

TENANT SELECTION PLAN
Manito Garden Apartments



ELIGIBILITY REQUIREMENTS

1. Type of Subsidy: Section 202/8 Elderly, Disabled

- Housing with this type of subsidy is restricted to elderly families in which the head of the household is at least 62 years of age and secondarily to nonelderly disabled families in which the head of the household, co-head or spouse is disabled and 18 to 61 years of age. There is an Owner-Adopted Preference for Elderly. **The wait list for Disabled under 62 is currently closed.**
- The elderly preference does not apply to the wheelchair accessible units. The wheelchair accessible units will be filled first by current residents whose needs change during their tenancy making it so they require the features of an accessible unit and then by applicants who require the features of an accessible unit in the order their application is received on the Waiting List.

2. In order for an applicant to be eligible for occupancy, the calculated tenant rent cannot exceed the market rate rent for the unit and the applicant household's annual income must not exceed the applicable income limit, which is published annually and is available from the local HUD office or on-line at www.huduser.org. Income limits are based on family size and the annual income the family receives. The income limits for this project's type of subsidy are:

Very Low Income	50% of Median Income
Extremely Low Income	30% of Median Income

3. Assistance in subsidized housing is restricted to the following:

- a) U.S. citizens or nationals. U.S. citizens must sign a declaration of citizenship and provide proof of citizenship by way of birth certificate, certificate of Naturalization or unexpired U.S. Passport.
- b) Non-citizens who have eligible immigration status as determined by HUD:
 - All applicants applying for assistance must submit evidence of citizenship or eligible immigration status at the time of application.
 - All family members, regardless of age, must declare their citizenship or immigration status.
 - Noncitizens 62 years and older, a signed declaration of eligible noncitizen status and proof of age;
 - Non-citizens must sign a declaration of eligible immigration status and submit documentation of their status which includes:
 - Form I-551, **Permanent Resident Card**.
 - Form 1-94, *Arrival-Departure Record* annotated with one of the following:
 - "Admitted as a Refugee Pursuant to Section 207";
 - "Section 208" or "Asylum";

- “Section 243(h)” or “Deportation stayed by Attorney General”; or
 - “Paroled Pursuant to Section 212(d)(5) of the INA.”
- Form I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:
 - A final court decision granting asylum (but only if no appeal is taken);
 - A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (application filed was before October 1, 1990);
 - A court decision granting withholding of deportation; or
 - A letter from an asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
 - A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant’s entitlement to the document has been verified.
 - Other acceptable evidence. If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the *Federal Register*.
- Or sign a declaration that they do not claim to have eligible status.
- **Verifying Information on Immigration Status**
 Owners must verify the validity of documents provided by applicants or tenants.
 1. Primary verification.
 - a. Owners must conduct primary verification of eligible immigration status only for persons claiming eligible immigration status.
 - b. Owners must conduct primary verification through the SAVE web-based program, DHS’ automated system.
 - c. After accessing the ASVI database, the owner enters the required data fields. The personal computer system will display one of the following messages for immigration status confirmation on the screen.
 - (1) Lawful Permanent Resident
 - (2) Temporary Resident
 - (3) Conditional Resident
 - (4) Asylee
 - (5) Refugee
 - (6) Cuban/Haitian Entrant
 - (7) Conditional Entrant
- A mixed family (a family with one or more ineligible family members and one or more eligible family members) may receive; either prorated assistance, continued assistance or a temporary deferral of termination of assistance.
 - a) Currently assisted families that have no eligible members and those that qualify only for prorated assistance and choose not to accept the partial assistance are eligible for temporary deferral of termination of assistance.
 - b) The deferral allows the family time to find other suitable housing before HUD terminates assistance. During the deferral period, the family continues to receive its current level of assistance.

