

Chapter 1

Overall Approach

This Admissions and Occupancy Policy has been prepared by the Alaska Housing Finance Corporation (AHFC) and sets forth AHFC's policies and operating procedures for the administration of the program in accordance with the requirements of the Alaska Uniform Residential Landlord and Tenant Act and other applicable local, state, and federal laws.

It is intended to establish local policies and operating procedures for administration of the following properties: Alpine Terrace in Anchorage and Etolin Heights II in Wrangell.

1.1 WAIVER OF REQUIREMENTS

The CEO/Executive Director of AHFC or the Director of the Public Housing Division may waive all or part of any requirement set forth in these policies and procedures, to the extent that such a waiver would not conflict with state or federal law.

1.2 EQUAL OPPORTUNITY

It is the policy of the AHFC to comply fully with all federal, state, and local nondiscrimination laws, including the Fair Housing Act; Title VI of the Civil Rights Act; Section 504 of the Rehabilitation Act; the Americans with Disabilities Act; and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. A copy of AHFC's 504 Equal Access Statement is posted at each AHFC office site. See *Appendix 1*.

No person shall, on the grounds of age, race, color, sex, religion, national or ethnic origin, familial status, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under AHFC housing programs.

To further its commitment to comply fully with applicable Civil Rights laws, AHFC will provide federal, state, or local information to applicants and tenants in this program. The information will cover discriminatory practices and any recourse available to the family if they believe they are victims of illegal discrimination. Such information will be made available with the application. In addition, all applicable Fair Housing information and discrimination complaint forms will be made available at AHFC offices.

Notifications to tenants covering inspections, appointments, or termination of tenancy will include information about how to request a reasonable accommodation. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

AHFC provides a copy of the *Housing Discrimination Complaint* (form HUD-903) at any time upon request by the family. AHFC will assist the family in completing the form, if requested, and will provide them with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

Fair Housing and Equal Opportunity posters are posted at each AHFC office location. Information about fair housing and Section 504 reasonable accommodations are included in each application. AHFC will also post, in a conspicuous place within each of its offices, information about access to this policy.

1.3 MARKETING PLAN

AHFC will make every reasonable effort to attract applicants who are representative of the total eligible populations to enable it to achieve tenant selection goals specified in this policy. These efforts will include the following outreach activities: press releases to major daily newspapers, community service announcements on radio stations, and direct contact with social service agencies serving applicants least likely to apply. Outreach efforts take into consideration applicants with special needs, families who are least likely to apply, and other eligible families.

1.4 AHFC RESPONSIBILITIES

In administering the program, AHFC will:

1. Publish and disseminate information about the availability and nature of housing;
2. Affirmatively further fair housing goals and comply with equal opportunity requirements;
3. Make efforts to help people with disabilities find satisfactory housing;
4. Screen all family members and deny assistance because of drug-related criminal activity, violent criminal activity, or alcohol abuse or a pattern of use or abuse that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
5. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, offer housing to each selected family, and provide housing information to families selected;
6. Determine who can live in the unit at admission and during the family's tenancy;

7. Establish an occupancy standard that determines the number of bedrooms needed for families of different size or composition. The occupancy standard must provide for the smallest number of bedrooms needed to house a family without overcrowding and shall be applied consistently for all families of like size and composition.
8. Inspect the unit before occupancy begins and at least annually during the tenancy;
9. Determine the amount of tenant rent and security deposit;
10. Establish and adjust the market rent for each unit;
11. Determine whether to terminate assistance to a tenant family for violation of the Residential Lease Agreement;
12. Discuss certain decisions with applicant or tenant families when requested;
13. Provide sound financial management, including engaging an independent public accountant to conduct audits.

1.5 REASONABLE ACCOMMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the AHFC housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program fully accessible to him/her in a way that would otherwise not be possible due to their disability.

Because disabilities are not always apparent, AHFC will ensure that all applicants/participants are aware of the opportunity to request reasonable accommodations. See *Appendix 1*.

1.5.A Reasonable Accommodation Definition

A Reasonable Accommodation is a change, exception, or adjustment to a housing program, service, or dwelling unit that allows a qualified person with a disability to:

1. fully participate in AHFC housing;
2. take advantage of services offered by AHFC; or
3. live in a dwelling unit.

In order to request a Reasonable Accommodation, a person must meet the Fair Housing definition of a person with disabilities. See *Exhibit 1-1, Reasonable Accommodation Guidelines*, for further guidance on Reasonable Accommodations.

