

ACOP Development Guide



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CHAPTER 8:

COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENTS



This document is part of the Admissions and Continued Occupancy Policy (ACOP) Development Guide. The full ACOP Guide includes nine chapters on different topics addressed in a typical ACOP.

To see the full ACOP Guide go to:

<https://www.hudexchange.info/programs/public-housing/admissions-and-continued-occupancy-policy-toolkit/>

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CHAPTER 8:

COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENTS

OVERVIEW

The purpose of this chapter is to provide PHAs with guidance for incorporating Community Service and Self-Sufficiency Requirement (CSSR) policies into the Admissions and Continued Occupancy Policy (ACOP). PHAs must establish community service and self-sufficiency requirements in accordance with the Quality Housing and Work Responsibility Act of 1998 (P.L. 105-276).

In the ACOP, a PHA should describe eligible activities, responsibilities of both the PHA and residents, and how compliance is documented. All PHAs operating a Public Housing Program, including PHAs participating in the Moving to Work demonstration, must comply with the CSSR.

In addition to the applicable regulations, PHAs should reference the following PIH Notices when establishing CSSR policies and rules in the ACOP:

- Notice PIH-2015-12 (HA): Administering the Community Service and Self-Sufficiency Requirement

Notice PIH-2016-06 (HA): Administering the Self-Certification Flexibility when Verifying Community Service and Self Sufficiency Requirement (CSSR) Compliance When drafting CSSR policies, PHAs must consider the distinction between **Mandatory** (non-Discretionary) and **Discretionary** policies.



Mandatory Policies

Mandatory policies must comply with HUD and other regulations and must be included in the ACOP. Mandatory policies are those prescribed in statute and regulation that must be part of the ACOP and for which PHAs have no flexibility.



Discretionary Policies

Discretionary policies are areas where the PHA has flexibility to define policies, typically within a given set of parameters. They may be unique to the PHA and based on industry best practices. These policies must still comply with Federal, State and local laws as well as HUD guidance.

TOPICS COVERED IN THIS CHAPTER

The following are key components addressed in this chapter.

- 8.1.** Applicability
- 8.2.** Requirements
- 8.3.** Exemptions from the CSSR
- 8.4.** Eligible Community Service Activities
- 8.5.** Eligible Economic Self-Sufficiency Programs
- 8.6.** Determining Compliance
- 8.7.** Non-Compliance

Learn More About the Community Service and Self-Sufficiency Requirement in the Public Housing Occupancy Guidebook

This chapter outlines the U.S. Department of Housing and Urban Development's (HUD) requirements on how to administer the Community Service and Self-Sufficiency requirement. The Guidebook chapter describes eligible activities, responsibilities of both the PHA and residents, and how PHAs are to document compliance.



COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT

8.1. APPLICABILITY



Helpful Tips

- ✓ While the ACOP will include the parameters of an agency's CSSR policy, it is a best practice to develop a resident-facing document with the details of the policy. In this sample ACOP language, the PHA provides families with a copy of the agency's CSSR policy on multiple occasions, including at admission, at lease renewal, whenever a family member is determined to be subject to the CSSR during the lease term, and at any time upon the family's request.
- ✓ HUD recommends that the PHA at least provide the policy at initial admission and secure certification of receipt.



Mandatory Policies

- All PHAs operating a Public Housing Program, including PHAs participating in the Moving to Work demonstration, must comply with the CSSR.
- PHAs must provide the family a copy of the CSSR policy describing, at a minimum, the service requirement, the process for claiming exempt status and how the PHA will verify compliance (24 CFR § 960.605(c)).



Discretionary Policy Considerations

- PHAs do not have discretion about implementing this policy.

Sample ACOP Language

APPLICABILITY

The **USA HOUSING AGENCY** is mandated by Section 6(1) of the United States Housing Act of 1937 as amended by Section 512 of the Quality Housing and Work Responsibility Act (QHWRA) to implement and administer a Public Housing Community Service and Self-Sufficiency requirement for all non-exempt public housing residents 18 years and older to perform at least eight (8) hours per month in community service or an economic self-sufficiency program.

The **USA HOUSING AGENCY** may not renew or extend any lease for a dwelling unit in public housing for any household that includes an adult member who was subject to the requirement and failed to comply with this requirement.

The PHA will provide the family with a copy of the Community Service and Self-Sufficiency Requirement Policy at admission, at 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.

