a record documenting the abuse or threat.
 - b. A statement signed by an employee, agent, or a person providing a service to the victim, a lawyer, a doctor, or other knowledgeable professional to whom the victim has sought to receive care or treatment to address these threats or abuse . The professional must attest under penalty of perjury that the incidents are real incidents of abuse and the victim must sign or attest the statement.

The applicant must submit the required documentation with a request for an informal hearing must request in writing at that time an extension of time to present the evidence. If the person requesting the extension, the PRPHA will grant an extension of five (5) working days and postponed the hearing informally with the person applying until after they have received the documentation or the extension period expires. If after reviewing the documentation provided by the person requesting the PRPHA determines that the family is eligible for assistance, need not be performed informal hearing and proceed with the PRPHA process of admission of the family. These victims will have preferential treatment in the Waiting List.

In cases where the family requests that include the perpetrator and the victim of domestic violence, persecution or harassment, the PRPHA will proceed as explained in the previous paragraph but will require further eliminate or remove the perpetrator of the crime home and not allow it to reside in the unit of public housing.

All information provided to the PRPHA related violence, domestic abuse, harassment, persecution, including the fact that an individual is a victim of such violence or abuse, should be kept strictly confidential and will not be sharing information in a database or provide such information to other institutions, with the exception that the information (i) is allowed or approved by the individual in writing, (ii) the information required for an eviction, or (iii) the information is required by applicable law.

3.3.14 Notice of Eligibility or Denial

PRPHA The applicant shall notify the family of the final determination of eligibility. The information received by the PRPHA will be verified and analyzed, and will make a determination with respect to:

- eligibility of the family that requested;
- eligibility of the applicant with regard to income limits for admission;
- eligibility of the applicant with regard to their citizenship or immigration status, and
- preference category, if any, to which the family is entitled.

Assistance for a family may not be delayed, denied or terminated based on immigration status of a family ineligible, unless and until the family completes the entire verification process and appeals to which they are entitled under the procedures of the PRPHA and immigration, except for a pending hearing with the PRPHA.

For applicants who are determined not ineligible to be admitted will be notified with a letter of notification of ineligibility, within ten (10) working days after receiving the complete application. This letter should explain why it refused admission. The PRPHA will provide applicants the opportunity of an informal hearing.

Part 4: Informal Hearing

3.4.1 Appeal of the Applicants

If any information is disclosed due to the PRPHA denied admission to the applicant and issue an application cancelation or deny the preference, the PRPHA will send a notification:

- inform the applicant why it is considered ineligible or the application is withdrawn from the waiting list or denied preference;
- notify the applicant of his right to request an informal hearing if the PRPHA receives the request for hearing within ten (10) days from the date of notification. The request must be in writing and must clearly state the reasons for requesting the informal hearing and should be sent to the address provided in the notice;
- notify the applicant of their rights to dispute credit information reports, information from the Enterprise Income Verification (EIV), information from the Police Agency, and other information requested or determined by the PRPHA according to federal premises or, if this was the basis for the determination of ineligibility, but do not have to accompany it with the notice, but do it available for review;
- notify applicants if they have a disability not previously disclosed, the disclosure of this condition may lead to consideration of mitigating circumstances or if a reasonable accommodation related disability;
- notify applicants if they require reasonable accommodation at or after requesting an informal hearing, the decision on the reasonable accommodation will be made by the officer who presides over the hearing.
- provide a description of the process of the informal hearing and to inform applicants who have the right to be represented by counsel or any other individual

during the informal hearing, review the contents of your file before the hearing, the right to submit documents and additional evidence, and testify at the hearing.

3.4.2 Programming the Informal Hearing

After receiving the written request of the applicant, the Officer must be appointed by the PRPHA schedule Informal Hearing. The hearing must be held within a period of fifteen (15) days after receipt of the request by the Informal Hearing from the applicant. The hearing may be postponed if there is a just cause.

A letter notifying the View Informal must be submitted by the Officer appointed by the PRPHA to the address of the applicant to take the records. The letter informed of the date, time and place to be held the informal hearing. The letter further informed of the rights of the applicant to present evidence and testimony, reviewing the record, request a reasonable accommodation or sign language interpreter and to be represented by an attorney or other individual at the hearing. The hearing was conducted at a convenient time and in a place accessible to the applicant and the PRPHA. If an applicant requires a reasonable accommodation is requested at or after the hearing request, the decision regarding the accommodation will be made by the Officer of the hearing and in any case the celebration could postpone providing such arrangement.