- c) The initial deferral period is for six months and may be extended for an additional six-month period, not to exceed 18 months.
 - d) At the beginning of each deferral period, Management will notify the family of its ineligibility for financial assistance and will be offered information and/or referrals to assist in finding other affordable housing.
 - e) In order for a deferral period to be extended, Management must determine that no affordable housing is available.
 - f) Management will inform the family of its determination at least 60 days before the current deferral period expires. Management's determination will be based on the following:
 - A vacancy rate of less than 5% for affordable housing of the appropriate unit size in the housing market for the area in which the housing is located.
 - Availability of affordable housing in the market area.
 - Evidence of the family's effort to obtain affordable housing in the area.
4. The regulation at 24 CFR 5.216 now requires that assistance applicants and tenants, excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status, to disclose and provide verification of the complete and accurate SSN assigned to them. The requirement to disclose and provide verification of a SSN is no longer limited to those assistance applicants and tenants six years of age and older. In addition, the process of having an applicant household certify they have a SSN for each household member six years of age and older, and continuing with the recertification process until the time of their move-in certification is no longer applicable.

Exceptions to Disclosure of SSN

The SSN requirements do not apply to:

(a) Individuals who do not contend eligible immigration status.

(1) Mixed Families: For projects where the restriction on assistance to noncitizens applies and where individuals are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed. In these instances, the owner will have the tenant's Citizenship Declaration on file whereby the individual did not contend eligible immigration status to support the individual not being subject to the requirements to disclose and provide verification of a SSN.

NOTE: The Owner/Agent may **not** deny assistance to mixed families due to nondisclosure of a SSN by an individual who does not contend eligible immigration status.

(See Handbook 4350.3 REV-1, Paragraphs 3-12 N, O and P for more information on mixed families and proration of assistance.)

NOTE: HUD regulations do not prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, if your state law prohibits this, the family must **not** be admitted into the program.

(b) Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.

The eligibility determination is based on participation in either a Public and Indian Housing or Multifamily HUD assisted program. The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.

(1) The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program.

(2) When determining the eligibility of an individual who meets the exception requirements for SSN disclosure and verification, documentation must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010, that verifies the applicant's exemption status. This documentation must be retained in the tenant file. An OWNER/AGENT must not accept a certification from the applicant stating they qualify for the exemption.

(c) Existing tenants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined their SSN to be valid. OWNER/AGENTS may confirm HUD's validation of the tenant's SSN by viewing the household's Summary Report or the Identity Verification Report in the EIV system.

Timeframe for Providing Social Security Numbers:

Applicants:

(a) Applicants currently on or applying to waiting list

Applicants do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for placement on the waiting list. However, applicants must disclose and provide verification of a SSN for all non-exempt household members before they can be housed.

(b) Housing applicants from the waiting list

If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.

The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

Tenants:

(a) Timeframe for providing SSN

(1) All tenants, except those individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010 (based on the effective date of the form HUD-50059 or form HUD-50058, whichever is applicable), and those individuals who do not contend eligible immigration status, must disclose and provide verification of their SSN at the time of their next interim or annual recertification if:

- (i) They have not previously disclosed a SSN;
- (ii) Previously disclosed a SSN that HUD or the SSA determined was invalid; or
- (iii) Been issued a new SSN.

(2) If a tenant fails to provide a valid and verified SSN, the household is subject to termination of tenancy in accordance with 24 CFR 5.218. See Paragraph E.1. below.

(b) SSN Not Previously Disclosed

The head of household must bring SSN verification, through one or more of the documents listed in Section IV.D Verification, to the recertification meeting for any household member who has not disclosed and provided verification of their SSN.

(c) Invalid SSN Disclosed

The head of household must be notified when EIV pre-screening or the SSA validation determines that a household member has provided an invalid SSN. See Section IV.D.1(d) for information on the Failed EIV Pre-Screening Report and the Failed Verification Report and Section IV.D.2 for acceptable SSN verification documentation.

(d) Assignment of a New SSN

If a tenant or any member of a tenant's household is or has been assigned a new SSN, the tenant must provide the SSN and documentation to verify the SSN (see Section D. Verification below) to the OWNER/AGENT at:

- (1) The time of receipt of the new SSN; or
- (2) The next interim or regularly scheduled recertification; or
- (3) Such earlier time as specified by the OWNER/AGENT.

