

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Low Rent Public Housing Program was created by the U.S. Housing Act of 1937.

The Hawaii Public Housing Authority, hereinafter referred to as the Public Housing Authority (PHA) or Housing Authority (HA) administers the Federally Assisted Public Housing Program.

Administration of the Public Housing Program and the functions and responsibilities of the PHA staff shall be in compliance with the PHA's Personnel Policy and this Admissions and Continued Occupancy Policy. The administration of this PHA's housing program will also meet the requirements of the U.S. Department of Housing and Urban Development (HUD). Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 CFR, Parts V, VII and IX. (Code of Federal Regulations).

A. HOUSING AUTHORITY MISSION STATEMENT

The PHA is dedicated to promoting adequate affordable housing, economic opportunity, and suitable living environment free from discrimination.

B. **LOCAL OBJECTIVES**

This Admissions and Continued Occupancy Plan for the Public Housing Program is designed to demonstrate that the PHA is managing its program in a manner that reflects its commitment to improving the quality of housing available to its public, and its capacity to manage that housing in a manner that demonstrates its responsibility to the public trust. In addition, this Admissions and Continued Occupancy Policy is designed to achieve the following objectives:

- To provide improved living conditions for very low and low income families while maintaining their 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 tenants and their families.
- To avoid concentrations of economically and socially deprived families in any one or all of the HA'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 neighborhood, or create a danger to PHA employees.
- To attempt to house a tenant body in each development that is composed of families with a broad range of incomes and rent-paying abilities that are representative of the range of incomes of low-income families in the PHA's jurisdiction.
- To provide opportunities for upward mobility or families who desire to achieve self-sufficiency.
- To facilitate the judicious management of the PHA inventory, and the efficient management of the PHA staff.
- To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so that the admissions and continued occupancy are conducted without regard to race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, handicap or disability or HIV infection.

C. **PURPOSE OF THE POLICY**

The purpose of this Admissions and Continued Occupancy Policy (ACOP) is to establish guidelines for the PHA staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of HUD with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and the PHA.

The PHA Board of Directors must approve the original policy and any changes. Required portions of this Plan will be provided to HUD.

D. **FAIR HOUSING POLICY**

It is the policy of the PHA to comply fully with all Federal, State, and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The PHA will comply with all laws relating to Civil Rights including:

- Title VI of the Civil Rights Act of 1964
- 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)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Violence Against Women Act (VAWA), 42 U.S.C. §1432d
- Hawai`i Revised Statutes (“HRS”) Chapter 515
- Hawai`i Administrative Rules (“HAR”) Title 12, Chapter 46, Subchapter 20

Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

The PHA shall not discriminate because of race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, history of domestic violence or stalking, gender identity or expression, sexual orientation, handicap or disability or HIV infection in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the PHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Posters and housing information are displayed in locations throughout the PHA' s office in such a

manner as to be easily readable from a wheelchair.

To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to public housing residents regarding "discrimination" and any recourse available to them if they believe they are victims of discrimination. Such information will be made available to them during the resident orientation session.

The PHA's Compliance Office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

The PHA shall not, on account of race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, history of domestic violence or stalking, gender identity or expression, sexual orientation, handicap or disability, or HIV infection:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- Provide housing that is different from that provided to others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission; or
- Deny a person access to the same level of services.

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

E. **SERVICE AND ACCOMMODATIONS POLICY**

This policy is applicable to all situations described in this Admissions and Continued Occupancy Policy when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

It is the policy of this PHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.

The PHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notices on PHA forms and letters to all

families, and all requests will be verified so that the PHA can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

With respect to an individual, the term "disability," as defined by the 1990 Act means:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- A record of such impairment; or
- Being regarded as having such impairment.

Undue Hardship

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an "undue financial and administrative burden" for the PHA, meaning an action requiring "significant difficulty or expense."

In determining whether an accommodation would create an undue hardship, the following guidelines will apply:

- The nature and cost of the accommodation needed;
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and
- 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.

Verification of a Request for Accommodation

All requests for accommodation or modification of a unit will be verified with a reliable, knowledgeable, professional.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability.

The PHA will require verification from a knowledgeable professional when a request for a home visit recertification is submitted.