3.4.3 Rights of Applicants for the Informal Hearing

During the hearing, the PRPHA will present its evidence supporting the determination of ineligibility, withdrawal, or denial of preference (s). The applicant is given an opportunity to present evidence and testimonies that may refute understand the determination of the PRPHA.

3.4.4 Requirements for Fair Procedures

The Informal Hearing meets the following requirements of fair procedures:

1. If the applicant requires that the employee of the PRPHA that made the decision to be present to provide facts and questioning if it is still an employee of the PRPHA, it must be present.
2. An employee of the PRPHA has not participated in the original decision should underpin the hearing.
3. The decision should be based solely on evidence presented during the hearing and any evidence received in advance by the PRPHA. Any evidence presented during the hearing must be considered again by the officer conducting the hearing.

4. The applicant and / or your representative have the right to inspect the file before the hearing. The PRPHA requires that the applicant sign an Authorization and Confidentiality Certification to its representative may inspect the records.

5. After completion of the hearing, the applicant or the PRPHA may request that the record be kept open for the submission of new evidence. The Officer of the hearing should set a date to close the file and can also postpone this date if there is a just cause. The applicant must receive a letter notifying the termination or extension if any. If the PRPHA does not wish to consider additional evidence presented during the hearing or filed after the hearing must notify the applicant in writing and provide the applicant an opportunity to review the evidence and provide reasonable time for him to respond and review the information.

3.4.5 Decisions of the Informal Hearing

After the informal hearing the Officer appointed by the PRPHA will send the applicant a letter informing the decisions of the Informal Hearing with the following:

- A summary of Hearing;
- The decision of the Officer of Hearing, along with the findings and determinations.
- An explanation of the regulations or other requirements used in the decision and
- An explanation of the applicant's right to request reconsideration by the PRPHA within seven (7) working days from the date of notification of the decision.
- Notification of the decision will make to the postal address known to the applicant as state in the application file, by certified mail or in person upon receipt.

All decisions of the Informal Hearing must occur within a period of fifteen (15) days from the hearing or the closing of the file, whichever comes first. The PRPHA will host the dispositions of the Uniform Administrative Procedure Act (§ LPR 3 sec. 2101 et seq).

3.4.6 Change in Eligibility Determination on Request Withdrawn or Denied Preference (s)

If as a result of information submitted by the applicant during the Informal Hearing, the PRPHA changes its decision, a new application is not required and is returned to the original application for turn on the waiting list using the date and time of the original and application (s) preference (s) applicable (s).

If the decision to deny a (s) preference (s) is changed, the position of the applicant on the waiting list pre-selected will be restored according to the determination.

3.4.7 Confirmation of PRPHA on the Determination of Eligibility, Request Withdrawn or Denied Preference (s)

If the decision of an appeal remains the determination of ineligibility, the applicant may submit a new application for admission Waiting List allows, not before six (6) months after the decision of ineligibility is confirmed. This timeframe would allow the applicant or household member's conduct or to correct the situation that led to his disqualification.

Applicants who are denied preference may re-apply again for the same or different preference at any time, provided that the Waiting List allows.

CHAPTER IV - APPLICATIONS, WAITING LIST AND TENANT SELECTION

Introduction

When a family desires to live in public housing, the family must submit an application that provides the PRPHA with the information needed to determine the family's eligibility. HUD requires that the PRPHA place all eligible families that apply for public housing on a waiting list. When a unit becomes available, the PRPHA must select families from the waiting list in accordance with HUD requirements and PRPHA policies.

The PRPHA has adopted a consistent procedure to accepting applications, placing families on the waiting list, and selecting families from the waiting list. The order in which families are selected from the waiting list can be affected if the family has certain characteristics designated by HUD or the PRPHA to receive preferential treatment.

The PRPHA shall comply with all equal opportunity requirements and it must affirmatively promote fair housing goals in the administration of the Program. Adherence to the selection policies described in this Chapter ensures PRPHA's compliance with all relevant fair housing requirements, as described in Chapter II.

The Chapter IV has three (3) parts:

- Part 1: Applying for Admission
- Part 2: Management of the Waiting List
- Part 3: Tenant Selection

Part 1: Applying for Admission

4.1.1 How to Apply

1. The families who wish to apply for the PRPHA public housing program must complete a written application. The applications will be made available in an accessible format from a person with a disability, as per request.
2. The families may obtain application from the PRPHA office during regular business hours. Families may also request, either by telephone or by mail, the documents relates to application, or they may access the PRPHA's website at <http://www.avp.gobierno.pr>.
3. The families with disabilities may contact the PRPHA to coordinate other arrangements in order to complete an application.