(e) Adding a Household Member

- (1) Age Six or Older

When a tenant requests to add a household member who is age six or older, the documentation of the SSN as referenced in Section IV.D.2 of this notice for the new household member, must be provided to the OWNER/AGENT at the time of the request or at the time the recertification that includes the new household member is processed. The OWNER/AGENT must not add the new household member until such time as the documentation is provided.

(2) Child Under the Age of Six

(i) With a SSN - When adding a household member who is a child under the age of six with a SSN, the child's SSN must be disclosed and verification provided at the time of processing the recertification of family composition that includes the new household member.

(ii) If the child has been in the household under 6 months, i.e., a new baby or adoption, and does not have SSN, the OWNER/AGENT must give the household 90 days in which to provide documentation of a SSN for the child. **The 90-day clock does not start ticking until the date of lease-up.** An additional 90-day period **must** be granted by the OWNER/AGENT if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the tenant. Examples include but are not limited to: delayed processing of the SSN application by the SSA, natural disaster, fire, death in family, etc. During this time period, the child is to be included as part of the household and will receive all of the benefits of the program in which the tenant is involved, including the dependent deduction.

A TRACS ID will be assigned to the child until the documentation of the SSN is required to be provided. At the time of the disclosure of the SSN, an interim recertification must be processed changing the child's TRACS ID to the child's verified SSN. If the SSN is not provided, the household is subject to the penalties described in the paragraph below.

Penalties for a Tenant's Non-disclosure of SSN

1. Termination of Tenancy – OWNER/AGENTs must terminate the tenancy of a tenant and the tenant's household if the tenant does not meet the SSN disclosure, documentation and verification requirements in the specified timeframe as the household is in non-compliance with its lease.

(a) This termination of tenancy includes those households who have not disclosed and verified the SSN for any child under the age of 6 who did not have a SSN when added to the household with the understanding that this SSN would be provided within 90 days after admission, or within the 90-day extension period, if applicable.

(b) There is **no** proration of assistance for those household members who are required to obtain a SSN but who fail to disclose and verify their SSN.

(c) Termination of tenancy does not apply to those households with individuals who do not contend eligible immigration status or who are age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010 (based on the effective date of the form HUD-50059 or form HUD-50058, whichever is applicable), unless there are other members of the household who have not disclosed or provided verification of their SSNs.

5. Eligibility of applicants applying for Section 8 assistance who are enrolled in an institute of higher education either part time or full time as determined as follows:

a) As of January 30, 2006, 24 CFR Parts 5,880,883,et al. Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Final Rule becomes effective. No assistance shall be provided under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who:

- 1) Is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) to obtain a degree, certificate, or other program leading to a recognized educational credential.
- 2) Is under 24 years of age.
- 3) Is not a veteran of the U.S. military.
- 4) Is unmarried.
- 5) Does not have a dependent child.
- 6) Is not an independent student as defined below*;
- 7) Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005. (See Definition E in Figure 3-6); *and*
- 8) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f); and
- 9) Is not living with his/her parents who are receiving Section 8 assistance.

*Independent Student:

- 1) Be of legal contract age under state law.
- 2) Established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meets the U.S. Dept. of Education's definition of an independent student as follows:
 - a) Be at least 24 years old by Dec. 31 of the award year for which aid is sought.
 - b) Is an orphan, in foster care, or a ward of the court or was an orphan, in foster care or a ward of the court at any time when the individual was 13 years of age or older.
 - c) Is a veteran of the Armed Forces of the United States or is currently service on active duty in the Armed Forces for other training purposes.
 - d) Have legal dependents other than a spouse.
 - e) Be a graduate or professional student.
 - f) Be married.
 - g) Is or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individuals State of legal residence.
 - h) Has been verified during the school year in which the application is submitted as either an unaccompanied youth who is homeless child or youth or as unaccompanied, at risk of homelessness and self-supporting.

- i) Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.
 - 3) Must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.
 - 4) The individual must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
 - 5) Review and verify previous address information to determine evidence of a separate household verifying the student meets the U.S. Department of Education's definition of independent student.
 - 6) Review a student's prior year income tax returns to verify the student is independent or verifying the student meets the Department of Education's definition of independent student.
 - 7) The rule does not apply to students residing with their parents in a Section 8 assisted unit or who reside with parents who are applying to receive section 8 assistance.
- b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children or an individual living with his/her parents who are receiving section 8 assistance.