In administering the community service and self-sufficiency requirement, the **USA HOUSING AGENCY** will comply with all applicable nondiscrimination and equal opportunity requirements.

8.2. REQUIREMENTS



Helpful Tips

- ✓ It is a best practice to develop standard forms for residents to use so they can report their hours each year in a compliant and efficient manner.



Mandatory Policies

- The CSSR mandates that each non-exempt adult household member (18 years or older) either contribute 8 hours per month of community service or participate in an economic self-sufficiency program for 8 hours per month. The requirement also can be met with a combined 8 hours per month of community service and participation in an economic self-sufficiency program.
- PHAs must require every non-exempt adult member of the household to participate in community service or self-sufficiency activities for at least 8 hours per month and report the CSSR activities to the housing authority (24 CFR § 960.603).



Discretionary Policy Considerations

- PHAs have discretion to allow non-exempt household members to complete the requirement by aggregating the 96 hours over the course of a year. Fewer than eight hours may be earned each month, but a total of 96 hours must be completed each year.

Sample ACOP Language

REQUIREMENTS

All non-exempt adult, 18 years or older, public housing household members must satisfy the following requirements:

- Perform a total of eight (8) hours per month of community service (not including political activities) within the community in which that adult resides. The community service hours given can be a combination of volunteer activities; or
- Participate in an economic self-sufficiency program for eight (8) hours per month; or
- Perform eight (8) hours per month of combined activities (community service and economic self-sufficiency programs).

Fewer than eight (8) hours may be earned each month, but a total of ninety-six (96) hours must be completed before the resident's next annual reexamination.

All non-exempt adult family members must, upon notice from **USA HOUSING AGENCY**, present complete documentation of CSSR activities performed during the previous year. At each annual reexamination, non-exempt family members must present a completed documentation of activities performed over the previous twelve (12) months, or a self-certification.

At lease execution or re-examination, all adult members (18 or older) of a public housing resident family must:

1. Provide documentation that they are exempt from Community Service and Self-Sufficiency requirement, if they qualify for an exemption, and
2. Sign a certification that they have received and read the agency's policy and understand that if they are not exempt, failure to comply with the Community Service and Self-Sufficiency requirement will result in non-renewal of their lease.

If a family member is found to be noncompliant at re-examination, he/she and the Head of Household will sign an agreement with **USA HOUSING AGENCY** to make up the deficient hours over the next twelve- (12) month period or certify that the non-compliant family member is no longer in the household.

Live-in aides are not subject to community service requirements.

8.3. EXEMPTIONS FROM THE CSSR



Helpful Tips

- ✓ PHAs set out in their ACOP how the PHA determines if an individual is exempt from the CSSR and the documentation needed to support the exemption.



Mandatory Policies

- PHAs must establish clear guidelines about who is exempt from CSSR. Residents who are exempt from CSSR include:
 - Adults age 62 and over.
 - Blind or disabled residents, and who certify that, because of this disability, they are unable to comply with the service provisions (or are a primary caretaker of such individual).
 - Residents who are engaged in work activities as defined in Section 407(d) of the Social Security Act (42 U.S.C. § 607(d)). These work activities are defined as:
 - 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 equivalency, in the case of a recipient who has not completed secondary school or received such a certificate.
 - The provision of childcare services to an individual who is participating in a community service program.
 - Residents currently participating in and meeting the requirements of a state-administered Welfare-to-Work program, or any other welfare program of the state in which the PHA is located.



Discretionary Policy Considerations

- Work experience is not defined in Section 407(d) of the Social Security Act. Therefore, PHAs may describe work experience in their policies. PHAs are encouraged to use 30 hours per week as the minimum number of hours for a work activity as described in Section 407(d) of the Social Security Act and implementing regulations (45 CFR § 261.31).
- PHAs may use reasonable guidelines to clarify the statutory list of work activities, as described in Section 407(d) of the Social Security Act, in coordination with the applicable Temporary Assistance to Needy Families (TANF) agency, as appropriate. For reference, the list of work activities is listed above in the “Mandatory Policies” section.

Sample ACOP Language

EXEMPTIONS FROM THE CSSR

All residents claiming an exemption must complete a Community Service and Self-Sufficiency Requirement Exemption Form and provide any necessary documentation needed to support their request. A request for exemption can be submitted at any time and approved exemptions will be effective immediately. Persons age 62 and older are automatically exempt and do not need to request an exemption. All remaining exemptions require third-party verification.