4. The application completed during the regular business hours in the PRPHA's Offices designed for this purpose. The applications must be complete in order to be accepted for processing. If an application is incomplete, the PRPHA will notify the family about the additional information required.

Due to local housing demands, the applications on the Waiting List, and the ninety (90) day limit of verified information, the PRPHA has divided the process of receiving applications into a two-step process, as follows:

- a. The first step is the initial application for admission, called Pre-Application, which establishes the family's potential eligibility and placement on the Waiting List. The Pre-Application will be stamped with the hour and date of receipt and processed in order to determine the preferences, bedrooms and mandatory deduction, when apply.
- b. The second step is the final determination of eligibility for admission, called Full Application. The full application takes place when the family reaches one of the top ten (10) positions on the Waiting List. At this time the PRPHA will ensure that verification of all eligibility factors is current and complete in order to determine the family's eligibility for an offer of a suitable housing unit according with the family's needs.

During the Pre-Application process, the family will sign and self-certify that the information they are providing is true and correct. During the final determination of eligibility for admission, the family will be required to appear for a formal interview. This may be on-site at a development or at the Admission and Occupancy Regional Office. The formal verification will take place during the final determination of eligibility for admission.

4.1.2 Initial Application Procedures

1. The PRPHA will utilize a preliminary Pre-Application for the initial application for the Public Housing Program.
2. Once completed, the Pre-Application can be submitted to the PRPHA by mail, by fax, or present personally during regular business hours, the Pre-Application is found also in the internet website <http://www.avp.gobierno.pr> where can be filled and all the data transmitted electronically to our system computerized to be processed. If a request is incomplete the AVP will notify the family so that this provides the additional information.
3. A translation will be provided by the PRPHA staff or an outside source to non-Spanish or non-English speaking applicants.
4. The Pre-Application will contain questions designed to obtain the following information:

- a. Name and Age of household members;
 - b. Household Composition;
 - c. Social Security Numbers for household members;
 - d. Physical and Mailing Address;
 - e. Phone Numbers;
 - f. Annual Income;
 - g. Source(s) of income received by household members;
 - h. Assets;
 - i. Date and Place of Birth, and Citizenship;
 - j. Information regarding request for reasonable accommodation or for accessible unit;
 - k. Race, Ethnicity; and
 - l. Marital status.
5. The duplicate applications will not be accepted. Applications from a segment of an applicant household will be accepted.
 6. The Pre-Applications will not require interviews. The information provided in the application will not be verified until the applicant has been selected for final eligibility determination. The final eligibility will be determined when the full application process is completed and all information is verified.
 7. The applicants must inform the PRPHA in writing of any change in address, telephone number, family composition, and change in preferences, good cause, income, or other information which may affect the status of the family's application. In the case of an applicant with no fixed address, such as a homeless household, the address of a social service agency (private or public) will be used for PRPHA contact; however, if the applicant finds permanent housing, the address must be reported in writing immediately to the PRPHA. The changes will be accepted over the phone for disabled applicants.
 8. The applicants are also required to respond to requests from the PRPHA to update information on their application or to determine their continued interest in assistance. The notice will request for each applicant to return the response if he or she is still interested in public housing, and to indicate on the response any changes in household size, income, postal or physical address and other information as requested. The applicants must respond to the specific requests and/or update their information as requested within ten (10) business days.
 9. Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list. The applicant is entitled to an informal hearing upon withdrawal from the Waiting List.

4.1.3 Notification of Applicant Status

Written notice will be sent to the families found to be preliminarily eligible after reviewing their Pre-Application. This written notice of preliminary eligibility will be mailed or distributed to the applicant in the manner he or she requested as a reasonable accommodation, if necessary.

4.1.4 Completion of Application Process

1. All preferences claimed on the Pre-Application form, or while the family is on the waiting list, will be verified once the applicant reaches the top ten (10) positions on the waiting list and completes the full application process.
2. The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the Waiting List.
3. A written notice will be sent to applicants on the waiting list who will be selected in the near future. The notice will request the applicant to make an appointment by contacting the PRPHA or it will notify the applicant of an application interview and request the applicant to bring all documents necessary to verify all eligibility criteria. The eligibility criteria to be verified will be listed in the notice.
4. The full application will be completed when the applicant attends the interview. All adult family members must attend the interview and sign the housing application. Exceptions may be made for adult students attending school out of the area or for members for whom attendance would be a hardship; in these circumstances reasonable accommodation may be provided upon request. Both the head of household and their spouse are required to attend the interview.
5. If the head of household cannot attend the interview, the spouse may attend to complete the application and certify on behalf of the family. However, the head of household will be required to attend an interview within seven (7) business days to review the provided information and to certify by signature that the information provided is complete and accurate.
6. If an applicant fails to appear for an appointment the PRPHA will automatically schedule a second appointment. If the applicant misses the second appointment without giving prior notice or rescheduling, the application will be withdrawn from the Waiting List unless he or she can provide acceptable documentation to the PRPHA that justify the absence to the appointment. The applicant shall not be entitled to an Informal Hearing.
7. Reasonable accommodation will be made for applicants with a disability who require an accessible office and/or a counsel or advocate present during the