APPLICATION PROCESS

An applicant(s) must submit a completed and signed waitlist application to the Community Manager of the community for which the applicant is applying. An application should include the social security numbers for all household members. It must also include the signatures for all applicant family's members who are 18 years of age or older.

There is a waiting list for the project, the applicant's name, date and time of the receipt of the application, annual income level, type and size of unit required will be recorded in chronological order on the waiting list. In order to remain on the waiting list, the applicant is required to contact the Community Manager of the property for which he/she applied at least once every six months.

Once the applicant has reached the top of the waitlist and a unit is available, a complete application will need to be completed along with a Release and Authorization form and must be signed by all adult applicants and submitted. This gives consent to Management to check criminal background, previous rental history, run a credit report and verify current employment.

If an applicant refuses to complete any required paperwork throughout this process, the applicant may be denied.

INCOME-TARGETING

Applicants who are extremely low-income (30% of median income) will be given priority over the other applicants on the waiting list for 40% of all Section 8 units that become available each fiscal year.

Continuing advertising efforts will be made to reach the extremely low income. The steps that will be taken to ensure compliance with income targeting are as follows:

1. An estimate will be made of the annual turnover for the property.
2. The waiting list will be analyzed by income level category, looking particularly at the top of the list for those applicants who are likely to be offered units during the coming year.
3. No action will be taken if at least 40% of the applicants on the waiting list who are expected to be offered units during the year have incomes at or below the extremely low-income limit. List will be monitored quarterly to confirm compliance; and,
4. If at least 40% of the applicants who are expected to be offered units in the next year do not have incomes at or below the extremely low-income limit, then tenant selection procedures outlined in #5 will be followed.
5. When an extremely low-income applicant is needed to achieve income targeting requirements, and the next applicant on the waiting list has income above the extremely low-income limit, that applicant must be returned to the waiting list. Owners select the first extremely low-income applicant on the waiting list for the available unit and then select the next eligible applicant currently at the top of the list (the applicant who was returned to the list) for the next vacant unit.

REASONS FOR REJECTING INELIGIBLE APPLICANTS

- The household doesn't meet the income requirements.
- The applicant is unable to disclose and document SSNs of all household members.
- Household members don't sign and submit required verification consent forms or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A).
- The household has characteristics that aren't appropriate for the specific type of unit available at the time or isn't an appropriate size for the units that are available.
- The household includes members who didn't declare citizenship or non-citizenship status or sign a statement electing not to contend noncitizen status.
- The applicant household does not meet #5 of the Eligibility Requirements listed above regarding the eligibility of students enrolled in an institute of higher education to receive assistance (Section 8); or,
- The applicant does not meet the screening criteria.

SCREENING CRITERIA

Good Rental History:

- At least six (6) contiguous months' recent valid, verifiable rental history with no related parties. Application will not be rejected for no rental history at all but the criteria for credit and public records will be more heavily weighted.
- Rent paid on time; no more than (2) late payments within the six-month period.
- No past due balances owed for rent, other rental charges, utilities, damages, etc.
- At least six (6) months with no lease violations.
- All applicants must disclose if they are currently receiving HUD housing assistance. Kiemle Hagood will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

The Owner/Agent will use the Existing Tenant Report to determine if the applicant or any member of the applicant household may be receiving HUD assistance. Kiemle Hagood will follow-up with the respective PHA or Owner/Agent to confirm the individual's program participation status before admission.

Screening reports will be run on all applicants 18 years of age and older by an outside professional screening company. There are no screening report fees charged to the applicant(s).

Rejection Criteria:

A. Drug Abuse & Criminal Activity

- Any household containing a member(s) who was evicted in at least the last three years from federally assisted housing or non-federally assisted housing for drug-related criminal activity; only two exceptions are as follows:
 - 1) The evicted household member has successfully completed an approved supervised drug rehabilitation program, or;
 - 2) The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
- A household in which any member is currently engaged in illegal use of drugs or for which Management has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety and right to peaceful enjoyment of the property by other residents;
- Conviction involving the illegal manufacture or distribution of an uncontrolled substance, involving the illegal use of a controlled substance, or involving felony activities and/or numerous gross misdemeanors within at least the last three years.
- Currently an illegal user of a controlled substance or Management determines that there is reasonable cause to believe that a household member's illegal use or a pattern or an illegal use of a drug may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. (Examples of evidence of illegal activities may include a conviction record, former landlord references, etc.);
- Any household member who is subject to a state sex offender lifetime registration requirement.
- Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents.