Exemptions are given to any individual who:

1. Is 62 years of age or older.
2. Is a blind or disabled individual, as defined in Section 216 or 1614 of the Social Security Act, and who is unable to comply with this section; or who is the primary caretaker of such individual.
3. Is temporarily disabled and unable to comply with this section; temporary disability is defined as lasting for a duration of four weeks or longer (requires medical verification from health care provider).
4. Meets the requirements for being exempted from having to engage in a work activity under the state program funded under part A of title IV of the Social Security Act or under any other welfare program of the state in which the PHA is located, including state-administered Welfare-to-Work programs; or
5. 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 in which the PHA is located (including Supplemental Nutritional Assistance Program (SNAP)), including state-administered Welfare-to-Work program, and has not been found by the state or other administering entity to be in noncompliance with such a program.
6. Is engaged in a work activity, as defined in Section 407(d) of the Social Security Act, at least 30 hours per week, including:
 - Employment (unsubsidized or subsidized, public or private sector).
 - 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.
 - Community service programs.
 - Vocational educational training (not to exceed 12 months for 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; and
 - Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate.

8.4. ELIGIBLE COMMUNITY SERVICE ACTIVITIES



Helpful Tips

- ✓ As a best practice, PHAs should include in the ACOP examples of activities that are eligible to satisfy CSSR obligations.
- ✓ In this sample ACOP, the community service activities and economic self-sufficiency activities are discussed in two separate sections. PHAs may choose to address both types of activities in one section or separate into two sections.
- ✓ PHAs are not required to offer a list of participating agencies, but it is considered a best practice and mention of the list can be incorporated into the ACOP.



Mandatory Policies

- PHAs must include the definitions of the eligible types of activities for both community service and economic self-sufficiency programs in the ACOP. The definition and example of community service activities are discussed below.
- Community service means performing 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)). Community service activities may include the following examples:
 - Community organization volunteer programs
 - Participating and assisting with resident council activities
 - Volunteering at local schools, youth organizations, and social service projects
 - Organizing or participating in community projects
 - Volunteering for community outreach or awareness activities for the PHA, non-profits, or other organizations
 - Volunteering for PHA community watch programs and building monitoring
- PHAs must not substitute community service activities performed by a resident for work ordinarily performed by a PHA employee.
- Participating in activities that violate the PHA's lease cannot be used to satisfy CSSR obligations.



Discretionary Policy Considerations

- PHAs may form their own policy for accepting community service at profit-motivated entities, volunteer work performed at homes or offices of private citizens, and court-ordered or probation-based work.
- Residents may complete community service on a PHA property or with or through PHA programs to assist with or enhance work done by a PHA employee (24 CFR § 960.609). As a reminder, PHAs must not substitute community service activity performed by a resident for work ordinarily performed by a PHA employee.
- PHAs have discretion about whether to include a list of sample activities that may satisfy the CSSR obligation and those that do not within the ACOP.
- PHAs have discretion to determine whether to directly administer CSSR activities or engage a third party to assist residents with CSSR activities and requirements.
- PHAs can develop and make available to tenants a referral list of local agencies, non-profits, faith-based and other organizations that may have volunteer activities to help satisfy monthly community service requirements.
- PHAs can also coordinate with social service agencies, local schools, and human service offices to develop a referral list of names and agency contacts.

Sample ACOP Language

ELIGIBLE COMMUNITY SERVICE ACTIVITIES

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)). Volunteer work or activities include, but are not limited to, the following:

1. Resident Council membership activities.
2. Care for children so other residents can complete community services requirements.
3. Local public or nonprofit institutions, such as schools, Head Start programs, before- or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing).
4. Nonprofit organizations serving PHA residents or their children, such as Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, organized children's recreation, mentoring, or education program, Big Brothers or Big Sisters, community clean-up programs, beautification programs.
5. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels.
6. 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.
7. Volunteering to work with Housing Authority property in a way that improves the grounds or provides 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, outreach and assistance with PHA-run self-sufficiency activities including supporting computer learning centers.
8. Care for the children of other residents so parents may work or volunteer; and
9. Court-ordered and/or probationary work.

To assist residents in completing community services and self-sufficiency requirements, the ***USA HOUSING AGENCY*** has provided a list of agencies and organizations where residents may find eligible activities.