interview. A designee will be allowed to provide information only with written permission from the person with the disability.

8. All adult members, of eighteen (18) and older, must sign Form HUD-9886, "Release of Information and Privacy Notice", the declaration and consent forms related to citizenship/immigration status, and any other documents required by the PRPHA. The applicants will be required to sign specific verification consent forms to allow PRPHA to obtain needed information from sources not covered by the Form HUD-9886. Failure to comply with that requirement will result in denial of application.
9. The information provided by the applicant will be verified, including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full-time student status, and other factors related to preferences, eligibility, and rent calculation.
10. If the PRPHA determines at or after the interview that additional information or documents are needed, the PRPHA will request the documents or information in writing. The family will be given seven (7) business days to submit the information. If the information is not submitted within this period, the PRPHA will provide the family a notification of denial for assistance.

4.1.5 Processing Applications

As families approach the top ten (10) positions on the Waiting List, the following items will be verified to determine eligibility for admission to the PRPHA's Public Housing Program:

- a. Preferences;
- b. Family composition and type;
- c. Annual income;
- d. Asset and Asset Income;
- e. Deductions from Annual Income;
- f. Social Security Numbers of all family members;
- g. Information used in Applicant Screening;
- h. Citizenship or eligible immigration status;
- i. Criminal History Report; and
- j. Other information as specified in Chapter III and determined by the PRPHA and on a case-by-case basis.

4.1.6 Final Determination and Notification of Eligibility

After the verification process is completed, the PRPHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PRPHA, and the tenant suitability determination.

The family is not eligible for a unit offer until the final determination of eligibility has been made regardless of prior determinations of preliminary eligibility or whether they were placed on the Waiting List.

4.1.7 Placement on the Waiting List

1. The PRPHA will place on the waiting list families for whom the list is open unless the PRPHA determines the family to be ineligible. When the family is determined to be ineligible, the PRPHA must notify the family in writing. When the family is determined to be eligible, the family will be placed on a waiting list of applicants according to applicable preferences, date and time their complete application was received by the PRPHA, and qualifying unit size.
2. If on a basis of information of the family, the PRPHA determine that the family is ineligible, the family will not place on a Waiting List. When the family is determined to be ineligible, the PRPHA must notify the family in writing within ten (10) business days of receiving the family's completed application. The notice will specify the reason(s) for ineligibility, and will inform the family of its right to request an Informal Hearing and explain the process for doing so.
3. The PRPHA will send a written notification of the preliminary decision of eligibility within 10 business days after received the complete application. The notification can indicate also if the family would be able to qualify to be included with preferences or with special accommodation in the Waiting List.
4. Placement on the Waiting List does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected according with the turn on the Waiting List.
5. The PRPHA will place a family on the waiting list according to the bedroom unit size they qualify for, as established in its occupancy standards (see Chapter V). The families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to PRPHA standards and local codes). However, in these cases, the family must agree not to request a transfer for 2 years after admission, unless they have a change in family size, composition, or request reasonable accommodation.

4.1.8 Waiting List Preferences

A preference does not guarantee admission. Preferences are used to establish the order of placement on the waiting list, as they refer to points given to PRPHA applicants who have suffered involuntary displacement, are employed, are veterans or are families of a veteran, are victims of domestic violence, dating violence or stalking, are homeless, are

elderly and/or disabled, and are terminally ill. An applicant may qualify for more than one preference at a time.

The PRPHA has adopted preferences related to the Statement of Housing Needs in the Agency's Annual Plan. Preferences are granted to applicants who are otherwise qualified and who, at the time of the unit offer (prior to lease-up), meet and qualify for the preferences described further below.

The PRPHA will provide each applicant with a description of each preference available. The preferences will be verified the same way as income, assets, and deductions. The preferences will also be verified during the application process as part of both the preliminary and final eligibility processes. Although the PRPHA has established preferences, every applicant must meet PRPHA's selection criteria as defined in this ACOP.

