

IV. Leasing Policies

A. General Leasing Policy

1. All units must be occupied pursuant to a lease that complies with HUD's regulations.
2. The lease shall be signed by the head, spouse, and all other adult members of the household and by an authorized representative of PHA prior to actual admission
3. If a resident transfers from one PHA unit to another, a new lease will be executed for the dwelling into which the family moves.
4. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:
 - a. A new lease agreement will be executed, or
 - b. A Notice of Rent Adjustment will be executed, or
 - c. An appropriate rider will be prepared and made a part of the existing lease.
5. Residents must advise PHA if they will be absent from the unit for more than 7 days. Residents shall notify the administrator, secure the unit and provide a means for PHA to contact the resident in an emergency. If the resident fails to notify the PHA of any absences of more than 7 days, PHA may consider the property abandoned and may terminate the lease.

B. Showing Units Prior to Leasing

1. When offering units, PHA will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location of the property. If the offer of a unit is preliminarily accepted by the applicant, the administrator of the property will contact the applicant to set up a date to show the unit.
2. Once the unit is shown and the applicant accepts, the administrator will make a formal offer of the unit. If the applicant refuses the unit, a signed reason for refusal should be obtained from the applicant. The form is then sent to the PHA Administrator for a "good cause" determination.
3. No lease will have an effective date before the unit is ready for occupancy.

C. Holding/Security Deposit Policy

1. Applicant
 - a. One-half (1/2) of security deposit must be paid within 5 working days of formal unit offer. This will hold the unit for 30 days and is considered a holding deposit. Upon execution of the lease, the holding deposit will be converted to part of the security deposit.
 - b. If the 2nd half of the deposit is not paid in full within the 30-day unit hold time, the unit offer will be withdrawn and applicant will be removed from wait list. The holding deposit will not be refunded to the applicant
2. Tenant

If whole or part of deposit is paid to the Housing Authority by another agency, any amount of deposit to be refunded will be refunded first to the agency that assisted with the deposit and any remaining deposit will be refunded to the tenant.
3. Deposit Assistance Revolving Loan Fund

The Housing Authority of Billings will permit approved applicants, who have been offered a unit, to borrow up to ½ of the security deposit. A repayment agreement, not to exceed 12 months, will be required.

D. Additions to the Household and Visitors

1. Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit.
 - Except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in writing before the new member moves in.
 - Also included would be situations in which a person (often a relative) comes to the unit as a visitor but stayed on in the unit because the tenant needed support, for example, after a medical procedure.
 - All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.
2. The PHA will not accept resident requests to add persons to the lease if the resident is not in good standing. Good standing includes, but is not limited to, a resident that is in compliance with all lease requirements and does not owe any money to the PHA. When a resident requests approval to add a new person to the lease, PHA will conduct pre-admission screening of any proposed new adult members to determine whether the PHA will grant such approval.

Children under the age below which Juvenile Justice records are made available, or added through a formal custody award or kinship care arrangement are exempt from the pre-admission screening process, although the resident still needs prior permission from PHA to add children other than those born to, adopted by or awarded by the court to the family.

3. Examples of situations where the addition of a family or household **member is subject to screening** are:
 - Resident plans to be married and requests to add the new spouse to the lease;
 - Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren) over the age for which juvenile justice records are available;
 - A unit is occupied by a remaining family member(s) under age 18 (who is not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of the household.
4. Residents who fail to notify PHA of additions to the household or who permit persons to join the household without undergoing screening are violating the lease. Persons added without PHA approval will be considered unauthorized occupants and the entire household will be subject to termination of the lease.
5. Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on PHA premises that would be a lease violation. **Violent or registered sex offenders are not allowed on HAB properties under any circumstance.**
 - Visits of less than three days need not be reported to or approved by the PHA;
 - Visits of more than three and less than fourteen days are permitted, provided they are reported to the PHA within 72 hours and authorized by the PHA;
 - Visits of more than 14 calendar days (per year) shall be authorized only by the Executive Director with advance documentation of extenuating circumstances.
 - Visitors remaining beyond this period shall be considered unauthorized occupants and the head of the household shall be in violation of the lease.
 - In all cases, a guest registration form must be completed by tenant and applicable PHA Administrator.
6. Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is grounds for termination of the lease.

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7. Residents will not be given permission to allow a former resident of PHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is grounds for termination of the lease.

8. Family members over age 17 or emancipated minors who move from the dwelling unit to establish new households shall be removed from the lease:

- The resident shall report the move-out within 10 calendar days of its occurrence;
- These individuals may be readmitted to the unit if they reapply and pass all PHA screening and do not cause the unit to be over-occupied. Criminal background check must be current, within 90 days, to avoid being required to complete a new criminal background check;
- Medical hardship, or other extenuating circumstances, shall be considered by PHA in making determinations under this paragraph.