1.5.B Reasonable Accommodation Request

A family may complete the *Reasonable Accommodation Request* (form RA800) or otherwise make their request in writing or orally. All Reasonable Accommodation

requests and their dispositions will be maintained in a master log accessible to all PHD staff. Logs will be kept by calendar year. Families may request the AHFC 504 officer to review requests denied by staff.

AHFC will take all actions necessary to ensure that persons with disabilities may apply for its available units. This includes making the process accessible to all persons with disabilities. AHFC will also ensure that eligible persons with disabilities have full access to all available resources under the program through its reasonable accommodation process. AHFC may allow a tenant to make a reasonable modification to a unit to accommodate a family member's disability.

Specific AHFC procedures for tracking Reasonable Accommodation requests are detailed in *Exhibit 1-1*.

1.5.C AHFC Facilities

Newly constructed non-housing facilities (24 CFR 8.21) shall be designed to be readily accessible to and usable by people with disabilities. Alterations to existing facilities shall be accessible to the maximum extent feasible.

For existing non-housing facilities, AHFC shall operate each program or activity receiving federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

1.5.D Occupancy of Accessible Dwelling Units

AHFC advertises the availability of accessible units (24 CFR 8.27) by signage and postings in each area office. To maximize utilization of accessible units by eligible individuals whose disability requires the accessibility features of the particular unit, when an accessible unit becomes vacant, before offering such unit to a non-disabled applicant, AHFC shall:

1. First, offer the unit to a current occupant who requires the accessibility features of the vacant unit (if the current occupant does not have such accessibility features in their current unit).
2. Second, offer the accessible unit to a qualified applicant on the waiting list who requires the accessibility features.

Note: AHFC will not prohibit an eligible disabled family from accepting a non-accessible unit that the family is eligible for which may become available before an accessible unit. AHFC will allow the tenant to modify such a non-accessible unit as needed.

When offering an accessible unit to applicants without disabilities, AHFC may require such applicants to agree to move to a non-accessible unit when available or when the accessible unit is needed by a disabled family. Such an agreement may be incorporated into the lease. See AHFC's Transfer Policy in Chapter 7 of this Admissions and Occupancy Policy.

1.5.E Section 504/24 CFR 8 - Major Provisions

1. New Construction

A minimum of five percent of the total units in a development or at least one unit (whichever is greater) is required for mobility-impaired persons. An additional minimum of two percent of the total units in a development or at least one unit (whichever is greater) is required for people with hearing or vision impairments.

2. Substantial Rehabilitation

If alterations are undertaken to a project that has 15 or more units and the cost of the alterations is 75 percent or more of the replacement cost of the completed facility, then the provisions of 24 CFR 8.22 (a) and (b) apply.

1.6 LIMITED ENGLISH PROFICIENCY (LEP) PLAN

AHFC is committed to ensuring that Limited English Proficient (LEP) individuals have meaningful access to housing information and/or services regardless of their ability to communicate in English. LEP individuals are defined as individuals who do not speak English as a primary language or are limited in their ability to read, write, speak, or understand English. The individual requiring the interpretive service is responsible for the cost.

AHFC will follow the procedures below to assist LEP applicants or participants:

1. AHFC will use the Census Bureau Language Identification Flashcard, whenever necessary, to identify the language spoken by the LEP customer. See Exhibit 1-2.
2. AHFC field staff will communicate with LEP customers by using, in descending order: in-house bilingual staff, adult family members, volunteer interpreters, telephonic interpretation services, or contract interpreters.
3. AHFC will honor a customer's request to use a bilingual case manager or social service worker as the interpreter, when the customer is accompanied to a housing assistance appointment by an interpreter.
4. AHFC will honor a customer's request to use an adult family member or adult friend as interpreter, if the customer is accompanied by the interpreter at an appointment.

1.7 PRIVACY ACT AND CONFIDENTIALITY OF RECORDS

AHFC will gather, use, and retain income information accordingly. AHFC is committed to protecting the privacy of client/applicant records and social security numbers. AHFC will keep client applications and tenant files in a secured area, away from public view.