Families who reach the top ten (10) positions on the waiting list will be contacted by the PRPHA Admissions and Occupancy Office to complete a full occupancy application. Failure to complete the application process will result in the removal from the waiting list.

If an applicant makes a false statement in order to qualify for a local preference, the PRPHA will automatically deny admission to the program for the family.

The preference system described below will work in combination with requirements to match the characteristics of the family to the type of unit available, including units with targeted populations and income targeting requirements. The ability to provide preferences for some family types will depend on unit size availability.

The PRPHA will use the following preferences:

1. **Involuntary Displacement Preference** - The involuntary displacement preference applies to applicants who can document and provide verifiable evidence to the PRPHA that they have been displaced by a natural disaster; declared as such by the President of the United States or the Governor of the Commonwealth of Puerto Rico, or through no fault of their own by governmental and private actions.
2. **Employment Preference** - The employment preference targets families that have at least one adult family member who is employed for a minimum of twenty (20) hours a week and who has been employed for twelve (12) consecutive months.

Employment while the family is on the waiting list – employment by a family member, age eighteen (18) or older, that lasts for a period of at least ninety (90) days or more. The employment must provide a minimum of twenty (20) hours of work per week for the family member claiming the preference.

Employment at the time of offer – to qualify for the preference, the applicant must have at least one (1) family member, age eighteen (18) or older, employed at the time of PRPHA's housing offer. Employment at the time of the offer must be for the ninety (90) day period immediately prior to the housing offer and must provide a minimum of twenty (20) hours per week for the family member claiming the preference.

This preference will also be granted to applicants with adult family members who can provide verifiable documentation to the PRPHA that they are employed or involved in job training, including job training undertaken as a requirement of persons receiving Temporary Assistance to Needy Families (TANF).

3. **Victims of Domestic Violence, Dating Violence, or Stalking Preference** - The domestic violence, dating violence, or stalking preference is available for applicants who can document involuntary displacement due to domestic violence, dating violence, or stalking, and that are victims of serious and repeated abuse by a family member, friend, boyfriend, girlfriend, or other person not related. The actual or threatened violence must have occurred within the past six (6) months or be of a continuing nature. The violence must be documented through:

1. Federal or local police or court records, and through
2. a statement, on a form prepared by the PRPHA, stating that the incident or incidents in question are bona fide incidents of abuse. The statement must be signed, under the penalty of perjury, by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional from whom the victim has sought assistance in addressing domestic violence or the effects of the abuse. The victim of domestic violence, dating violence, or stalking must also sign the statement and identify the alleged perpetrator.
3. The displacement from the unit must be verified as being involuntary to avoid an attempt to circumvent the waiting list by the alleged victim and abuser. When if necessary, the PRPHA will require evidence of a Protection Order ordered by a Court with jurisdiction.

4. Homeless Preference

The homeless preference is available to applicants who can provide verifiable documentation to the PRPHA that the family members lack a fixed, regular and adequate nighttime habitation or that their nighttime dwelling is one of the following:

- A supervised public or private shelter designed to provide temporary living accommodations (this includes shelters provided by the Department of Family, congregate or community shelters and transitional housing);
- A public or private place not designed for, or ordinarily used as, regular sleeping place.

Persons living with existing PRPHA residents, or living with residents on other federalized housing programs either as authorized or unauthorized members of the household, or living with residents in private housing does not qualify for the homeless preference.

The applicant must submit a fully completed and signed "Certificate of Homelessness", which will be provided by the PRPHA. This certificate shall be signed by:

- a public or private facility that provides shelter for homeless individuals,
- the local police department,
- a social service agency, certifying the applicant's homeless status in accordance with the PRPHA's policies.

5. Veterans and Veterans Family Preference

A veteran preference is applicable to applicants who can provide verifiable documentation to PRPHA that they are a veteran or have a veteran or veteran family status member.

Such status is only obtained by the U.S. Veteran's Administration. The applicant must submit a copy of the Discharge document and shall submit a fully completed certificate or veteranship.

The veteran's preference is only applicable to veterans or immediate families of veterans (spouse and children) only if the veteran were discharged under honorable circumstances.

6. Terminal Disease Family Preference

A Terminal Disease Family Preference is applicable to all Applicants who can provide verifiable documentation to the PRPHA that, while on the waiting list, and at the time of the offer of a unit, a family member has a terminal illness or disease whose condition is expected to end in death in a determined time.

