
HOUSING AUTHORITY OF THE CITY OF SEATTLE

MANUAL OF OPERATIONS

SUBJECT: Eligibility for Continued Occupancy

SCOPE: This policy and procedure shall apply to all public housing programs administered by the Seattle Housing Authority, unless specifically noted. (Note: this does not apply to Hope VI communities)

POLICY:

The Authority will permit only those households who meet the following eligibility requirements to continue in occupancy.

- A. Family - Household in compliance with the terms of their dwelling lease and the Authority's policies and rules.
- B. Income - There are no income limits for continued occupancy for households subject to this policy (Resolution 2085, effective April, 1977)
- C. Assets – There are no asset limits for continued occupancy.

IMPLEMENTING POLICY:

SEX OFFENDER. The tenancy of any existing SHA resident shall be terminated immediately if the resident: (1) has been determined to be a sexually violent predator; (2) has been convicted of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion on or after June 8, 2000; or (3) has been convicted of one aggravated offense or more than one sexually violent offense¹ when the offenses were committed on or after March 12, 2002.

The tenancy of all other residents who are identified as sex offenders shall be reviewed on a case by case basis by SHA to determine the extent to which the resident constitutes a threat to the safety and well being of other residents, staff and the surrounding community. Factors to be considered in

¹ 'Sexually violent offense' means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to chapter 71.09 RCW, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in [RCW 9.94A.030](#); or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

making such a determination include, but are not limited to: (1) the nature of the sex offense for which the person was convicted; (2) the number of years since the offense occurred; (3) whether the resident has been charged with other sex offenses since his or her previous conviction; (4) evidence of rehabilitation; (5) recommendations of parole officers, case workers, neighbors, and other support group members; (6) the number of years the resident has lived in SHA housing without incident; and (7) the nature of the population in the building or community in which the resident lives.

ANNUAL RECERTIFICATION. In accordance with program requirements, all households shall be required to complete an annual recertification review to determine the households' monthly rental amount for the new eligibility period. The length of time between the admission of a family and the first recertification may be extended to not more than eighteen (18) months.

The 12-month eligibility period shall begin on the first day of the month the household moves into his/her current unit with SHA. Example: Resident's move-in date is March 28th, the eligibility period begins March 1st of each year. This period may change for the household upon transfer to a tax credit financed unit or property.

Households shall receive notice in advance of the scheduled effective date of the next eligibility period to ensure the annual re-certification review can be completed in a timely manner.

Households shall receive written notice of the results of the recertification and effective date of any change in rent. Residents may request a review of the rent calculation with management. If there is disagreement and no resolution can be reached between the resident and management, the resident may request a grievance hearing in accordance with SHA's grievance procedures (L12.9-1).

Any increases in income not reported according to SHA's Rent Policy (L11.1-1) shall result in a recalculation of the rent for the period of time the increased income was not reported, and the corrected rent will be charged retroactive to the date the increase in income occurred.

The facts that relate to the recertification shall be documented in the resident's file. All facts relating to income, assets and expenses shall meet SHA's standards for verification (L11.1-5).

Any changes in family circumstances that occur between annual recertifications shall be processed in accordance with SHA's Manual Section L.11.1-4 Interim Recertification.

ANNUAL INCOME REVIEW – TAX CREDIT ONLY. In accordance with IRS regulations, ALL households who reside in a tax credit or bond financed unit shall be required to complete an annual income review to determine the households' anticipated income for the next 12 months. This review shall be conducted in conjunction with the Annual Recertification.

AUTHORIZATION FOR RELEASE OF INFORMATION / PRIVACY ACT NOTICE (HUD-9886). All adults 18 years of age or older living in the household must sign the HUD-9886, Authorization for Release of Information / Privacy Act Notice. This form must be signed at the time of move-in and at each subsequent annual re-certification. When an adult is added to the dwelling lease, that adult must also sign a HUD-9886. For further guidance, staff shall refer to SHA's Manual section on determining income (L11.1-5).

CITIZENSHIP/IMMIGRATION STATUS (SECTION 214 REVIEW). All residents receiving federal housing subsidy are required to declare citizenship or eligible immigration status at the time of the first annual recertification after moving into a unit with SHA. SHA shall verify each household member's status with the Immigration and Naturalization Service (INS). Adult members 18 years of

age or older shall be required to sign a Declaration of Citizenship or Immigration Status form at the time of the first annual recertification or at the annual recertification following the person's eighteenth birthdayⁱⁱ. The head of household or the adult responsible must verify citizenship/immigration status for each minor child under 18 years old. Additionally, all new household members added to the lease shall be required to declare their status at the next annual recertification. Staff shall refer to SHA's manual section, L12.8-2 for further guidance.

COMMUNITY SERVICE REQUIREMENT. SHA must determine annually whether non-exempt residents are in compliance with the Quality Housing and Work Responsibility Act of 1998 (QHWRA) provision requiring them to participate in a community service program for at least 8 hours per month. For further guidance, staff shall refer to SHA's Manual section on Community Service Requirements (L12.8-1).

REMOVAL OF HOUSING ASSISTANCE. The residents' failure to comply with SHA's request to complete the required Annual Recertification may result in the removal of the households housing assistance and the Resident's rent will no longer be subsidized.

The cut off date for completing the annual recertification is the 15th day of the eleventh month of the current eligibility period.

In addition, if the resident's assistance is removed, the resident shall be required to pay the full market rent or maximum tax credit rent, whichever applies to the unit, effective the 1st day of the month following termination of the housing assistance.

Assistance may subsequently be reinstated if the resident submits the income or other data required by SHA's procedures to complete the Annual Recertification. Reinstatement of the housing assistance will be effective the 1st day of the month following completion of the requirements.

LEASE VIOLATION. Failure to complete the required Annual Income Review for tax credit properties is a lease violation. Continued failure to complete the Annual Income Review shall be cause to terminate the resident's tenancy in accordance with the terms of SHA's Dwelling Lease.

FRAUD. Most resident fraud results from unreported income and assets, identity fraud, and from unauthorized boarders and lodgers. The Housing Authority, at its discretion, may pursue all applicable remedies in cases of fraud, including, but not limited to, repayment agreements, termination of housing assistance, eviction, civil proceedings to recover overpaid housing assistance and investigation and legal costs or referral to other government agencies for criminal prosecution.

Housing Operation staff is expected to be constantly aware of the possibility of fraud, and to be vigilant in observing circumstances that may indicate potential fraud. Staff shall refer to SHA's Fraud policy when fraud is suspected.

ⁱⁱ This provision became effective July 1, 2000.