

Chapter 11

COMMUNITY SERVICE

11-I.A. INTRODUCTION

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt public housing residents contribute eight (8) hours per month of community service or participate in eight (8) hours of training, counseling, classes or other activities that help an individual achieve self-sufficiency and economic independence. This is a requirement of the Public Housing Lease.

11-I.B. PROGRAM REQUIREMENTS

Each adult resident of the NBHA, who is not exempt, must [24 CFR 960.603(a)]:

- 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).

The NBHA may allow a resident to complete more than (8) hours of community service a month as long as the resident has received prior written approval from the authority.

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

Individuals who have special circumstances which they believe will prevent them from completing the required community service hours for a given month, must notify the NBHA in writing within 5 business days of the circumstances becoming known. The NBHA will review the request and notify the individual, in writing, of its determination within 10 business days. The NBHA may require those individuals to provide documentation to support their claim.

Definitions

Exempt Individual [24 CFR 960.601(b)]

Public Housing residents are exempt if they are:

- 62 years or older
- 61 years of age at the time of determination of status (this person will be 62 within the next 12 months and will become prospectively exempt)
- blind or disabled (as defined under section 216[i][I] 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
- Is engaged in work activities of at least twenty (20) hours per week or engaged in work activities as defined in Section 407(d) of the Social Security Act
- Exempt from the work requirements for a state welfare program, including Welfare-to-Work
- A parent home schooling their child(ren)
- Receiving Temporary Assistance for Needy Families (TANF) assistance and have not been found to be in non-compliance with TANF or other work requirements.

The NBHA will consider 20 hours per week as the minimum number of hours needed to qualify for a work activity exemption.

Community Service [PH Occ GB, p. 174]

Community service is volunteer work, which includes, but is not limited to:

- Work at a local institution including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.
- Work with a nonprofit organization that serves NBHA residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H programs, PAL, Garden Center, community clean-up programs, beautification programs, other youth or senior organizations
- Work at the NBHA to help improve physical conditions
- Work at the NBHA to help with children's programs
- Work at the NBHA to help with senior programs
- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems, serving as an officer in a resident organization, serving on the resident advisory board
- Caring for the children of other residents so they may volunteer

NOTE: Political activity is excluded for purposes of eligible community service activities.

Economic Self-Sufficiency Program [24 CFR 5.603(b)]

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.

These economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeships (formal or informal), or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Work Activities [42 U.S.C. 607(d)]

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 [24 CFR 960.605(c)(2)]

At the time of lease-up and on an annual basis, at the time of lease renewal, the NBHA will notify the family in writing of the community service requirement. If the family includes non-exempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities. Families will also be given a copy of the NBA Community Service Policy at lease-up, lease renewal and upon request.

11-I.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]

The NBHA shall review and verify family compliance with service requirements annually at least ~~sixty~~ *thirty* days before the end of the twelve-month lease term. *The NBHA may do the review more than annual if the NBHA has reason to believe that an individual’s exemption status has changed.*

Family Obligations:

At lease execution and at each annual reexamination, all adult members of a public housing resident family must:

- Sign a certification that they have received and read this policy and understand that they are not exempt, failure to comply with the community service requirement will result in the non-renewal; of their lease;
- Family members who are exempt are required to complete and sign the Community Services Exemption checklist;

- At each annual reexamination, non-exempt family members must present a completed certification form (provided by the NBHA), signed by the party administering the qualifying activities, certifying that the qualifying activities were performed over the previous twelve (12) months.

Annual Determination

Determination of Exemption Status

An exempt individual is excused from the community service requirement [24 CFR 960.603(a)].

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.

Determination of Compliance

The NBHA shall review resident family compliance with service requirements annually at least ~~sixty~~ ^{thirty} days before the end of the twelve month lease term [24 CFR 960.605(c)(3)]. As part of this review, the NBHA must verify that any family member that is not exempt from the community service requirement has met his or her service obligation. *The family will have ten (10) business days to submit the NBHA required documents.*

Change in Status Between Annual Determinations

Exempt to Non-Exempt Status

If an exempt individual becomes non-exempt during the twelve month lease term, it is the family's responsibility to report this change to the NBHA within 10 business days.

Within 10 business days of a family reporting such a change, or the NBHA determining such a change is necessary, the NBHA will provide written notice of the effective date of the requirement, 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 community service requirement will be the first of the month following 30 day notice.

Non-Exempt to Exempt Status

If a non-exempt person becomes exempt during the twelve month lease term, it is the family's responsibility to report this change to the NBHA within 10 business days. Any claim of exemption will be verified by the NBHA in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

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

The exemption will be effective immediately.

11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4)]

Documentation and Verification of Exemption Status

All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found in Exhibit 11-3. The NBHA will provide a completed copy to the family and will keep a copy in the tenant file.

The NBHA makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with the NBHA's determination, s/he can dispute the decision through the NBHA's grievance procedures (see Chapter 14).