7. Elderly or Disabled Families Preference

Applicants who are elderly or disabled will be given a selection preference over all applicants regardless of application date and time, and preference status. An elderly or disabled preference is applicable to all applicants who can provide verifiable documentation to the PRPHA that they are sixty-two (62) years of age or older, or have a mental or physical disability.

Part 2: Organization and Supervision of the Waiting List

4.2.1 Organization of the Waiting List

The waiting list will contain the following information for each applicant:

- a. Name and Social Security number of Head of Household
- b. Unit size required for the number of family members
- c. Amount and source of annual income
- d. Accessibility requirement, if any
- e. Date and time of Application
- f. Household type (family, elderly, disabled)
- g. Admission preference
- h. Race and ethnicity of the Head of Household

4.2.2 Opening and Closing of the Waiting List

1. Closing the Waiting List

The PRPHA will close the waiting list when the estimated waiting period for housing applicants on the list reaches twenty four (24) months for the most current applicants. If the PRPHA has particular preferences or other criteria that require a specific category of family, the PRPHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

2. Reopening the Waiting List

The PRPHA will announce the reopening of the waiting list at least ten (10) business days prior to the date when applications will first be accepted. Such notice will state if the list is only being reopened for certain categories of families, as well as where, when, and how applications are to be received.

The PRPHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to local and regional newspapers and the PRPHA website <http://www.avp.gobierno.pr>.

4.2.3 Family Localization

The PRPHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the PRPHA jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain segments of the population are being underserved.

4.2.4 Reporting Changes in Family Circumstances

While the family is on the Waiting List, the family must inform the PRPHA within ten (10) business days of changes in family size or composition, preference status, or contact

information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

The changes in an applicant's circumstances while on the Waiting List may affect the family's qualification for a particular bedroom unit size or entitlement to a preference. When an applicant reports a change that affects their placement on the Waiting List, the Waiting List will be updated accordingly.

4.2.5 Updating the Waiting List

1. Purging the Waiting List

- a. The Waiting List will be updated as needed to ensure that all applicants and applicant information is current and timely.
- b. To update the waiting list, the PRPHA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in the Program. This update request will be sent to the last address that the PRPHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.
- c. The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by the PRPHA not later than ten (10) business days from the date of the PRPHA notice.
- d. If the family fails to respond within ten (10) business days, the family will be removed from the Waiting List without further notice.
- e. If the letter or notice is returned by the postal office with no forwarding address, the applicant will be removed from the waiting list without further notice.
- f. If the notice is returned by the postal office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 10 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.
- g. When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant will prevent the PRPHA from making an eligibility determination. Therefore, no informal hearing is required.
- h. If a family is removed from the waiting list for failure to respond, the PRPHA may reinstate the family if PRPHA determines that the lack of response was due to PRPHA error, or to verifiable circumstances beyond the family's control.

2. Removal from the Waiting List

- a. The PRPHA will remove applicants from the waiting list if they have requested that their name be removed. In such cases no informal hearing is required.
- b. If the PRPHA determines that the family is not eligible for admission at any time while the family is on the waiting list, the family will be removed from the waiting list, as states in procedures on Chapter III.
- c. If a family is removed from the waiting list because the PRPHA has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate addresses provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding the PRPHA decision.

Part 3: Tenant Selection

4.3.1 SELECTION Method

1. Income Targeting Requirement

The PRPHA will monitor progress in meeting the Extremely Low Income (ELI) requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income-targeting requirement is met.

2. Deconcentration and Income Targeting – Identification Procedures

Annually, the PRPHA will calculate the average income at all PRPHA developments and of the Applicants on the waiting list. The Agency will also calculate the average income of all Households at each Development separately. The developments in which the development average income is above one hundred fifteen percent (115%) of the Agency-wide average income will be considered “higher-income” developments. Likewise, developments in which the Development average income is below eighty five percent (85%) of the Authority-wide average income will be considered “lower-income” developments, as defined below:

- a. Agency-Wide Average Income: The average income of all Households residing in PRPHA Developments. Such an average is used as a base measure from which developments are either determined to be “higher-income” or “lower-income” for purposes of this policy and procedures.
- b. Development Average Income: The average income of all Households residing in a PRPHA Family Housing development.
- c. Higher-Income Development: A development in which the Development

average income is above one hundred fifteen percent (115%) of the Agency-wide average income.

- d. Lower-Income Development: A development in which the Development average income is below eighty five percent (85%) of the Agency-wide average income.

