

Chapter 11

COMMUNITY SERVICE

INTRODUCTION

This chapter explains HUD regulations requiring DMMHA to implement a community service program for all nonexempt adults living in public housing.

This chapter describes HUD regulations and DMMHA policies related to these topics in two parts:

Part I: Community Service Requirements. This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency.

PART I: COMMUNITY SERVICE REQUIREMENT

11-I.A. OVERVIEW

HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609).

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)].

11-I.B. REQUIREMENTS

Each adult resident of the DMMHA, 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 required community service or self-sufficiency activity may be completed 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification of compliance [Notice PIH 2015-12].

Definitions

Exempt Individual [24 CFR 960.601(b), Notice PIH 2015-12]

An *exempt individual* is an adult who:

- 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
- Is engaged in work activities (see page 11-4)

The DMMHA will consider **25** hours per week as the minimum number of hours needed to qualify for a work activity exemption.

- Is able to meet requirements of being exempted 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 DMMHA is located, including a state-administered welfare-to-work program
- This exemption applies to anyone whose characteristics or family situation meet the welfare agency exemption criteria and can be verified.
- If 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 DMMHA is located, including a state-administered welfare-to-work program and the supplemental nutrition assistance program (SNAP), and has not been found by the state or other administering entity to be in noncompliance with such program.

Community Service [24 CFR 960.601(b), Notice PIH 2015-12]

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 public or nonprofit institutions such as schools, head start programs, before or after school programs, child care centers, hospitals, clinics, 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 closets (distributing donated clothing)
- Nonprofit organizations serving DMMHA residents or their children such as: Boy or Girl Scouts, Boys or Girls Club, 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, beautification programs
- Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels
- 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
- Care for the children of other residents so parent may participate in a community service program

Economic Self-Sufficiency Program [24 CFR 5.603(b), Notice PIH 2015-12]

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, while not employed
- 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 [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

Notification Requirements [24 CFR 960.605(c) (2), Notice PIH 2015-12, Notice PIH 2016-06]

Upon lease signing the DMMHA must give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process for DMMHA verification of exempt status. The DMMHA 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. In addition, the family must sign a certification, Entrance Acknowledgement, that they have received and read the policy and understand that if they are not exempt, failure to comply with the requirement will result in nonrenewal of their lease. The family must also sign a certification at annual reexamination certifying that they understand the requirement.

The family will be given a list of DMMHA pre-approved agencies that the family may use to fulfill this requirement 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.

On an annual basis, at the annual recertification appointment, the family members will execute a community service and self sufficiency certification form. This form details which family members are subject to the community service requirement and the family members who are exempt. The family will be given a list of DMMHA pre-approved agencies that the family may use to fulfill this requirement 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.

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

On an annual basis, at the time of lease renewal, DMMHA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt.

If DMMHA denies a request for exemption, and if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under the PHA's grievance procedure per Chapter 14 of this ACO.

The DMMHA must review and verify family compliance with service requirements annually at least thirty days before the end of the twelve-month lease term. The policy for documentation and verification of compliance with service requirements may be found at Section 11-I.D., Documentation and Verification.

Annual Determination

Determination of Compliance

The DMMHA must review resident family compliance with service requirements annually at least 30 days before the end of the twelve-month lease term [24 CFR 960.605(c)(3)]. As part of this review, the DMMHA must verify that any family member that is not exempt from the community service requirement has met his or her service obligation.

Approximately 90 days prior to the end of the lease term, the DMMHA will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have 14 calendar days to submit the PHA required documentation form(s) and/or sign a Community Service Agreement in which the family agrees to complete additional hours of community service in addition to the mandatory 8 hours per month during the next twelve-month period until the family is no longer delinquent.

If the family fails to submit the required documentation within the required timeframe, or DMMHA approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 11-I.E., Noncompliance.

Change in Status between Annual Determinations

Exempt to Nonexempt Status

If an exempt individual becomes nonexempt during the twelve-month lease term, it is the family's responsibility to report this change to the DMMHA in writing within 14 calendar days.

The DMMHA will provide written notice to the family 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.

Determination of Initial Compliance

When an adult family member becomes subject to community service, he or she must perform 8 hours of community service for the months he or she is subject to the requirement before the end of the lease term (anniversary date).

Nonexempt to Exempt Status

If a nonexempt person becomes exempt during the twelve-month lease term, it is the family's responsibility to report this change to the DMMHA in writing within 14 calendar days. Any claim of exemption will be verified by the DMMHA in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

The DMMHA will provide the family written notice that the family member is no longer subject to the community service requirement, if the DMMHA is able to verify the exemption.

The exemption will be effective immediately.

11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c) (4), 960.607, Notice PIH 2016-08]

The DMMHA must retain reasonable documentation of service requirement performance or exemption in participant files.

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 and self – sufficiency certification form.

The PHA will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7.

Documentation and Verification of Compliance

If anyone in the family is subject to the community service requirement, the DMMHA 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 DMMHA, upon request by the DMMHA or at least annually.

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

11-I.E. NONCOMPLIANCE

Noncompliant Residents 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)].

DMMHAs may not evict a family due to CSSR noncompliance. However, if DMMHA finds a tenant is noncompliant with CSSR, the DMMHA must provide written notification to the tenant of the noncompliance which must include:

- A brief description of the finding of non-compliance with CSSR.

A statement that the DMMHA 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 DMMHA or the family provides written assurance that is satisfactory to the DMMHA 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 [24 CFR 960.607(c), Notice PIH 2015-12].

The notice must also state that the tenant may request a grievance hearing on the DMMHA's determination, in accordance with the DMMHA's grievance procedures.

A letter of noncompliance will be sent at least 90 days prior to the end of the lease term.

The family will have three opportunities to contact DMMHA to enter into a written agreement to cure the noncompliance over the 12-month term of the new lease or provide documentation that the noncompliant resident no longer resides in the unit.

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 DMMHA 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 enter into a written agreement to cure the noncompliance or does not provide documentation that the noncompliant resident no longer resides in the unit, DMMHA will issue a Notice to Cure the Lease Violation, which will give the family a grievance hearing opportunity.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice to cure the lease violation within the required 14-day timeframe, the DMMHA will terminate tenancy in accordance with the policies in Section 13-IV.D.

Continued Noncompliance [24 CFR 960.607(b) (c)]

Should a family member refuse to sign a written agreement, or fail to comply with the terms of the agreement, DMMHA is required to initiate termination of tenancy proceedings at the end of the current 12-month lease (see 24 CFR 966.53(c)) for failure to comply with lease requirements.

Notices of lease violation will be sent at least 30 days prior to the end of the lease term. 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 14 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 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 DMMHA 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 noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 14-day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.