- Violent criminal activity.
- Other criminal activity that threatens the health, safety and right to peaceful enjoyment of the property by other residents or the health and safety of management, employees, contractors, subcontractors or agents of the owner; or,
- We do not automatically deny applicants based on criminal conviction history. If an applicant with a criminal conviction on their record otherwise meets our qualification standard, we will interview the applicant regarding the circumstances relating to such conviction and post-conviction.
- Any household containing a member who has any active warrants.

B. Poor Previous Rental History

- Outstanding monies owed to previous landlord(s), (e.g., rent, damages, other);
- Previous evictions from federally funded and/or non-federally funded housing and/or unlawful detainers within at least the last three years; or,
- Violation of lease and/or house rules, such as, poor housekeeping habits, a history of disruptive behaviors, failure to cooperate with applicable recertification procedures, termination of assistance for fraud.

❖ **An exception may be made as long as the applicant has met all of the following requirements:**

- ✓ Payment arrangements have been made with the landlord to whom the monies are owed. A letter from the landlord or collection agency stating the accepted payment arrangements must be submitted to Kiemle Hagood along with proof that payments are being made in accordance with the agreed upon arrangements (proof must include the applicant is current in making the payments).
- ✓ Applicant must either provide proof of completion of in a Renter Responsibility Class/Program or be near completion and provide a recommendation letter from the program director.

❖ **An exception may also be made if the applicant is a domestic violence victim, which required the applicant to get out of a lease early and left owing a balance for rent and/or damages.**

- The applicant must present written verification of their situation. This may take the form of a valid order for protection or a record of reporting the incident(s) of domestic violence/assault/stalking to a “qualified third party”, such as law enforcement officers, state court employees, healthcare professionals, licensed mental health professionals, clergypersons, or crime victim/witness program advocates.

C. Derogatory Credit History

- An open bankruptcy; or
- Outstanding balances owed to previous landlords and utility companies.

- Unpaid NSF checks.
- Other debts including but not limited to credit cards, student loans and unpaid fines.
- ❖ **An exception may be made as long as the debt has not been accrued in the previous 3 years.**
 - Medical bills are not counted toward derogatory credit history.

If an applicant does not meet the above criteria, the applicant will be notified in writing of the rejection and reasons for the rejection. The applicant will then have 14 days to respond in writing or to request a meeting to discuss the rejection. Management may consider extenuating circumstances in evaluating information obtained during the screening process.

EIV

HUD has made the use of the Enterprise Income Verification (EIV) system mandatory for all HUD assisted housing program providers. An applicant or resident by signing form HUD-9887 and form HUD-9887A, is giving consent for Kiemle Hagood to obtain information about them to determine eligibility for HUD assisted housing. At time of application an existing tenant search will be run to prevent duplicate rental assistance. EIV provides new hire, unemployment compensation, and social security benefit information, it also provides income discrepancy reports to identify families who may have substantially underreported household income. All private information obtained from EIV will be securely protected at all times for the tenant’s or applicant’s privacy by agreeing to and following all of the policies, procedures and rules of behavior outlined in the EIV authorization form.

OCCUPANCY STANDARDS

- Two persons per bedroom, plus one person.

	<u>*Minimum Persons</u>	<u>*Maximum Persons</u>
1-Bedroom	1	3

UNIT TRANSFER POLICIES

When vacancies become available, in-house residents who are on an in-house waiting list and require unit transfers based on the following reasons will be given priority over applicants on the waiting list.

