



CITY OF WARWICK
OFFICE OF THE CITY CLERK
3275 POST ROAD
WARWICK, RHODE ISLAND 02886
TEL. (401) 738-2000, ext. 6221
FAX (401) 732-7640
T.D.D. 739-9150

SCOTT AVEDISIAN
MAYOR

JUDY WILD
CITY CLERK

June 30, 2016

Jonah Blumenthal
Jonah_blumenthal@brown.edu

Re: Public Request
Response complied by Mike Lyckland, Warwick Housing
The information attached will complete the request.

Dear Mr. Blumenthal:

I am responding to you regarding your access to public request from June 21, 2016 for information from the City of Warwick.

Record(s) Requested:

1 " I am requesting records related to the rules and regulations pertaining to the application process for public housing, In particular, I am requesting: This document (often within the housing authority's bylaws but not always) should explain the fules in place, and the rules that are currently being followed by your housing authority pertaining to the process of applying for public housing."

Response: Documentation is attached.

In accordance with RIGL 38-2-8, you may wish to appeal this decision to Mayor Scott Avedisian (3275 Post Road, Warwick, RI 02886). You may also wish to file a complaint with the Department of the Attorney General (150 South Main Street, Providence, RI 02903) or the Rhode Island Superior Court of the county where the record(s) are maintained. It is also my understanding that additional information concerning the Access to Public Records Act may be available through the Attorney General's website at www.riag.ri.gov.

Thank you for your interest in keeping government open and accountable to the public
Sincerely,

/s/Judy Wild
Judy Wild, City Clerk

4.1. Eligibility for admission and continued occupancy

A. Eligibility for admission. Only those applicants who qualify in accordance with the following are eligible for admission to public housing operated by the Authority:

(1) Those who qualify as a family.

[a] Family. "Family" means one (1) or more persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage or operation of law; an elderly family or single person as defined in this 4-1; the remaining member of a tenant family, or a displaced person; or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

[b] Elderly family. "Elderly family" means a family whose head or spouse or whose sole member is at least sixty-two (62) years of age or disabled, as defined in this section, or handicapped, as defined in this section, and may include two (2) or more elderly, disabled or handicapped persons living together or one (1) or more such persons living with another person who is determined to be essential to his or her care and well being. An elderly family may include one (1) or more live-in care attendants, as necessary.

[c] Near Elderly family. "Near Elderly family" is defined as a family whose head or spouse or sole member is at least fifty-five (55) years of age.

[d] Disabled person. "Disabled person" means a person who is under a disability as defined in Section 223 of the Social Security Act or in Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970.

[1] Section 223 of the Social Security Act defines disability as:

[a] The 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 which has lasted or can be expected to last for a continuous period of not less than twelve (12) months: or

[b] In the case of an individual who has attained the age of fifty-five (55) and is blind [within the meaning of "blindness" as defined in Section 416(I)(1) of this title], the inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time.

[2] Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 defines disability as "a disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition of an individual found by the Secretary of Health, Education and Welfare to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely and which constitutes a substantial handicap to such individual."

[e] Handicapped person. "Handicapped person" means a person having a physical or mental impairment that is expected to be of long continued and indefinite duration, substantially impedes his or her ability to live independently and is of such a nature that such ability could be improved by more suitable housing.

[f] Live-in aide. "Live-in aide" means a person who resides with an elderly, disabled or handicapped person(s) and who is determined by the Authority to be essential to the care and well-being of the person(s); is not obligated for support of the person(s); and would not be living in the unit except to provide necessary supportive services. Relatives are not automatically excluded. The relative must meet the requirements as stated above to qualify. The income of this person would be excluded.

- (2) Those whose aggregate family income does not exceed the approved income limits published by HUD.
- (3) Those who can be housed under the occupancy standards set forth in 4-3.

- (4) Citizenship eligible immigration status. The Authority will consider the citizenship or eligible immigration status of all applicants and tenants and all members of the applicant or tenant's family in determining eligibility for its housing programs.
- (5) In accordance with the 1996 Housing Opportunity Extension Act, the Authority must declare an applicant family ineligible for admission to public housing for three years if any family member has been evicted from public housing, Indian housing, Section 23 or any Section 8 program because of drug related criminal activity. The three year date shall start on the date of the eviction.