8.5. ELIGIBLE ECONOMIC SELF-SUFFICIENCY PROGRAMS



Helpful Tips

- ✓ As a best practice, PHAs should include in the ACOP examples of activities that are eligible to satisfy CSSR obligations.



Mandatory Policies

- PHAs must include the definitions of the eligible types of activities for both community service and economic self-sufficiency programs in the ACOP. The definition and example of economic self-sufficiency activities are discussed below.
- An economic self-sufficiency program means any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families (24 CFR § 5.603). Economic self-sufficiency activities may include the following examples:
 - Job readiness or job training while unemployed
 - 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
 - Higher education (community college or university)
 - Trade schools and apprenticeships (formal or informal)
 - Substance abuse or mental health counseling
 - Reading, financial and/or computer literacy classes
 - English as a second language and/or English proficiency classes
 - Budgeting and credit counseling



Discretionary Policy Considerations

- PHAs with a Resident Opportunities for Self-Sufficiency (ROSS) Service Coordinators program, Family Self Sufficiency (FSS) program, or other similar supportive services program may coordinate Individual Training and Services Plans (ITSPs) with CSSR.
- Specific CSSR activities may be included in ITSPs to enhance a person's progress towards self sufficiency.
- Regular meetings with PHA coordinators may satisfy CSSR activities; ROSS or other PHA Service Coordinators or FSS Program Coordinators may verify CSSR hours within individual monthly logs.

Sample ACOP Language

ECONOMIC SELF-SUFFICIENCY PROGRAMS

For purposes of satisfying the Community Service and Self Sufficiency requirement, **USA HOUSING AGENCY** recognizes any 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:

1. Job readiness or job training
2. 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.
3. Employment counseling, work placement, or basic skills training
4. Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes.
5. Apprenticeships (formal or informal)
6. English proficiency or English as a second language classes
7. Budgeting and credit counseling
8. Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF)
9. Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)
10. Activities documented in an FSS or ROSS Individual Training and Services Plan. Since **USA HOUSING AGENCY** has a ROSS Service Coordinators program and a Family Self Sufficiency (FSS) program, **USA HOUSING AGENCY** may coordinate Individual Training and Services Plans (ITSPs) with CSSR. The ITSP is a tool to plan, set goals and track movement towards self-sufficiency through education, work readiness and other supportive services such as health, mental health and work supports. Specific CSSR activities may be included in ITSPs to enhance a person's progress towards self-sufficiency. Regular meetings with **USA HOUSING AGENCY** coordinators may satisfy CSSR activities and **USA HOUSING AGENCY** Service Coordinators or FSS Program Coordinators may verify community service and self-sufficiency hours within individual monthly logs.

8.6. DETERMINING COMPLIANCE



Helpful Tips

- ✓ The Public Housing Guidebook chapter on CSSR offers three sample documents, two of which PHAs can customize for use. The documents include:
 - Exhibit 1 – Sample Entrance Acknowledgement
 - Exhibit 2 – Sample Annual Renewal Certification
 - Exhibit 3 – Self-Certification Sampling Methodology



Mandatory Policies

- The PHA must review family compliance with service requirements and must verify such compliance annually at least 30 days before the end of the 12-month lease term (24 CFR § 960.605 (c)(3)).
- The PHA must give the family a written description of the service requirement, and of the process for claiming status as an exempt person and for PHA verification of such status (24 CFR § 960.605 (c)(2)).
- The PHA must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt persons (24 CFR § 960.605 (c)(1)).
- If electing self-certification, PHAs must include a policy in the ACOP describing the reporting process during the tenant's Annual Reexamination (24 CFR § 960.605). In this, the PHA must also notify the family that it will be validating a sample of self-certifications of completion of the service requirement accepted by the PHA under § 960.607(a)(1)(ii).

The self-certification must include the following information (24 CFR § 960.607(a)(2)):

- A statement that the resident has completed the number of hours required and this statement is subject to penalties of perjury.
- A description of the activity (community service or self-sufficiency) that the resident completed.
- The name of the organization or person for which the activity was completed.
- The address of the organization or person.
- A contact person in the organization or the person for which the activity was completed.
- PHAs must include a policy in the ACOP that describes the consequences for submitting fraudulent CSSR certifications (24 CFR § 960.607).