1.7.A Disclosure of Agency Records

All individual records held by AHFC shall remain confidential and shall not be disclosed to any person unless:

1. The individual to whom such information pertains consents to the release; or
2. The entity requesting the information is the Office of the Ombudsman for the State of Alaska or any other agency of the state or federal government responsible for:
 - a. Public safety (including, but not limited to, police or fire department officials); or
 - b. Health and social services; or
 - c. The individual or entity to whom the information will be provided is a collection agency, as defined in Alaska Statute 08.24.380, and used by AHFC for the collection of any outstanding debt determined to be owed to AHFC; or
 - d. The individual or entity to which the information will be provided is a contractor; or
 - e. Quality control to ensure program compliance; or
 - f. Other entity used by AHFC for the purpose of applicant screening.

Any information disclosed under this section cannot include financial information.

AHFC must authenticate any request to release information to another agency or law enforcement agent prior to release. That may include calling back to verify the requestor is at the agency she/he claims to represent, requesting a faxed statement that verifies the agency name at the top, or voice verification if known to the staff member. The client file will be noted whenever information is given, either the hard copy file or the computer note screen.

1.7.B Release of Financial Information

AHFC shall not disclose any financial information obtained from a family, or from any other source pursuant to any release of information, to any person or governmental agency except in the following circumstances. (1) AHFC receives a subpoena or other court order, or (2) AHFC obtains a signed release of information from the individual affected by the disclosure.

AHFC shall obtain information related to wages only as they pertain to AHFC tenancy screening guidelines.

1.7.C Releases of Information

AHFC currently has the following forms:

- PW-VF200 *Release of Information to AHFC*
- PW321 *Client Consent to Release of Information*

1. PW-VF200

This form is attached to all AHFC applications. This form serves as a general release of information from the client to AHFC that allows AHFC to gather or verify eligibility or continuing eligibility information given by a family.

- a. If a family wishes to rent a unit from AHFC, this form must be signed by all adult household members.
- b. This form expires 15 months from the date of signature.

When a third party verification is generated without the client's signature, this is the form that AHFC staff will attach. Generally, staff should not use this form to discuss specific client requests or tenancy issues.

2. PW321

This form is available upon client request. When AHFC requires additional information for a specific client request such as a reasonable accommodation, a client may use this form to give permission to AHFC to discuss their specific request with a third party. Generally, this form will be used whenever a client wishes a third party or outside service agency to speak to AHFC on their behalf regarding a tenancy issue or request.

Applicants may also use this form if they wish a third party to speak on their behalf during the eligibility determination process.

- a. This form is not mandatory. Clients may use it whenever appropriate.
- b. Encourage the client to be as specific as possible when completing the form so that staff is clear about which information from the client file is released. Staff may assist the client with completing the form.
- c. The form expires upon the client's written request, upon the date indicated at the top of form, or 12 months from the date of signature.

Once this release is given to AHFC, staff must keep careful notes regarding the information discussed with third parties. Staff may use the *Client Notes* (PW300) to keep track of these discussions. Generally, staff should not use this form to verify income information.

Example: Release Uses

1. A client receives a lease violation for housekeeping issues. The client wants staff to speak with a social worker regarding a service to help clean the unit.

The client may use PW321 *Client Consent to Release of Information* to authorize AHFC staff to speak with the social worker regarding the lease violation and its possible cure.

2. A client is repeatedly late paying his/her rent. The client gets a payee service to address the problem.

The client may use PW321 *Client Consent to Release of Information* to have AHFC staff speak with the payee service regarding rental payment due dates or payments not received timely.

3. Staff wants to verify earnings to determine if a family can afford to pay the rent.

A third party income verification is sent to the employer to verify the income. The PW-VF200 *Release of Information to AHFC* is attached to the verification.

1.8 INFORMATION REQUESTS

Clients, applicants, or the public may request copies of documentation or policies from AHFC. As an instrumentality of the state, AHFC is subject to provisions of Alaska Statutes and Administrative Code regarding the obligation to disclose public records and provide copies of those records in an expeditious manner.

1.8.A Cooperation With Law Enforcement Agencies

AHFC will comply, on a case-by-case basis, with information requests from federal, state, or local law enforcement officers. AHFC will supply, upon legitimate request, (1) the current address, (2) Social Security number, and (3) photograph (if available) of any recipient of assistance.

AHFC must authenticate any request to release information to a law enforcement agent prior to release. That may include calling back to verify the requestor is at the agency she/he claims to represent, requesting a faxed statement that verifies the agency name at the top, or voice verification if known to the staff member. The client file will be noted whenever information is given, either the hard copy file or the computer note screen.