Drug related criminal activity is defined as the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance.

- B. Eligibility for continued occupancy. There are to be eligible for continued occupancy only those families who continue to qualify under the requirements of Subsection A.

4-2 Application records; outreach and statement of nondiscrimination.

A. Policy: outreach methods

- (1) The Housing Authority shall affirmatively market fair housing opportunities to sustain an active waiting list for admission to public housing.

B. Policy: occupancy records

- (1) The Authority will keep a copy of each tenant's application for admission to public housing in the tenant's file. Any other occupancy information the Authority collects must be retained for at least three (3) years or until audited by HUD, whichever occurs later. This would include data on current applicants and tenants and applications from people who were never admitted.
- (2) The Authority will document its determination that an applicant is eligible and meets the Authority's admission standards. The Authority must also document its determination that an applicant is ineligible, does not meet

its admission standards or will be dropped from the waiting list for any other reason.

- (3) The Authority will maintain a record of the dwelling units offered to an applicant, including the location, date and circumstances of each offer and each rejection or acceptance. If the applicant rejected the unit, the Authority must note the reason for the rejection.

C. Policy: nondiscrimination.

- (1) The Authority is responsible for conducting the admissions process in a manner in which all persons interested in admission to public housing are treated fairly and consistently.
- (2) The Authority will not discriminate at any stage of the admissions process because of race, color, national origin, religion, creed, sex, age or handicap. The Authority is bound by the nondiscrimination requirements of federal, state and local law. In particular, the Authority will abide by the nondiscrimination requirements of:
 - (a) Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color or national origin in programs receiving federal financial assistance;
 - (b) Title VIII of the Civil Rights Act of 1968, which prohibits discrimination based on race, color, religion, national origin or sex in the sale, rental or advertising of housing.
 - (c) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on handicap in programs receiving federal financial assistance;
 - (d) The Age Discrimination Act of 1975, which prohibits discrimination based on age in programs receiving federal financial assistance; and
 - (e) Executive Order 11063, which requires HUD to take whatever action is necessary to prohibit discrimination based on race, color, national origin,

religion (creed) or sex in housing receiving federal financial assistance.

- (3) The Authority will not, on the grounds of race, color, national origin, religion, sex or handicap:
 - (a) Deny a person admission to public housing;
 - (b) Provide housing which is different than that provided others;
 - (c) Subject a person to segregation or disparate treatment;
 - (d) Restrict a person's access to any benefit enjoyed by others in connection with the public housing program;
 - (e) Treat a person differently in determining eligibility or other requirements for admission;
 - (f) Deny a person access to the same level of services; or;
 - (g) Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the public housing program.
- (4) The Authority will not deny physically handicapped persons an opportunity to apply for public housing due to inaccessible application offices.
- (5) The Authority will make sure that all employees who are involved in the admissions process are familiar with HUD's nondiscrimination requirements.
- (6) The Authority will prominently display a fair housing poster at the office where applications are taken.
- (7) The Authority will maintain the information HUD needs to determine that the public housing program is being operated in a nondiscriminatory manner.

4-3 Application for admission; determination of eligibility.**A. Policy on taking applications.**

- (1) Before the Authority can put a family on the waiting list or admit a family as a tenant, it must obtain a written application which includes all the information the Authority needs to determine eligibility.
- (2) Applications may be made in person at the Housing Authority office or may be mailed to a prospective applicant. Applications must be complete and in the applicant's handwriting.
- (3) The application must be dated and time-stamped when received by the Housing Authority.
- (4) The application shall include the Authorization for Release of Information Forms, Federal Privacy Act Statement, Applicant/Tenant Certification, and all appropriate income and asset verification forms.
- (5) Upon request from the prospective applicant, applications shall be made available in the applicant's language.
- (6) The Warwick Housing Authority shall require submission of Social Security Numbers and Birth Certificates as documentation at the time of application.
- (7) The application constitutes the basic record of each family applying for admission. Each applicant, therefore, will be required to supply information and to sign the application attesting to the accuracy of the data provided. The application, together with all other materials relating to the family's eligibility are to be placed in a folder.
- (8) To substantiate determinations with respect to eligibility, preference rating, dwelling size and rent, the representations made by the applicant family in its application for admission are to be verified, and all verified findings relating thereto are to be documented.