Discretionary Policy Considerations

- PHAs have discretion about whether to allow tenants to self-certify their hours.
- For PHAs that choose to offer a self-certification option, it is a best practice to develop a self-certification form or system for tenants to report CSSR activities.
- If qualifying activities are administered by an organization other than the PHA, the PHA may obtain verification of family compliance from such third parties or may accept a signed certification from the family member that he or she has performed such qualifying activities (24 CFR § 960.605 (c)(3)).
- PHAs have discretion to develop policies for reporting changes in exempt or non-exempt status.
- PHAs have discretion to develop a monitoring and tracking system to record and report tenant CSSR activities.
- As a best practice, PHAs may require that all adult family members (18 or older):
 - Provide documentation, if applicable, that they qualify for an exemption; the PHA will use the documentation to determine whether the tenant is exempt from the CSSR; and
 - Sign a certification, or acknowledgement form, that they have received and read the policy and understand that if they are not exempt, failure to comply with the community service and self-sufficiency requirement will result in nonrenewal of their lease.

Sample ACOP Language

ANNUAL DETERMINATIONS

On an annual basis, at the time of lease renewal, the USA HOUSING AGENCY will notify the family in writing of the family members who are subject to the community service and self-sufficiency requirement and the family members who are exempt. If the family includes nonexempt individuals the notice will include 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.

Sample ACOP Language

DOCUMENTATION OF CSSR COMPLIANCE

At each regularly scheduled reexamination, each non-exempt family member will present a signed certification form developed by the **USA HOUSING AGENCY** to record community service and self-sufficiency activities performed over the last 12 months.

USA HOUSING AGENCY will provide the family members required to perform community services with community service documentation forms at admission, at lease renewal, when a family member becomes subject to the community service and self-sufficiency requirement during the lease term, or upon request by the family.

Everyone who is subject to the CSSR 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.

USA HOUSING AGENCY will retain documentation of service requirement performance or exemption in participant files, including certification forms.

USA HOUSING AGENCY will validate a sample of self-certifications with the third party for whom the resident completed the community service or self-sufficiency activity. The sample of self-certifications the PHA validates must be a statistically valid, random sample.

SELF-CERTIFICATION OF HOURS

USA HOUSING AGENCY has exercised the option to accept self-certifications should residents choose to use this method instead of signing the **USA HOUSING AGENCY** designed form. If a signed self-certification is used to verify CSSR requirements, the signed self-certification must include the following:

- A statement that the resident contributed at least 8 hours per month, or a total or combined total of 96 hours for the applicable 12-month term, of community service not including political activities within the community in which the adult resides; or participated in an economic self-sufficiency program for at least 8 hours per month.
- The name, address, and a contact person at the community service provider; or the name, address, and contact person for the economic self-sufficiency program.
- The date(s) during which the resident completed the community service activity or participated in the economic self-sufficiency program.
- A description of the activity completed.
- A certification that the resident's statement is true.

As required by amended 24 CFR § 960.605, since **USA HOUSING AGENCY** elects to accept self-certifications, it must validate a sample of self-certifications with the third party for whom the resident completed the community service or self-sufficiency activity. The sample of self-certifications that **USA HOUSING AGENCY** validates must be a statistically valid, random sample.

Sample ACOP Language

ACKNOWLEDGEMENT FORM

At lease execution and at least 90 calendar days prior to the lease anniversary date, each adult member (18 or older) of a federally assisted housing resident household must sign an acknowledgement that he/she has received and read the CSSR. Further the resident acknowledgement includes a statement that the resident understands that failure to comply with the CSSR will result in nonrenewal of the lease.

At lease execution and at least 90 calendar days prior to the lease anniversary date each exempt adult member must provide documentation that they are exempt from the CSSR.

FRAUDULENT ACTIVITY

If **USA HOUSING AGENCY** has reasonable cause to believe that the certification provided by the household is false or fraudulent, **USA HOUSING AGENCY** has the right to request additional documentation to verify CSSR participation and to require third-party verification.

CHANGE IN STATUS BETWEEN ANNUAL DETERMINATIONS

If, during the 12-month period, a non-exempt resident or adult authorized member of the household becomes exempt, it is his/her responsibility to report this to the property manager and provide documentation of the qualifying exemption. If, during the 12-month period, an exempt resident or adult authorized member of the household becomes non-exempt, it is his/her responsibility to report this to the property manager. **USA HOUSING AGENCY** will compute the number of hours for which the person is responsible for fulfilling the CSSR based on the number of months the individual is non-exempt during the 12-month period.