Reasonable Accommodation

Persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All PHA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Recertification by Mail

The PHA will permit the family to submit annual and interim re-certification forms through the mail, when the PHA has determined that the request is necessary as a reasonable accommodation waiver.

The mail-in packet will include notice to the family of the PHA's deadline for returning the completed forms to the PHA.

If there is more than one adult member in the household, but only one is disabled, recertifications will not be processed through the mail. In such cases, the family may choose to have the PHA conduct the re-certification by a home visit or to have the able adult family members come in for the appointment and then take the necessary forms home to the member with a disability for completion and signature.

Home Visits

When requested and where the need for reasonable accommodation has been established, the PHA will conduct home visits to residents to conduct annual and interim re-certifications.

Requests for home visit re-certifications must be received by the PHA at least seven (7) days before the scheduled appointment date in order for the request to be considered.

The PHA will not consider home visit re-certifications which are requested after the scheduled appointment has been missed.

Other Accommodations

The PHA utilizes organizations which provide assistance for hearing- and sight-impaired persons when needed.

Families will be offered an accessible unit, upon request by the family, when an accessible unit is available.

The PHA will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

F. LANGUAGE ACCESS POLICY

It is the policy of the PHA to comply with all Federal, State, and local nondiscrimination laws and with rules and regulations governing language access, and subsequent modifications thereto, including:

- Title VI of the Civil Rights Act of 1964;
- Chapter 515, Hawaii Revised Statutes;
- Section 371-31, Hawaii Revised Statutes; and
- United States Department of Housing and Urban Development, Notice of Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published in the Federal Register on January 22, 2007,

which are hereby incorporated in whole by reference.

Language for Limited English Proficient (LEP) persons 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 federally assisted 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 Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, which provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance[,]" and Title VI regulations against discrimination on the basis of national origin. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to the federally assisted public housing program.

The PHA will take reasonable steps to communicate with people who need services or information in a language other than English to ensure meaningful access to its federally assisted public housing program. These persons will be referred to as Persons with Limited English Proficiency (LEP).

To determine the level of access needed by LEP persons, the PHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the federally assisted public housing program; (2) the frequency with which LEP persons come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

Language Access Action Plan

The PHA shall establish a Language Access Action Plan and shall revise the plan using the four-factor analysis as necessary to address the changing needs of the LEP population it serves (provided that if the PHA completes the four-factor analysis to decide what language assistance services are appropriate, and determines that the PHA serves very few LEP persons and the PHA has very limited resources, it is not necessary for the PHA to implement the written plan, but will consider alternative ways to provide meaningful access).

The Language Action Plan shall provide:

- How to identify LEP persons who need language assistance;
- How to provide language assistance to LEP persons;
- Provisions on the training of staff;
- Notice to LEP individuals of language assistance services; and
- Monitoring and updating of the Language Access Action Plan.

Until the Language Access Action Plan is established, the PHA may use the procedures as described in the Department of Human Services' Language Access Plan, attached hereto as Exhibit A.

Oral Interpretation

Upon request, a competent interpreter will be provided in a timely manner, free of charge to the LEP person, for any hearing or other situation in which communication between the LEP person and the PHA staff is necessary to access important benefits and services, especially when the loss of a benefit or service is at stake. The PHA may offer to schedule appointments for LEP persons at specified times to minimize wait times and ensure the availability of competent interpreters, provided that use of an appointment facilitates the provision of language assistance and does not impede or delay the LEP person's access to communication with the PHA.

When 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 PHA. The interpreter chosen by the LEP person may be a family member or friend, but may not be a minor. However, the PHA shall not require a LEP person to use family members or friends to provide interpretation or translation services. If, after the offer of a free interpreter in the LEP person's primary language, the LEP person elects to use a family member or friend to provide interpretation, the PHA shall take reasonable steps to determine:

- Whether the individual providing the interpretation is competent to provide this service; and
- Whether conflict of interest, confidentiality, or other concerns make use of the family member or friend inappropriate.

The PHA reserves the right to obtain a competent interpreter for the PHA's benefit in the event the LEP person uses an interpreter of their own choosing.

The PHA shall also provide oral interpretation for timely and effective telephone communication between the PHA staff and LEP persons.