B. Documentation of findings; rechecks.

- (1) Documentation of verified findings is to consist of:

- (a) Letters or other statements from pertinent sources giving authoritative information concerning all items and amounts of income and deductions, together with other eligibility and preference determinations.
 - (b) Copies of documents in the applicant's possession which substantiate his/her statements or a brief summary of the pertinent contents signed and dated by the staff member who viewed them.
- (2) The Housing Authority shall promptly notify any applicant determined to be ineligible for admission and shall include the basis for such determination and provide the applicant an opportunity to request an informal hearing by submitting a written request within ten days of said rejection letter.
 - (3) Information subject to change shall be re-verified every 90 days in written form.
 - (4) Approximately every twelve (12) months, the applications will be analyzed and applicants will be contacted by mail to ensure that they are still interested in obtaining housing. Applicants will be given a period of thirty (30) days to reply. If an applicant is no longer interested or cannot be located, his/her application will be withdrawn.
- C. Policy on maintaining a well-balanced application pool.
- (1) The Authority will:
 - (a) Attempt to get a sufficient number and variety of applicants to fill any vacancies as they arise;
 - (b) Attempt to get a broad social and economic mixture of eligible applicants; and,
 - (c) Not seek more applicants than can be served within a reasonable period of time.

D. Policy on organizing the waiting list policy.

The Warwick Housing Authority shall organize and administer its waiting list in accordance with the preferences detailed in 4.5(B) below.

4.4. Selection of tenants

Policy on applicant evaluation.

The Warwick Housing Authority utilizes a two step determination process before declaring an applicant eligible and qualified for housing assistance. This process meets the mandatory requirements etched in federal statute (as evidenced by the 1996 Housing Opportunity Program Extension Act) as well as prior federal regulatory language governing the Housing Authority's responsibility to develop reasonable and consistent standards for applicant evaluation.

Each applicant must first satisfy the conditions of eligibility as found in Section 4-1 of this Policy. An applicant who does not satisfy the conditions of eligibility as mandated by federal regulations shall be declared ineligible for housing. Only after an applicant has satisfied the condition of eligibility shall the applicant then proceed to meet the conditions of suitability as determined by the Housing Authority's residents selection standards.

An applicant who does not satisfy the conditions of suitability shall be rejected by the Housing Authority.

- (1) The Authority will evaluate each applicant to determine whether the applicant would be reasonably expected to have a detrimental effect on the other tenants or on the project environment. The Authority will deny admission to any applicant whose habits and practices may be expected to have a detrimental effect on other tenants or on the project environment.
- (2) The Authority will make an informed judgment about the applicant's suitability as a tenant and must assure that selection among otherwise eligible applicants is objective and reasonable. This includes:
 - (a) Examining the applicant's history of meeting financial obligations, especially rent.
 - (b) Determining whether the applicant has a history of:
 - [1] Disturbing the neighbors;
 - [2] Destroying property;

- [3] Living or housekeeping habits which could adversely affect the health, safety or welfare of other tenants;
or
- [4] Criminal activity, especially involving violence.

(3) The Authority will also deny admission to applicants who:

- (a) Currently owe rent or other amounts to the Authority in connection with the public housing or Section 8 programs.
- (b) Have committed fraud in connection with any federal housing assistance program.
- (c) **Currently use a controlled substance.**
- (d) **Engage in the abuse of alcohol which interferes with the health, safety, or right to peaceful enjoyment of the premises by the residents.**
- (e) **Have a pattern of controlled substance abuse or alcohol abuse which interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.**
- (f) **Engages in, or has guests or other invitees who engage in serious criminal activity. Serious criminal activity include:**
 - Physical Assault or threat of physical assault;
 - Illegal use of a firearm or other weapon or threat to use same;
 - Sexual molestation, debauchery of a minor, prostitution, and other similar or related serious misconduct.

The Warwick Housing Authority may deny admission to any applicant or terminate tenancy of any resident in the cases above without regard to:

- a) Arrest, Charge, or Conviction of individual; or,
- b) Any knowledge of the serious criminal activity.