1.8.B FOIA Information Requests

The federal Freedom of Information Act (FOIA) requires AHFC to make certain records available to persons who request access to these records.

The Corporate Communications Officer has the responsibility for responding to FOIA requests in a timely and appropriate manner. An employee who receives a FOIA request should forward it immediately to the Corporate Communications Officer (letter, email, phone calls, etc.). Routine requests for AHFC documents such as news releases or applications do not go to the Communications Officer; the department receiving them should provide the requestor the information at no charge.

FOIA requests for non-routine information can involve a charge for copying and research time. These potential charges, timeframes to respond, and the appeals process are referenced in the Release of Information Policies and Procedures maintained by Government Relations & Public Affairs. For AHFC staff, the FOIA procedure is detailed on the Intranet at http://athome/grpa/procedures/foia_requests.htm.

1.8.C Policy Requests

Each office will maintain at least one, current, printed version of the Unassisted Housing Admissions and Occupancy Policy (ACOP) for viewing by the public. The ACOP is also available on AHFC's web site at www.ahfc.us/reference/manuals.cfm.

1.9 DOCUMENTATION FEES

The State of Alaska allows agencies to set reasonable fees for providing copies of agency documents and records. This documentation includes electronic client information that is stored in AHFC's computer programs such as client notes. The guidelines listed below state PHD's policy on providing agency record copies.

1.9.A Standard Agency Documents

Documents produced by PHD for use in the normal course of business are provided to the public at no charge. Examples of these types of documents include blank applications, blank forms, AHFC policy, and regulations.

If a person requests a large number of these documents (over an hour to produce), staff may schedule a date when these documents will be available to the requestor. Staff may have up to seven (7) business days to assemble the required documents.

1.9.B Client File Records

As stated in the section *Privacy Act/Confidentiality of Records*, only authorized persons may request copies of a client's file. The request may be for all or part of a file. In order to request a copy of client records, clients may submit form PW321 *Client Consent to*

Release to Information or a third party form which consents to the release of the information.

1. Attorney Requests

If staff is contacted by an attorney with a request for records, those requests should be forwarded to the Regional Manager. The Regional Manager will be responsible for forwarding the request to the Attorney General's office.

2. Subpoena Requests

If staff receives a subpoena for client records, those requests should be forwarded to the Regional Manager. The Regional Manager will be responsible for forwarding the request to the Housing Operations Director. The Housing Operations Director will determine how to prepare and submit the required records.

3. File Review Appointment

When a client requests a copy of his or her file, staff will ask the client if she or he wishes to review the file to select documentation from the file. It is not mandatory for a client to attend a file review appointment.

- a. AHFC will set an appointment for a mutually convenient time to review the file. Staff should allow an appropriate amount of time to review the entire file.
- b. The appointment will be at the AHFC office where the client's file is maintained.
- c. Staff will remain in the room with the file and the client.
- d. AHFC will provide the client with a method to mark which file pages are desired (post-it notes, file tags, etc.).

Once the client has marked all file pages desired, staff will count the pages. If the number of the pages is 20 or under, staff will make the copies for the client at that time and provide the copies at no cost to the client.

If the count is over 20 pages, staff will advise the client that the cost is \$0.25 per page. Staff will arrange a date to collect the payment from the client and provide the copies. The information will not be provided to the client until payment in full is rendered.

For clients unable to pay the copy fees, see the Waiver procedure below.

1.9.C Fee Waiver Request

In order to qualify for a waiver, the family must complete and submit the *Fee Waiver Request* (form PW331). The request must be submitted and approved by AHFC before

any documentation copies are provided. AHFC **must** make the documents available within seven (7) business days of the approval.

When a *Fee Waiver Request* is submitted, staff will complete page 2 of the form to determine if a family qualifies for a waiver. Staff will either approve or disapprove the request within **two** business days of receipt of the request.

1. Poverty Guidelines

The Department of Health and Human Services publishes poverty guidelines for the state of Alaska annually. Central Office staff will be responsible for distributing these annual updates to all offices.

Determining Federal Poverty Guideline Status

Under the Staff Research section of the *Fee Waiver Request* (form PW331), staff will look up the family's information in the computer database.

1. Staff will total the number of family members (excluding live-in aides and foster children) and enter that information on the form.
2. Staff will enter the family's gross income on the form.
3. Staff will consult the Poverty Guidelines for Alaska table (Exhibit 1-3) to determine if the family qualifies.
4. Staff will check Yes or No on the form.
5. If the answer is no, the family must provide supporting documentation to their request for a waiver.
6. If the answer is yes, staff will provide the requested copies free of charge.