Documentation and Verification of Compliance

If anyone in the family is subject to the community service requirement, the NBHA will provide the family with community service documentation forms at admission, at lease renewal, when a family member becomes subject to the community service requirement 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 the NBHA, upon request by the NBHA.

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

11-I.E. NONCOMPLIANCE

Noncompliance of Family Members

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 service requirement 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 [24 CFR 960.603(b)].

If the NBHA determines that there is a family member who is required to fulfill a service requirement, but who has violated this family obligation, the NBHA will send, at least 30 days prior to the end of the lease, a notice to the resident describing the noncompliance.

The lease will end unless:

- The family provides proof that the non-compliant resident is no longer in the unit or

- The non-compliant family member and the Head of Household sign an agreement with the NBHA to make up the deficient hours over the next twelve- (12) month period. The makeup agreement will stipulate how many hours each month must be made up. Staff will monitor to ensure on a monthly basis that the family member is complying with the agreement. Non-compliance with the make-up agreement will result in termination of the lease. A 30-day notice will be provided.

The resident may request a grievance hearing regarding the NBHA determination of non-compliance and may exercise any available judicial remedy to seek timely redress for the NBHA's non-renewal of the lease due to such determination.

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 the NBHA will agree to continued occupancy of the family. Documentation must consist of a 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 business day timeframe, the NBHA will terminate tenancy in accordance with the policies in Section 13-IV.D.

Continued Noncompliance:

If, after the 12 months xxxx period, the family member is still not compliant, the NBHA must terminate tenancy of the entire family, according to the NBHA's lease, unless the family provides documentation that the non-compliant resident no longer resides in the unit.

Notices of continued noncompliance will be sent at 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 Section 13-IV.D, Form, Delivery, and Content of the Notice.

The family will have 0 business days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unity, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family mut provide documentation that the family member has actually vacated the unit before the NBHA will agree to continued occupancy of the family. Documentation must consist must consist of a 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 business day time frame, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

Enforcement Documentation:

NBHA is required to initiate due process against households failing to comply with lease requirements including community service and self-sufficiency requirements. Whe initiating due process, the NBHA will:

- *Send adequate notice to the tenant on the grounds for terminating Tenancy and Eviction.*

- *Right of tenant to be represented by Counsel*
- *Opportunity to refute evidence presented by the NBHA including right to confront and cross-examine witnesses and present their defense.*
- *A decision on Merit.*

PART II: IMPLEMENTATION OF COMMUNITY SERVICE

11-II.A. PHA Implementation of Community Service

The NBHA shall not substitute any community service or self-sufficiency activities performed by residents for work ordinarily performed by NBHA employees, or replace a job at any location where residents perform activities to satisfy the service requirement [24 CFR 960.609].

The NBHA will notify its insurance company if residents will be performing community service at the NBHA. In addition, the NBHA will ensure that the conditions under which the work is to be performed are not hazardous.

If a disabled resident certifies that s/he is able to perform community service, the NBHA will ensure that requests for reasonable accommodation are handled in accordance with the policies in Chapter 2.

PHA Program Design [24 CFR 960.605(b)].

The NBHA will attempt to provide the broadest choice possible to residents as they choose community service activities.

The NBHA will provide in-house opportunities for volunteer work or self-sufficiency programs when possible.

EXHIBIT 11-1: COMMUNITY SERVICE AND SELF-SUFFICIENCY POLICY

A. Background

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self-sufficiency and economic independence. This is a requirement of the public housing lease.

B. Definitions

Community Service – volunteer work which includes, but is not limited to:

- Work at a local institution, including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.
- Work with a nonprofit organization such as: Parks and Recreation, United Way, Red Cross, Volunteers of America, Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H Program, PAL, Garden Center, community clean-up programs, beautification programs, other counseling, aid, youth or senior organizations
- Work at the housing authority to help with litter control
- Work at the housing authority to help with children’s programs
- Work at the housing authority to help with senior programs
- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems
- Serving as an officer in a resident organization
- Serving on the Resident Advisory Board
- Caring for children of other residents so they may volunteer

NOTE: Political activity is excluded.

Self-Sufficiency Activities – activities that include, but are not limited to:

- Job readiness programs
- Job training programs
- GED classes
- Substance abuse or mental health counseling
- English proficiency or literacy (reading) classes
- Apprenticeships
- Budgeting and credit counseling

- Any kind of class that helps a person toward economic independence
- Student status at any school, college or vocation school

Exempt Adult – an adult member of the family who meets any of the following criteria:

- Is 62 years of age or older
- Is blind or a person with disabilities (as defined under section 216[i][1] or 1614 of the Social Security Act), and who certifies that because of this disability he or she is unable to comply with the service provisions, or is the primary caretaker of such an individuals
- Is working at least 30 hours per week
- Meets the requirements for being exempted from having to engage in a work activity under TANF or any other State welfare program including a State-administered welfare-to-work program
- Is a member of a family receiving assistance, benefits or services under TANF or any other State welfare program and has not been found to be in noncompliance with such program