- (4) *In accordance with the 1996 Housing Opportunity Program Extension Act, the Authority must:*
- a) *Declare an applicant family ineligible for admission to public housing for three years if any family member has been evicted from public housing, Indian housing, Section 23 or any Section 8 program because of drug related criminal activity. The three year date shall start on the date of the eviction.*
 - b) *Drug related criminal activity is defined as the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.*
 - c) *The three year time period referenced in Paragraph (4)(a) is a statutory requirement and in no way precludes or limits the Housing Authority's requirements in making a determination of suitability.*

If the Warwick Housing Authority identifies that applicants who have since become residents have in fact been evicted from public housing for drug related criminal activity and did not provide such information on their application, it reserves the right to commence termination of tenancy proceedings against those residents.

4.5 Assignment Policy

A. Policy and practice.

- (1) **Methods of administration.**
 - (a) Administration of all dwelling units shall be accomplished on a uniformly nondiscriminatory basis in respect to race, color, sex, age, handicap, religion or national origin, including nondiscrimination in maintenance, equipment, facilities and services and in the treatment of tenants.
 - (b) Race, color, sex, religion, national origin, age, handicap of the tenants of the dwelling units or of the staff shall not be a factor in the assignment of managers and other staff responsible for the administration of the dwelling units.

THE CITY OF WARWICK
Public Records Request Form
RIGL 38-2-3

Name: Jonah Blumenthal

Address: 1070 Main Street

City: Pawtucket State: RI Zip Code: 02860

Phone: (optional) 770-366-1821 E-mail address: (optional) Jonah_blumenthal@brown.edu

Date: 6-21-16

Record (s) Requested:

I am requesting records related to the rules and regulations pertaining to the application process for

public housing. In particular, I am requesting:

This document (often within the housing authority's bylaws but not always) should explain the rules in

place, and the rules that are currently being followed by your housing authority pertaining to the process of applying for public

housing

Record(s) Request for Real Property – Please list address along with Assessor's Plat and Lot:

Time period request covers:

Please Note: Per section 38-2-3 (d) the policy of the City of Warwick is that this form be filed with the office of the City Clerk. The Clerk's office will then forward the request to the appropriate department for response. Per section 38-2-4 of the Rhode Island General Laws, the City will charge a fee of .15 per page for copies of public documents, unless such documents have a fee structure which is prescribed by state statute. Additionally, if the requested information requires research on the part of City personnel, the City will charge a research fee of \$15.00 per hour and/or the cost of retrieving records from storage where the public body is assessed a retrieval fee. The first hour (1 hour) of research, however, will be provided at no charge. Multiple request from the same entity within (30) day period will be considered as a single request for the total calculation of allowable charges.

****Prior to submitting, please visit our Web Site for: Public Request Procedure and Frequently asked Questions at our Web Site, your answer may already be there.**

Appeals are in accordance with RIGL 38-2-8.

=====
(FOR CITY USE ONLY) Request taken by: _____

Date: _____ Time: _____

WILD JUDY

#255

From: Jonah Blumenthal <jonah_blumenthal@brown.edu>
Sent: Tuesday, June 21, 2016 2:44 PM
To: WILD JUDY
Subject: public records request
Attachments: warwick request.docx

due
7/5/16

Jonah Blumenthal
Intern
Rhode Island Coalition for the Homeless
1070 Main Street
Pawtucket, Rhode Island, 02860

To Whom it May Concern:

I am seeking records under the Access to Public Records Act, R.I.G.L. 38-2. If you are not the appropriate individual to handle this request, please forward this letter to the appropriate records designee or let me know if I should address this request to another body.

I am requesting records related to the rules and regulations pertaining to the application process for public housing. In particular, I am requesting:

- This document (often within the housing authority's bylaws but not always) should explain the rules in place, and the rules that are currently being followed by your housing authority pertaining to the process of applying for public housing

If possible, I prefer to receive these documents via e-mail at jonah_blumenthal@brown.edu. If there is not a digitized version available, I will pick the documents up at your convenience. I understand there may be a cost associated with retrieving and copying these documents. Please provide me with an estimated list of fees if it is expected to exceed \$10, and contact me if you have any questions or concerns about this request. I have attached the proper documentation for my request. I look forward to receiving these documents within ten business days.

Thank you for your time and attention to this matter.

Sincerely,

Jonah Blumenthal

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Jonah Blumenthal
Brown University '18
69 Brown Street, Box 3578
Providence, RI 02912

Tel: (770) 366 1821