Individuals must notify **USA HOUSING AGENCY** within 14 calendar days of receiving knowledge of the change in their condition or circumstances that makes them ineligible for an exemption. **USA HOUSING AGENCY** will provide the individual with written 30-day notice of the effective date of the CSSR requirement, the appropriate form(s), and a list of agencies in the community that provide volunteer and/or training opportunities. The CSSR for such persons will begin the first of the month following the 30-day notice from **USA HOUSING AGENCY**.

8.7. NON-COMPLIANCE



Helpful Tips

- ✓ There is an important distinction that PHAs should make clear in this section of the ACOP: non-compliance with the agency's CSSR is grounds for non-renewal of the lease at the end of the twelve-month lease term, but not for eviction during the twelve-month lease term.



Mandatory Policies

- The ACOP must describe the consequences for non-compliance with CSSR obligations. However, eviction must not be a consequence for non-compliance with CSSR (24 CFR § 960.603(b)).
- The PHA must provide written notification to the tenant of the non-compliance which must include a brief description of the finding of non-compliance with the CSSR and a statement that the PHA will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with the PHA, or the family provides written assurance that is satisfactory to the PHA explaining that the tenant or other noncompliant resident no longer resides in the unit.
- Additionally, the PHA's notice to the tenant must state that the tenant may request a grievance hearing on the PHA determination, in accordance with 24 CFR Part 966, subpart B, and the tenant may exercise any available judicial remedy to seek timely redress for the PHA's nonrenewal of the lease because of such determination (24 CFR § 960.607(b)).
- If the tenant or another family member has violated the service requirement, the PHA may not renew the lease upon expiration of the term unless (24 CFR § 960.607(c)) the tenant, or other noncompliant family member, enters into a written agreement with the PHA, as prescribed by the PHA, to remedy the noncompliance by completing the additional service hours needed to make up the total number of hours required over the 12-month term of the new lease, and all other nonexempt family members are currently complying with the service requirement or are no longer residing in the unit.
- If a family member refuses to sign a written work-out agreement or fails to comply with the terms of the work-out agreement, PHAs must initiate termination of tenancy proceedings at the end of the current 12-month lease since the family is failing to comply with lease requirements.
- When initiating termination of tenancy proceedings, the PHA will provide the following procedural safeguards in accordance with its grievance procedure (24 CFR § 966.53(c)):
 - Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease.
 - Right of the tenant to be represented by counsel.
 - Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,
 - A decision on the merits.



Discretionary Policy Considerations

- PHAs can determine the timeline of notifying households of non-compliance as long as there is sufficient time to request a grievance hearing. It is a best practice to give households at least 10 business days to contact the PHA and enter into a written agreement that lays out how they will come into compliance over the course of the next 12 months.

Sample ACOP Language

NOTICE OF NON-COMPLIANCE

If **USA HOUSING AGENCY** finds that a tenant is non-compliant with CSSR, then they will provide written notification to the tenant of the non-compliance which must include:

- A brief description of the finding of non-compliance with CSSR.
- A statement that the **USA HOUSING AGENCY** will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with **USA HOUSING AGENCY**, or the family provides written assurance that is satisfactory to the **USA HOUSING AGENCY** explaining that the tenant or other noncompliant resident no longer resides in the unit. Such written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement.

The notice of non-compliance will be sent at least 45 days prior to the end of the lease term. The family will have 10 business days from the date of the notice of non-compliance to enter into a written agreement to cure the non-compliance over the 12-month term of the new lease, provide documentation that the non-compliant 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 head of household must certify that the noncompliant family member has vacated the unit.

If the family does not request a grievance hearing or does not take either corrective action required by the notice of non-compliance within the required 10 business day timeframe, the **USA HOUSING AGENCY** will terminate tenancy in accordance with the policies in its Admissions and Continued Occupancy Policy (ACOP).

REMEDY OF NON-COMPLIANCE

In order for the resident to remedy the non-compliance, the resident must enter into an agreement before the expiration of the lease term to complete the Community Service and Self-Sufficiency Requirement by contributing as many additional hours as the resident needs to comply in aggregate with such requirement over the twelve (12) month term of the lease.

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

Notices of 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 family will have 10 business days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

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