1. A unit transfer for a medical reason certified by a health care provider.
 - The Request for Reasonable Accommodation forms must be completed and submitted to the Community Manager. Forms available from Management upon request.
2. A unit transfer based on the need for an accessible unit.
 - In-place residents and applicants requiring the features of an accessible unit will be given priority for an accessible unit over other applicants or in-place residents who do not require the features in an accessible unit.
 - The Request for Reasonable Accommodation forms must be completed and submitted to the Community Manager. Forms available from Management upon request.

3. A VAWA Emergency Transfer.

When an appropriate type of unit becomes available, the resident will be contacted in writing and be required to move within thirty days of the written notification.

Unit transfers for any other reason are subject to a \$100 transfer fee.

When a resident transfers from one unit to another within the same apartment complex he/she is expected to completely move out of the previous unit by the fourth day after he/she moved into the new unit. The resident will be notified of this when he/she turns in his/her 30-Day Notice to move.

SECURITY DEPOSITS FOR RESIDENTS TRANSFERRING TO ANOTHER UNIT

A. When a resident transfers to a new unit:

1. The security deposit in the old unit will be refunded minus any charges for damages above normal wear and tear to the unit and any unpaid rent.
2. The tenant will be charged a new security deposit based on the requirements in the HUD Occupancy Handbook paragraph 6-15. The deposit must be paid at the time of the lease execution.

EQUAL PROTECTION

(a) A determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the Federal Housing Administration shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status, and

(b) No owner or administrator of HUD-assisted or HUD-insured housing, approved lender in an FHA mortgage insurance program, or any other recipient or sub-recipient of HUD funds may inquire about the sexual orientation or gender identity of an applicant for, or occupant of, HUD assisted or HUD-insured housing for purposes of determining eligibility or otherwise making such housing available. However, permissible inquiries into sex are permissible for temporary, emergency shelter with shared sleeping areas or bathrooms, or to determine the number of bedrooms to which a household may be entitled.

The rule also revises HUD's generally applicable definitions at 24 CFR 5.100:

- (a) The term "family" includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
 - (2) A group of persons residing together, and such group includes, but is not limited to:
 - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (ii) An elderly family.
 - (iii) A near elderly family;
 - (iv) A disabled family.
 - (v) A displaced family; and

- (vi) The remaining member of a tenant family.
- (b) The term “gender identity” means actual or perceived gender-related characteristics.
- (c) The term “sexual orientation” means homosexuality, heterosexuality or bisexuality.

VIOLENCE AGAINST WOMEN ACT

The Violence Against Women (VAWA) protections apply to families applying for or receiving rental assistance payments under the project-based Section 8 program. This notice is applicable to all OWNER/AGENTS participating in the following project-based Section 8 programs under the United States Housing Act of 1937 (42 U.S.C. 1437):

- New Construction.
- State Agency Financed.
- Substantial Rehabilitation.
- Loan Management Set-Aside (LMSA).
- Property Disposition Set-Aside (PDSA).
- Section 202 Projects With Section 8 Assistance (Section 202/8).
- Rural Housing Section 515 Projects With Section 8 Assistance. (RHS Section 515/8).

The law protects victims of domestic violence, dating violence, stalking or sexual assault, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence that is reported and confirmed. The VAWA also provides that an incident of actual or threatened domestic violence, dating violence or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim. Furthermore, criminal activity directly relating to domestic violence, dating violence or stalking is not grounds for terminating the victim’s tenancy. Kiemle Hagood may bifurcate a lease in order to evict, remove, or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit.

Kiemle Hagood responding to an incident of actual or threatened domestic violence, dating violence, stalking or sexual assault that could potentially have an impact on a tenant’s participation in the housing program may request in writing that an individual complete, sign, and submit within 14 business days of the request, the Certification of Domestic Violence, Dating Violence or Stalking Form HUD 91066. Kiemle Hagood may extend this time period at their discretion.

Alternatively, in lieu of the certification form or in addition to it, Kiemle Hagood may accept a) a federal, state, tribal, territorial, or local police record or court record or b) documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence, stalking or sexual assault or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence, stalking or sexual assault has signed or attested to the documentation. If the certification or other supporting documentation is not provided within the specified timeframe, the landlord may begin eviction proceedings.

