

HOUSING AUTHORITY OF THE CITY OF AUSTIN



Community Service and Self-Sufficiency Requirement

Effective: 3/1/2011

OVERVIEW

The Department of Housing and Urban Development (HUD) regulations pertaining to the Community Service and Self-Sufficiency Requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). Per HUD regulations, the Housing Authority of the City of Austin (HACA) and residents must comply with the Community Service and Self-Sufficiency Requirement. Community service is 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 [24 CFR 960.601(b)].

REQUIREMENTS

Each adult resident of HACA, who is not exempt, must:

- Contribute 8 hours per month of community service; or
- Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).

Community service activities must be performed within the community and not outside HACA’s jurisdictional area, unless HACA makes an exception for good cause. Families must request exceptions in writing. Within 10 business days of receiving the family’s request, HACA will notify the family in writing of its decision. HACA may require the family to provide documentation to support their request.

An individual may not skip a month and then double up the following month, unless special circumstances warrant it. HACA will make the determination of whether to permit a deviation from the schedule. No hours may be “donated” or performed by any individual other than the family member who is required to perform the community service.

Individuals who have special circumstances which they believe will prevent them from completing the required community service hours for a given month, must notify HACA in writing within 10 business days of the circumstances becoming known. HACA will review the request and notify the individual, in writing, of its determination within 10 business days. HACA may require those individuals to provide documentation to support their claim.

DEFINITIONS

Exempt Individual

An *exempt individual* is an adult who:

- Is under 18 years of age;
- Is age 62 years or older;
- Is blind or disabled (as defined under section 216[i][1] or 1614 of the Social Security Act), and who certifies that because of this disability s/he is unable to comply with the service provisions;
- Is a primary caretaker of such an individual, as described in bullet number 3;
- Is engaged in work activities of at least 30 hours per week minimum;

- Is able to meet requirements under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state of Texas, including a state-administered welfare-to-work program; or
- 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, or under any other welfare program of the state of Texas, 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 program.

Community Service

Community service is 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.

Eligible community service activities include, but are not limited to, work at:

- Local or nonprofit institutions such as schools, head start programs, before or after school programs, childcare centers, hospitals, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods) or clothes centers (distributing donated clothing).
- Nonprofit organization serving PHA residents or their children such as: Boy or Girl Scouts, Boys or Girls Clubs, 4-H clubs, Police Assistance League (PAL), organized children's recreation, mentoring or education programs, Big Brothers or Big Sisters, garden centers, community clean-up programs or beautification programs.
- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts.
- PHA housing to improve grounds or provide gardens (so long as such work does not alter the PHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board.
- Care for the children of other residents so parent may volunteer.
- HACA will accept community services at profit-motivated entities, volunteer work performed at homes or offices of general private citizens and court-ordered or probation based work as eligible community service activities.

Economic Self-Sufficiency Program

For purposes of satisfying the community service requirement, an *economic self-sufficiency program* is defined by HUD as: any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families.

Eligible self-sufficiency activities include, but are not limited to:

- Job readiness or job training
- Training programs through local one-stop career centers, workforce investment boards (local entities administered through the U.S. Department of Labor), or other training providers

- Employment counseling, work placement, or basic skills training
- Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes
- Apprenticeships (formal or informal)
- English proficiency or English as a second language classes
- Budgeting and credit counseling
- Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF)
- Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)

Work Activities

As it relates to an exemption from the community service requirement, *work activities* means:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- Provision of child care services to an individual who is participating in a community service program

NOTIFICATION REQUIREMENTS

HACA will provide the family with a copy of the CSSR Policy and the CSSR Information Packet at lease-up, lease renewal, when a family member is determined to be subject to the Community Service and Self-Sufficiency Requirement during the lease term and at any time upon the family's request.

On an annual basis, at the time of lease renewal, HACA will notify the family of the family members who are subject to the CSSR and the family members who are exempt. If the family includes nonexempt individuals, the Public Housing Manager will provide the family the CSSR Information Packet that includes a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE

HACA will review and verify family compliance with CSSR in conjunction with the family's scheduled annual reexamination interview.

Annual Determination

Determination of Exemption Status

An exempt individual is excused from the CSSR.

At least 60 days prior to lease renewal, HACA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or HACA has reason to believe that an individual's exemption status has changed. For individuals who are exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial examination.

Upon completion of the verification process, HACA will notify the family of its determination in accordance with the policy.

Determination of Compliance

HACA must review resident family compliance with CSSR annually at least 30 days before the end of the twelve-month lease term. As part of this review, HACA must verify that any family member that is not exempt from CSSR has met his or her service obligation.

Approximately 90 days prior to the end of the lease term, HACA will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will be required to submit HACA required documentation form(s) at their scheduled annual reexamination interview.