C. Requirements of the Program

1. The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two.
2. At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The housing authority will make the determination of whether to allow or disallow a deviation from the schedule based on a family’s written request.
3. Family obligation:
 - At lease execution, all adult members (18 or older) of a public housing resident family must:
 - Sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the community service requirement will result in a nonrenewal of their lease; and
 - Declare if they are exempt. If exempt, they must complete the Exemption Form (Exhibit 11-3) and provide documentation of the exemption.
 - Upon written notice from the NBHA, non-exempt family members must present complete documentation of activities performed during the applicable lease term. This documentation will include places for signatures of supervisors, instructors, or counselors, certifying to the number of hours contributed.
 - If a family member is found to be noncompliant at the end of the 12-month lease term, he or she, and the head of household, will be required to sign an agreement with the housing authority to make up the deficient hours over the next twelve (12) month period, as a condition of continued occupancy.

4. Change in exempt status:
 - If, during the twelve (12) month lease period, a non-exempt person becomes exempt, it is his or her responsibility to report this to the NBHA and provide documentation of exempt status.
 - If, during the twelve (12) month lease period, an exempt person becomes non-exempt, it is his or her responsibility to report this to the NBHA. Upon receipt of this information the NBHA will provide the person with the appropriate documentation form(s) and a list of agencies in the community that provide volunteer and/or training opportunities.

D. Authority Obligation

1. To the greatest extent possible and practicable, the NBHA will:
 - Provide names and contacts at agencies that can provide opportunities for residents, including residents with disabilities, to fulfill their community service obligations.
 - Provide in-house opportunities for volunteer work or self-sufficiency activities.
2. The NBHA will provide the family with a copy of this policy, and all applicable exemption verification forms and community service documentation forms, at lease execution.
3. Although exempt family members will be required to submit documentation to support their exemption, the NBHA will verify the exemption status in accordance with its verification policies. The NBHA will make the final determination as to whether or not a family member is exempt from the community service requirement. Residents may use the PHA's grievance procedure if they disagree with the PHA's determination.
4. Noncompliance of family member:
 - At least thirty (30) days prior to the end of the 12-month lease term, the NBHA will begin reviewing the exempt or non-exempt status and compliance of family members;
 - If, at the end of the initial 12-month lease term under which a family member is subject to the community service requirement, the NBHA finds the family member to be noncompliant, the NBHA will not renew the lease unless:
 - The head of household and any other noncompliant resident enter into a written agreement with the NBHA, to make up the deficient hours over the next twelve (12) month period; or
 - The family provides written documentation satisfactory to the NBHA that the noncompliant family member no longer resides in the unit.
 - If, at the end of the next 12-month lease term, the family member is still not compliant, a 30-day notice to terminate the lease will be issued and the entire family will have to vacate, unless the family provides written documentation satisfactory to the NBHA that the noncompliant family member no longer resides in the unit;
 - The family may use the NBHA's grievance procedure to dispute the lease termination.

All adult family members must sign and date below, certifying that they have read and received a copy of this Community Service and Self-Sufficiency Policy.

Resident

Date

Resident

Date

Resident

Date

Resident

Date

EXHIBIT 11-2: DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS 216(i)(I) and Section 1416(excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE

Social Security Act:

216(i)(1): Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term “disability” means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term “blindness” means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

Section 1416 (excerpt):

SEC. 1614. [42 U.S.C. 1382c] (a)(1) For purposes of this title, the term “aged, blind, or disabled individual” means an individual who—

(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

(B)(i) is a resident of the United States, and is either (I) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or

(ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States.

(2) An individual shall be considered to be blind for purposes of this title if he/she has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he/she is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he/she is continuously blind as so defined.

(3)(A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he/she is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

EXHIBIT 11-3: NBHA DETERMINATION OF EXEMPTION FOR COMMUNITY SERVICE

Family: _____

Adult family member: _____

This adult family member meets the requirements for being exempted from the NBHA’s community service requirement for the following reason:

- 62 years of age or older. *(Documentation of age in file)*
- Is a person with disabilities and self-certifies below that he or she is unable to comply with the community service requirement. *(Documentation of HUD definition of disability in file)*

Tenant certification: I am a person with disabilities and am unable to comply with the community service requirement.

Signature of Family Member

Date

- Is the primary caretaker of such an individual in the above category. *(Documentation in file)*
- Is working at least 30 hours per week. *(Employment verification in file)*
- Is participating in a welfare-to-work program. *(Documentation in file).*
- Meets the requirements for being exempted from having to engage in a work activity under TANF or any other State welfare program, including a State-administered welfare-to-work program *(Documentation in file)*
- Is a member of a family receiving assistance, benefits or services under TANF or any other State welfare program and has not been found to be in noncompliance with such program. *(Documentation in file)*

Signature of Family Member

Date

Signature of NBHA Official

Date