

Public Housing Admissions and Occupancy Administrative Plan
Appendix E

Tenant Rent Choice Policy

Burleigh County Housing Authority public housing tenants shall be offered rent choices between the two methods described below.

Definitions.

1. Flat rent. This is the amount of tenant rent based on the market value of the unit as determined by Burleigh County Housing Authority (BCHA), or
2. Income-based rent. This is the highest of (a) 30% of the family's monthly adjusted income, or (b) 10% of the family's monthly gross income.

Exception to rent choice based on hardship.

In accordance with 24 CFR 960.253 (f), a public housing tenant family that is paying a flat rent may at any time request a switch to income-based rent. Any request for exception to the rent choice must be presented to BCHA in writing and include the specific reasons(s) why continuing to pay the family's current rent choice will cause a hardship to the family.

For purposes of this policy, hardship includes the following:

1. The income of the family has decreased because of changed circumstances, including loss or reduction of employment, death in the family has occurred which has affected the family's income and expenses, or reduction in or loss of earnings or other assistance;
2. There has been an increase in family expenses because of changed circumstances for medical costs, child care, transportation, education, or similar items which expenses will not be reimbursed to the family';
3. There are other circumstances or situations which would cause a hardship as determined by BCHA.

Upon a written request from tenant family to switch from flat rent to income-based rent due to a hardship circumstance, BCHA will require verifiable information and documentation that a financial hardship exists. The tenant must provide all documentation and information he/she wishes BCHA to consider when making a determination within 30 days of the initial request for the rent choice exception.

If the tenant fails to provide this information within the 30-day period after the initial request is made, the request shall be void and the tenant will continue to pay the flat rent.

When a family provides the required documentation within the 30-day period, BCHA will review of all information and documentation presented by the tenant family make a determination based on the documentation which was provided. When BCHA determines that there is a financial hardship, the income-based rent rate will be certified to take effect on the first day of the month following the BCHA-approved rent re-determination.

When BCHA determines that there is not a hardship covered by the statute and this policy, the tenant rent will remain at the current level until the next annual review.

BCHA's decision will be in writing to the tenant and is subject to BCHA's grievance procedure should the tenant disagree with that decision. A copy of the grievance procedure will be mailed to the family with the notice of denial of exception to annual rent choice.

Verification Requirements when a family chooses flat rent at review.

When a family chooses flat rent, BCHA is required to verify income and expenses at least once every three years.

Verification requirements when family chooses income-based rent at review.

At the re-certification of family household composition the family will be offered choice of rent type.

Information to be provided to family by BCHA.

In order for a family to make an informed decision regarding rent choice, BCHA will provide the estimated dollar amount of income-based rent and the current flat rent. The PHA will make an estimated determination of the income-based rent from information the family provides at the review.

After BCHA has provided the estimated dollar amount of income-based rent and informed the tenant of the current flat rent, should the family then choose to pay income-based rent at this review, BCHA will require third-party written verification of all income and expenses before the final determination of tenant rent is certified to be changed for the next year.

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