If the family fails to submit the required documentation at the interview, or by the HACA approved extension, the subject family members will be considered noncompliant with CSSR, and Notices of Noncompliance will be issued pursuant to the policies regarding noncompliance.

Change in Status between Annual Determinations

Exempt to Nonexempt Status

If an exempt individual becomes nonexempt during the 12-month lease term, it is the family's responsibility to report this change to HACA within 10 calendar days.

Within 10 business days of a family reporting such a change, or HACA determining such a change is necessary, HACA will provide a 30 day written notice of the effective date of the requirement, and a copy of the CSSR Information Packet which includes a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

The effective date of the CSSR will be the first of the month following 30-day notice.

Nonexempt to Exempt Status

If a nonexempt person becomes exempt during the 12-month lease term, it is the family's responsibility to report this change to HACA within 10 calendar days. Any claim of exemption will be verified by HACA in accordance with the CSSR Policy.

Within 10 business days of a family reporting such a change, or HACA determining such a change is necessary, HACA will provide the family written notice that the family member is no longer subject to the community service requirement, if HACA is able to verify the exemption. The exemption will be effective immediately.

DOCUMENTATION AND VERIFICATION

All family members who claim they are exempt from CSSR will be required to sign the Community Service Exemption Certification Form. HACA will provide a completed copy to the family upon request and will keep a copy in the tenant file.

HACA will verify that an individual is exempt from CSSR by following the verification hierarchy and documentation requirements described in the Admissions and Continued Occupancy Policy.

HACA makes the final determination whether or not to grant an exemption from the CSSR. If a resident does not agree with HACA determination, s/he can dispute the decision through the HACA's grievance procedures.

Documentation and Verification of Compliance

If anyone in the family is subject to CSSR, HACA will provide the family with community service documentation forms at move-in, at lease renewal, when a family member becomes subject to the CSSR during the lease term or upon request by the family.

Each individual who is subject to the requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The Certification Form will also include places for signatures and phone numbers of supervisors, instructors and counselors certifying to the number of hours contributed.

Families will be required to submit the documentation to HACA, upon request by HACA.

If HACA has reasonable cause to believe that the certification provided by the family is false or fraudulent, HACA has the right to require third-party verification.

An individual subject to performing community service must complete the hours him/ herself. No other resident may perform the community service hours on another resident's behalf. Community service hours may not be "donated" by another resident to an individual subject to completion of community service.

NONCOMPLIANCE

Initial Noncompliance

The lease specifies that it is renewed automatically for all purposes, unless the family fails to comply with the community service requirement. Violation of the CSSR is grounds for nonrenewal of the lease at the end of the twelve-month lease term, but not for termination of tenancy during the course of the twelve-month lease term.

If the tenant or another family member has violated the CSSR, HACA may not renew the lease upon expiration of the twelve-month term of the lease, unless the tenant and any other noncompliant family member enter into a written agreement with HACA. Under this agreement the tenant or noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the

total number of hours required, over the twelve-month term of the new lease. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit.

During the annual reexamination, the HACA staff member conducting the re-exam will examine all documentation and determine whether the family is in compliance with the CSSR policy. If it is determined that the family is not in compliance, HACA will issue the family a Notice of Non-Compliance with Housing Lease at the interview. An Acknowledgment of Receipt of Document form will be signed by the head of household and retained in the family's tenant file.

The family will have 10 calendar days from the date of the Notice of Noncompliance to enter into a written agreement to cure the noncompliance over the 12 month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before HACA will agree to continued occupancy of the family. Documentation must consist of a notarized Removal from Lease Certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 calendar day timeframe, HACA will terminate tenancy in accordance with the Admissions and Continued Occupancy Policy.

Continued Noncompliance [24 CFR 960.607(b)]

If, after the 12 month cure period, the family member is still not compliant, HACA must terminate tenancy of the entire family, according to HACA's lease, unless the family provides documentation that the noncompliant resident no longer resides in the unit.

Notices of Lease Termination due to continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in the Admissions and Continued Occupancy Policy.

The family will have 10 calendar days from the date of the Notice of Noncompliance to provide documentation that the noncompliant resident no longer resides in the unit or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before HACA will agree to continued occupancy of the family. Documentation must consist of a notarized Removal from Lease certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 10-calendar day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

Enforcement Documentation

HACA is required to initiate due process against households failing to comply with lease requirements including the community service and self-sufficiency requirement.

When initiating due process, HACA must take the following procedural safeguards:

- Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction.
- Right of the tenant to be represented by counsel.
- Opportunity for the tenant to refute the evidence presented by HACA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have.
- A decision on merits.