3. Remedial Action

Based upon the above-mentioned procedure, the PRPHA will conduct its annual analysis as required, to determine the average household income of families residing in each public housing development. Upon completion of such analysis, the PRPHA will review the need to offer incentives to eligible families that would help accomplish the deconcentration objectives at the developments.

Should the average income at a development(s) vary more than fifteen percent (15%) from the Agency-Wide Average, the PRPHA may use some or all of the incentives listed below:

- a. Establish an Income Preference to reach Applicants with lower or higher incomes as appropriate;
- b. Employ Waiting List and Waiting List transfer “skipping”;
- c. Employ resident transfer “skipping”; and
- d. Homeownership Alternatives.

4. Monitoring

As part of the PRPHA’s Annual Plan, the PRPHA will annually monitor the income levels of Households residing in the PRPHA’s public housing developments and of those Applicants on the waiting list, to assess its progress in attaining the deconcentration and income mixing goals.

The PRPHA will calculate and compare the average Household incomes at each development with the Agency-Wide Average, as described above. In addition, the income status of Applicants on the PRPHA’s waiting list will be analyzed to determine the percentage of Applicants with “Low,” “Very Low” and “Extremely Low” incomes.

The PRPHA will also ascertain its progress in meeting the income-targeting goal that requires that forty percent (40%) of new admissions in Federal developments must be Extremely-Low Income Households. If the monitored data indicates any problems, the PRPHA will alter its deconcentration strategies in accordance with this policy, as well as with Federal and Local requirements.

5. Civil Rights Protection Plan

It is the policy and obligation of the PRPHA to administer all aspects of its public housing program without regard to race, color, sex, sexual orientation, religion, age, handicap, disability, national origin, ethnicity, familial status or marital status.

The PRPHA will accomplish the deconcentration goal in a uniform and nondiscriminatory manner. The PRPHA will affirmatively gear public housing programs to all eligible income groups. Lower income households will not be steered toward lower income developments and higher income households will not be steered toward higher income developments.

4.3.2 Order of Selection

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application was received by the PRPHA.

When selecting applicants from the waiting list the PRPHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The PRPHA will offer the unit to the highest-ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible for families who are ranked lower on the waiting list to receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as de-concentration or income mixing and income targeting will also be considered in accordance with HUD requirements and PRPHA policy.

4.3.3 NOTIFICATION OF SELECTION

The PRPHA will notify the family by first class mail when it is selected from the waiting list.

The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview.
- Who is required to attend the interview.
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation.
- Documents that must be provided at the interview to document eligibility for a preference, if applicable.
- Other documents and information that should be brought to the interview.

If a notification letter is returned to the PRPHA with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the PRPHA from making an eligibility determination; therefore no informal hearing will be offered.

4.3.4 THE INTERVIEW

1. Families selected from the waiting list are required to participate in an eligibility interview. The head of household and the spouse will be strongly encouraged to attend the interview together. The verification of information pertaining to adult members of the household not present at the interview will not begin until these adults come to PRPHA's offices.
2. The interview will be conducted only if the head of household or spouse provides appropriate documentation of legal identity. If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.
3. If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference. If the family is verified as eligible for the preference, the PRPHA will proceed with the interview. If the PRPHA determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.
4. The family must provide the information necessary to establish the family's eligibility and information to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the PRPHA will provide the family with a written list of items that must be submitted.
5. Any required documents or information that the family is unable to provide at the interview must be provided within ten (10) business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame, the PRPHA will be sent a notice of denial for the family.
6. An advocate, interpreter, or other assistant may assist the family with the application and the interview process.
7. Interviews will be conducted in Spanish. For limited English proficient (LEP) applicants, the PRPHA will provide translation services in accordance with the PRPHA policies.
8. If the family is unable to attend a scheduled interview, the family should contact the PRPHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the PRPHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without PRPHA approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested and their

application will be made inactive. Such failure to act on the part of the applicant prevents the PRPHA from making an eligibility determination; therefore the PRPHA will not offer an informal hearing.

4.3.5 FINAL ELIGIBILITY DETERMINATION

The PRPHA will notify the family in writing of their eligibility within ten (10) business days of eligibility determination and will provide the approximate date of occupancy, if such date can be reasonably determined.

If the PRPHA determines that the family is ineligible, the PRPHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing.

CHAPTER V - OCCUPANCY STANDARDS AND UNIT OFFERS

Introduction

This Chapter contains the PRPHA's policies for determining the appropriate unit size for families of different sizes and types. Also describes the actions to be taken when unit offers are refused for the family.