If the request will take more than one hour for staff to make copies from the file, staff will arrange a date when the documents will be available to the client (see section *File Review Appointment* above).

Staff does not need the Regional Manager's approval if a family meets the poverty guidelines. Staff will then log the request (see below).

2. Family Emergency or Other Reason

The family must submit documentation to support the waiver request due to a family emergency or other reason. Staff will evaluate the documentation provided by the family and approve/disapprove the request.

a. Approved

Staff will contact the client and arrange a date when the documents will be available to the client.

b. Disapproved

Staff will contact the client and inform the client of the decision. Although the initial contact with the client disapproving the request may be telephonic, staff will send a copy of the disapproved *Fee Waiver Request* to the client for his/her records.

The client may choose to submit additional documentation to support his/her request. Staff will evaluate the additional documentation following the time guidelines above.

The client may choose to pay the documentation fees and receive the documents or may choose to ask for a review of the disapproval decision (see below).

1.9.D Disapproval Reviews

If a waiver request has been disapproved, the client may ask for a review of the disapproval. If the client wishes to request a review of the decision, staff will forward the *Fee Waiver Request* and supporting documentation to the Regional Manager or designee.

The Regional Manager will review the documentation and either approve or disapprove the request. The Regional Manager will contact the client with his/her decision. If the request is disapproved, the Regional Manager will send a copy of the disapproved *Fee Waiver Request* to the client for his/her records.

1.9.E Tracking Log

Each office will enter documentation requests in a tracking log. Tracking logs will be based on a calendar year and will be located in the Logs folder in the shared Housing Department folder. The individual logs will be named with "Documents" in their file name.

Staff must log the date of the request, the date the request was received by staff, the program, the client number, the last name of the head of household, the destination of the copies, and the number of pages provided. For the destination, staff may choose from a pull-down menu. The choices are Advocate, Attorney, HUD, and Client.

Once the request has been logged, staff may file the *Fee Waiver Request* and supporting documents in the correspondence section of the file.

1.10 MARKET RENTS

AHFC has set a market rent for each housing unit. The market rent amount is based on the size and type of the unit, as well as the age, condition, amenities, services, and neighborhood. AHFC has determined the market value of the unit and set the rent at the market value. The amount of the market rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied at the end of the annual lease.

AHFC will post the market rents at each of the developments and at the central office. Market rents are incorporated in this policy upon approval by the Board of Directors. There is no utility allowance for families paying a market rent because AHFC has already factored who pays for the utilities into the market rent calculation.

1.11 QUALITY CONTROL

AHFC has developed a comprehensive quality assurance policy and procedure. See Chapter 12.

1.12 CODE OF CONDUCT AND ETHICAL STANDARDS

This Code of Conduct establishes standards for employees' and the Board of Directors' conduct to assure the highest level of public service. Recognizing that compliance with any ethical standards rests primarily on personal integrity of the employees and Board members of AHFC, this Section sets forth those acts or omissions that could be deemed injurious to the general mission of AHFC.

This Code of Conduct is not intended, nor should it be construed, as an attempt to intrude unreasonably upon the individual employee's or Board Member's right to privacy and the right to participate freely in a democratic society and economy.

1.12.A Conflict of Interest

Neither AHFC personnel nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the program in which any of the following classes of persons has an interest, direct or indirect, during his or her tenure with AHFC, or for one year thereafter:

- Any present or former member or officer of AHFC;
- Any employee of AHFC or any contractor, subcontractor or agent of AHFC who formulates policy or who influences decisions with respect to the programs;
- Any public official, member of a governing body, or State or local legislator who exercises functions or responsibilities with respect to AHFC's programs; or
- Any member of the Congress of the United States.

Any member of the classes described above must disclose their interest or prospective interest to AHFC and HUD.

1.12.B Prohibition of Solicitation or Acceptance of Gifts

No Board Member or AHFC employee shall solicit any gift or consideration of any kind, nor shall any employee accept or receive a gift having value in excess of \$50.00 regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before AHFC.

1.12.C Disciplinary Remedies

Violations of this Code of Conduct Policy will result in disciplinary action as outlined in AHFC's Personnel Policy or as determined by action of the Board of Directors.