Kiemle Hagood is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence, stalking or sexual assault in order to receive the protections of the VAWA. Kiemle Hagood, at their discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

Should it be determined that physical abuse caused by a tenant is clear and present, the law provides Owners/Agents the authority to bifurcate a lease i.e., remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. The eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law.

It is possible for someone lawfully occupying the unit, who is also a victim, to be evicted or removed from the home. If the victim commits separate criminal activity, a landlord may evict them for engaging in crime. Furthermore, if a victim poses "an actual and imminent threat to other tenants or those employed at or providing service to the property," they could be evicted, despite the VAWA.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, stalking or sexual assault against another household member, an interim recertification should be processed reflecting the change in household composition.

In accordance with the Violence Against Women Act (VAWA), Kiemle Hagood allows tenants who are victims of VAWA crimes to request a VAWA Emergency Transfer from the tenant's current unit to another unit. The tenant/applicant is responsible for paying for any expenses associated with the move.

Applicants who qualify for the following preferences will be placed on the preferred waiting list ***based on the date and time the completed rental application is received.***

These applicants will be placed next.

- Verified need for an accessible unit
- Verified need for a reasonable accommodation
- Verified medical need
- Imminent Threat (including Homeless, Involuntarily Displaced and VAWA Emergency Transfer)

Kiemle Hagood must retain all documentation relating to an individual's domestic violence, dating violence, stalking or sexual assault in a separate file that is kept in a separate secure location from other tenant files.

REASONABLE ACCOMMODATIONS

In federally assisted projects, it is unlawful for an owner/manager to refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford an individual with disability or disabilities (as defined by the federal law) equal opportunity to use and enjoy a dwelling unit, including public and common use areas. The "Request for Reasonable Accommodation" forms are included in the initial rental application packet or upon request from the Community Manager. The request forms must be given to the Community Manager at move-in or any time during occupancy. Once the existence of a disability/disability has been verified through third party verifications, the Property Manager will approve the request, if it is considered administratively and financially feasible.

LIVE-IN AIDE/ATTENDANT POLICY AND PROCEDURES

Definition: A Live-In Aide/Attendant is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities, and who:

1. Is determined to be essential to the care and well-being of the person(s);
2. Is not obligated for the support of the person(s); and
3. Would not be living in the unit except to provide the necessary supportive services.

While a relative may be considered to be a Live-In Aide/Attendant, they must meet the above requirements, especially the last.

1. **Policy:** The Live-In Aide/Attendant qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a tenant, and; may not qualify for continued occupancy as a remaining family member. A Live-In Aide cannot remain in the unit should the resident that requires care no longer be there for whatever reason.

The Owner/Management Agent has the right to evict a Live-In Aide Attendant who violates any of the house rules.

Procedures for Moving in a Live-In Aide/Attendant:

1. The individual requiring a Live-In Aide/Attendant must complete the "Live-In Care Giver Verification" forms and give them to the Community Manager.
2. The Live-In Aide/Attendant must pass a criminal background check in accordance with the criteria listed above in the Tenant Selection Plan.
3. The Live-In Aide/Attendant must sign the Live-In Attendant Addendum.
4. The Live-In Aide/Attendant must sign a copy of the current house rules and abide by them.

POLICY FOR OPENING AND CLOSING THE WAITING LIST

If Kiemle Hagood decides to no longer accept applications and close the waiting list, they will publish a notice to that effect in a publication likely to be read by potential applicants. The notice will state the reasons for Kiemle Hagood's refusal to accept additional applicants. When Kiemle Hagood decides to open the waiting list and accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner (if possible, in the same publications) as the notification that the waiting list was closed. The notification will state the rules for applying and that applications will be processed in chronological order by the date and time received.

PROCEDURES FOR MAINTAINING AND UPDATING THE WAITING LIST

A waiting list is used to record the date and time the applicant submitted the application, the name of the head of household, annual income level, type and size of unit required. The applicant must decide which list(s) he/she chooses to be on. As units become available, applicants are contacted in chronological order.

The waiting list will be updated at least semi-annually to ensure that applicant information is current and that any names that should no longer be on the list are removed.

Should the household composition change while on the waiting list, the applicant will be placed on the waiting list based on the date of the new determination of family composition.