The Chapter V has two (2) parts:

- Part 1: Occupancy Standards
- Part 2: Unit Offers

Part 1: Occupancy Standards

5.1.1 Determining Unit Size

Occupancy standards are established by the PRPHA to ensure that units are occupied by appropriate size families. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. The PRPHA will use the same occupancy standards for each of its developments.

1. The PRPHA's occupancy standards are as follows:

The PRPHA will assign one bedroom for each two (2) persons within the household, except in the following circumstances:

- a. Persons of the opposite sex (other than spouses, and children under age 2 will not be required to share a bedroom.
 - b. Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.
 - c. Single person families will be allocated at one bedroom.
 - d. Foster children will be included in determining unit size.
2. The PRPHA will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10

5.1.2 Exceptions to Occupancy Standards

1. The PRPHA will consider granting exceptions to the occupancy standards at the family's request if the PRPHA determines the exception is justified by the relationship, age, sex, health or disability of family members, or other verifiable personal circumstances.
2. When evaluating exception requests the PRPHA will consider the size of the rooms and configuration of the unit. In no case will the PRPHA grant an exception that is in violation of local housing or occupancy codes, regulations or laws.
3. Families can request in writing that PRPHA assigned to them a smaller housing, if and when the assignment of unit does not result in overcrowding for the family. If PRPHA assigned housing, the family shall be registered in the list of mandatory changes in the project and the family agreed to not request a transfer for a period of two (2) years from the date of admission, unless there is a change in the size of the family or its composition.
4. Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded as provided by the local code, and the family agrees not to request a transfer for a period of two (2) years from the date of admission, unless they have a subsequent change in family size or composition.
5. To prevent vacancies, the PRPHA may provide an applicant family with a larger unit than the occupancy standards permitted. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for transfer.
6. Processing of Exceptions
 - a. Applicants and tenants should request in writing an exception to the occupancy standards.
 - b. In the case of a request for exception as a reasonable accommodation, the PRPHA will encourage the tenant to make the request in writing using a reasonable accommodation request form. However, the PRPHA will consider the exception

request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

- c. Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.
- d. The PRPHA will provide written notification to the family of its decision within ten (10) business days of receiving the family's request.

Part 2: Unit Offers

5.2.1 Number of Offers

1. The PRPHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.
2. The PRPHA has adopted a Plan A. Under this plan, the PRPHA will determine how many locations within its municipality have available units of suitable size and type in an appropriate type of project. The number of unit offers will be based on the distribution of vacancies. If a suitable unit is available in:
 - a. Three (3) or more locations: The applicant will be offered a unit in the location with the highest number of vacancies. If the offer is rejected, the applicant will be offered a suitable unit in the location with the second highest number of vacancies. If that unit is rejected, a final offer will be made in the location with the third highest number of vacancies. The offers will be made in sequence and the applicant must refuse an offer before another is made.
 - b. Two (2) locations: The applicant will be offered a suitable unit in the location with the higher number of vacancies. If the offer is rejected, a final offer will be made at the other location. The offers will be made in sequence and the applicant must refuse the first offer before a second offer is made.
 - c. One (1) location: The applicant will be offered a suitable unit in that location. If the offer is rejected, the applicant will be offered the next suitable unit that becomes available, whether it is at the same location as the first offer or at another location. The second unit offer will be the final offer, unless there is good cause for refusing the offer.
 - d. If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

5.2.2 Refusals of Unit Offer

1. Good Cause for Unit Refusal

- a. Applicants may refuse to accept a unit offer for "*good cause.*" Good cause includes situations in which an applicant is willing to move but is unable to do

so at the time of the unit offer, or that the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc.

- b. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:
 - i. Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
 - ii. The family demonstrates to the PRPHA's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals based solely on location do not qualify for this good cause exemption.
 - iii. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, and/or other household members (as listed on the final application) or live-in aide necessary to the care of the principal household member.
 - iv. The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a thirty (30) day notice to move.
 - v. The unit has lead-based paint and the family includes children under the age of six (6).

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse. The PRPHA will require documentation of good cause for unit refusals.

2. Unit Refusal Without Good Cause

When an applicant rejects the final unit offer without good cause, the PRPHA will put the application at the end of the waiting list.

5.2.3 Accessible Units (24 CFR 8.27)

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, the PRPHA will offer the unit to a non-disabled applicant. When offering an accessible unit to a non-disabled applicant, the PRPHA will require

the applicant to agree to move to an available non-accessible unit within thirty (30) days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

5.2.4 Designated Housing

When applicable, the PRPHA's policies for offering units designated for elderly families only or for disabled families only can be found in the PRPHA's Designated Housing Plan.