Written Translations

To comply with written translation obligations, the PHA shall take the following steps:

- The PHA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered; or
- If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the PHA need not translate vital documents, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of vital documents, free of cost to the LEP person.

Translation of documents that are not vital documents, if needed, may be provided orally.

Availability of Free Language Assistance

The PHA will provide notice to LEP persons of the provision of free language assistance by displaying posters and flyers prominently in waiting rooms, reception areas, and other initial points of entry, and by including flyers in applicant packets and informational material disseminated to the public.

Complaint Procedure

The PHA shall establish a complaint procedure for complaints by applicants and tenants of the federally assisted public housing program relating to language access.

Definitions

"Oral Interpretation" or "Interpretation" shall mean the act of listening to something in one language and orally translating it into another.

"Person with Limited English Proficiency" or "LEP person" shall mean a person who does not speak English as his or her primary language and who has limited ability to read, write, speak, or understand English in a manner that permits him or her to communicate effectively with the PHA and have meaningful access to and an equal opportunity to participate fully in the federally assisted public housing program, and includes public housing program applicants and tenants and their household members.

"Vital documents" shall mean generic widely used written materials of the PHA including:

- Notices advising LEP persons of free language assistance;
- Application forms to participate in the PHA's federally assisted public housing program;
- Written notices of rights, denial, loss, or decreases in benefits or services;
- Written notices of hearings;
- Notices of eviction; and
- Leases and project rules.

"Written translation" or "translation" shall mean the replacement of a written text from one language into an equivalent written text in another language.

G. PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) OBJECTIVES [24 CFR 901 & 902]

The PHA operates its public housing program with efficiency and can demonstrate to HUD or independent auditors that the PHA is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the new Public Housing Assessment System (PHAS) outlined in the 24 CFR Parts 901 and 902 final published regulations.

The PHA is continuously assessing its program and consistently strives to make improvements. The PHA acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. The PHA intends to diligently manage its current program operations and continuously make efforts to be in full compliance with PHAS. The policies and procedures of this program are established so that the standards set forth by PHAS are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

H. FAMILY OUTREACH

The PHA will publicize and disseminate information to make known the availability of housing units and housing-related services for very low income families.

The PHA will communicate the status of housing availability to other service providers in the community. The PHA will advise them of housing eligibility factors and guidelines in order that they can make proper referrals for those who seek housing.

When the PHA's waiting list is open, the PHA will periodically publicize the availability and nature of housing assistance for very low income families in a newspaper of general circulation, including local minority publications and other suitable means.

To reach persons who cannot read the newspapers, the PHA will issue press releases to the broadcast media and initiate personal contacts with social service agencies.

I. PRIVACY RIGHTS

Applicants and participants, 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.

The PHA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in the tenant's folder which is "confidential". The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the staff person designated by the Executive Director.

The PHA's practices and procedures are designed to safeguard the privacy of applicants and tenants.

Files will never be left unattended or placed in common areas.

PHA staff will not discuss or access family information contained in files unless there is a business reason to do so. Staff will be required to disclose whether she/he has relatives living in Public Housing. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

J. POSTING OF REQUIRED INFORMATION

The PHA will maintain a bulletin board in a conspicuous area of the central office which will contain:

- Statement of policies and procedures governing Admission and Continued Occupancy Policy (ACOP) or a notice of where the policy is available
- Information on application taking
- Directory of the PHA's housing sites including names, address of offices
- Income limits for admission
- Required public notices
- Information on preferences

Site developments will maintain a bulletin board in a conspicuous place which will contain:

- Information on application taking
- Income limits for admission
- Current schedule of maintenance charges
- Copy of lease
- PHA's grievance procedures
- Fair Housing poster
- Equal Opportunity in Employment poster
- Security Deposit charges
- Fraud Hotline Information
- Mission statement
- One Strike Policy

K. TERMINOLOGY

The Hawaii Public Housing Authority is referred to as "PHA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant," "Resident" or "Participant" or and can refer to a single-person family.

"Tenant" is used to refer to participants in terms of their relation as a lessee to the PHA as the landlord.

"Landlord" refers to the PHA.

"Disability" is used where "handicap" was formerly used.

"Noncitizens Rule" refers to the regulation effective June 19, 1995, restricting assistance to U.S. citizens and eligible immigrants.

See Glossary for other terminology.