REMOVAL OF NAMES FROM WAITING LIST

Applicants will be removed from the waiting list when any of the following occur:

- The applicant no longer meets the eligibility requirements.
- The applicant fails to respond to a written notice requesting contact.
- The applicant is offered and rejects two units in the property.
- Mail sent to the applicant's address is returned as undeliverable.
- The unit that is needed, using family size as the basis, changes and no appropriate size unit exists in the property.
- Applicant fails to contact the property every six months.

REINSTATING APPLICANTS TO THE WAITING LIST

If an applicant is removed from the list and subsequently management determines that an error was made in removing the applicant (e.g., the incorrect address was used in sending the mail to the applicant), the applicant will be reinstated at the original place on the waiting list.

COLLECTION OF THE SECURITY DEPOSIT

The entire security deposit must be paid at the time of the initial lease execution at the time of move-in. The security deposit required for this project is the greater of: 1) one month's total tenant payment, or 2) \$50. The security deposit is refundable. An applicant may be rejected if he/she does not have sufficient funds to pay the full deposit.

The security deposit must be paid with a check or money order separate from the payment of the first month's rent.

ANNUAL RECERIFICATION REQUIREMENTS

To ensure that assisted tenants pay rents commensurate with their ability to pay, HUD requires the following:

- Owners must conduct a recertification of family income and composition at least annually by the tenant's recertification anniversary date.

- Tenants must supply information requested by the owner or HUD for use in a regularly scheduled recertifications of family income and composition in accordance with HUD requirements.
- Tenants must sign consent forms, and owners must obtain third-party verification of the following items and document them in the tenant file:
 - a. Reported family annual income.
 - b. The value of family assets.
 - c. Expenses related to deductions from annual income; and
 - d. Other factors that affect the determination of adjusted income.

INTERIM CERTIFICATIONS

To ensure that assisted tenants pay rents appropriate to their ability to pay, tenants must supply information requested by HUD or the owner to use in an interim certification of family income and composition in accordance with HUD guidelines.

All tenants must notify the owner when the following occurs:

- a. A family member moves out of the unit.
- b. The family proposes to move a new member into the unit.
NOTE: When a change in family composition is reported in Section 202/8 projects, adult children are eligible to move in after initial occupancy only if they are essential for the care or well-being of the elderly tenant(s). They are considered a part of the family and their income must be counted. Owners should require adult children to sign a release form relinquishing any future rights to the unit as a remaining member of the tenant family, as they qualify for occupancy only as long as the individual needing the supportive services is in occupancy.
- c. An adult member of the family who was reported as unemployed on the most recent certification obtains employment.
- d. The family income cumulatively increases by \$200 or more per month.

Tenant may request an interim certification for any changes occurring since the last recertification that may affect TTP, tenant rent or assistance payment. Changes a tenant may report include the following:

- a. Decreases in income.
- b. Increases in allowances, including but not limited to, increased medical expenses and higher childcare costs; or,
- c. Other changes affecting the calculation of a family's annual or adjusted income including, but not limited to, a family member turning 62 years old, becoming a full-time student, or becoming a person with a disability.

All income changes and changes in household composition must be reported to the manager or occupancy specialist within 15 days after the change occurs. If an increase in household income is not reported on time, your rent change will be retroactive to the first day of the month following the increase of your

household income. If a decrease in the household income is not reported on time, your rent decrease will be made effective the first day of the month that follows the date you reported the change regardless of the date the decrease in household income occurred.

SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAIR HOUSING ACT AMENDMENTS OF 1988 AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The owners and Kiemle Hagood, the managing agent, of this project do not discriminate on the basis of disabled status in the admission of access to, or treatment or employment in, federally assisted projects, programs and activities. Nor do they discriminate on the basis of race, color, religion, sex, disability, familial status, national origin, or marital status in the admission or access to, or treatment or employment in, it's federally assisted programs and activities. Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in any program or activity receiving (HUD) federal financial assistance. Complaints regarding alleged violations of Section 504 regulations should be addressed in writing to the 504 Coordinator for Kiemle Hagood.

Kiemle Hagood
Human Resources
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