

**VII. RECERTIFICATION/INTERIMS AND CONTINUED OCCUPANCY**

Annually, and at interim periods as circumstances may prescribe, the tenant will furnish information and certifications to the Housing Authority of Billings as to family income, employment, and composition, for use by the Housing Authority of Billings. This data will be used for determining if the rent should be changed and if the dwelling unit size is still appropriate for Tenant's need.

**A. Income-Based Rent Method**

Policies that govern the use of the income-based rent method will dictate that rent, as fixed at the time of initial annual certifications or re-certifications, will remain in effect for the period between regular rent re-determinations unless during that period any of the following occur:

1. Change of income or allowable expenses occurs which results in an increase or decrease in rent. All changes in household income must be reported to the Housing Authority of Billings within 30 days of the occurrence. **See Section X for definition of Annual Income.**
2. If there is a change in the family composition.
3. It is found that the tenant has misrepresented the facts upon which rent is based, and the tenant is paying less than they should have been charged. In this case, the increase in rent will be made retroactively.
4. If at the time of admission or re-examination, due to unusual circumstances, projected annual income cannot be determined with any reasonable degree of accuracy, a temporary rent for a specified period not to exceed 90 days may be established. At the expiration of the specified period, or such earlier time that the income becomes stable, a new rent will be established.
5. If unreported income exceeds \$1500.00, tenancy will be terminated.

**B. Interim Reexamination**

1. In the case of an interim reexamination and the rent decreases the adjustment will become effective the first of the following month.
2. In the event of a rent increases the adjustment will take effect the first of the following month or if the 30 day reporting period ends after the 15<sup>th</sup> of the month, the increase will become effective the first day of the 2<sup>nd</sup> following month unless the rent increase results from a finding of intentional misrepresentation under subsection A (3) of this Section.
3. Changes in rent resulting from a scheduled reexamination are to be effective on the anniversary date of the lease.

**C. Community service**

1. *Definitions*

(a) *Community Service.* The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

- (b) *Exempt individual.* An adult who:
- (i) is 62 years or older;
  - (ii) is a blind or disabled individual, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 1382c), and who certifies that because of this disability she or he is unable to comply with the service provisions of this subpart, or
  - (iii) is a primary caretaker of such individual;
  - (iv) is engaged in work activities;
  - (v) Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program; or
  - (vi) is a member of a family receiving assistance, benefits or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

(c) *Service Requirement:* The obligation of each adult resident, other than an exempt individual, to perform community service or participate in an economic self-sufficiency program is required in accordance with (960.603). Except for any family member who is an exempt individual, each adult resident of public housing must:

- (i) Contribute 8 hours per month of community service (not including political activities); or
- (ii) Participate in an economic self-sufficiency program for 8 hours per month; or
- (iii) Perform 8 hours per month of combined activities as described in (i) and (ii) above.

2. The Housing Authority of Billings will administer the community service and economic self-sufficiency requirements for public housing residents through partnerships with qualified organizations, including HAB resident initiative programs, faith-based organizations, community non-profit agencies, charitable organizations, educational institutions, local, state and federal government and approved "other".

(a) The HAB will determine which family members are subject to or exempt from the service requirement by:

(i) PHA will generate a computer report monthly which lists all adult household members, source of income and household status.

(ii) Checking individual files for all individuals identified as subject to service requirement to see if they meet any qualified exemptions.

(b) Process for claiming status as an exempt person is as follows:

(i) Written verification of disabled individual, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 1382c), and who certifies that because of this disability she or he is unable to comply with the community service requirements. This verification must be signed by a medical professional.

(ii) Is primary caretaker of such individual. A signed certification is required for this status.

(iii) Monthly, written, verification of compliance with State or local welfare program, including a welfare-to-work program. This verification must be signed by a case manager with appropriate agency.

(iv) Any other documentation already in existing file that meets exemption qualification.

(c) Process for determining changes to exempt or non-exempt status of family members:

(i) PHA will generate a computer report monthly which lists all adult household members, source of income and household status.

(ii) PHA residents are responsible to report, by written verification, of any status changes within 30-days of such change.

- (iii) Any PHA resident changing status will be notified in writing and will be informed of any necessary requirements.
- (d) Process for verifying compliance:
  - (i) PHA will obtain monthly verifications of family compliance from third parties;
  - (ii) PHA will require PHA resident to provide monthly certification of compliance;
  - (iii) PHA will retain appropriate documentation in occupancy file for annual review
- (e) Process for notifying residents of noncompliance:
  - (i) PHA will send written notice to resident briefly describing the noncompliance; and
  - (ii) State that the Housing Authority of Billings will not renew the lease at the end of the twelve-month lease term unless:
    - (aa) The tenant, and any other noncompliant family members, enter into a written agreement with the Housing Authority of Billings, prior to expiration of twelve month lease, to cure the noncompliance; or
    - (bb) Provide written certification that the non-compliant family member no longer resides in the unit. Certification must include new address for non-compliant family member.
  - (iii) Non-compliant family may request a grievance hearing concerning the Housing Authority of Billings determination of non-compliance in accordance with Housing Authority of Billings grievance procedures. Tenant may exercise any available judicial remedy to seek timely redress for the Housing Authority of Billings' non-renewal of the lease because of such determination.
- (f) Tenant agreement to comply with service requirement:
  - (i) If the tenant or another family member has violated the service requirement the Housing Authority of Billings will not renew the lease upon expiration of the twelve -month term unless:
  - (ii) Family enters into a written agreement with Housing Authority of Billings to cure such non-compliance by completing the additional hours of community service or economic self-sufficiency activity needed to make up the total number of hours required over the twelve-month term of the new lease; and
  - (iii) All other members of the family who are subject to the service requirement are currently complying with the service requirement or are no longer residing in the unit.