



Resident Selection Plan

Eagle Manor Residences

715 N. Fee Street
Helena, MT 59601
406-442-0610 TTY: 711

January 23, 2018

Eagle Manor Residences is a Section 8/Tax Credit property that is administered by the U. S. Department of HUD, and is designated to attract applicants for occupancy from all potentially eligible groups of people in the housing area regardless of race, color, religion, sex, national origin, disability, and familial status. The property has studio and one bedroom units available for rent to seniors or persons with disabilities. To be eligible for occupancy at this property, there must be a match between the applicant's family size and the unit size available in the property.

Management Agent

This property is managed by RMDC, Property Management Services, P.O. Box 1717, Helena, MT 59624-1717
For any questions, please call 406-442-0610 TTY: 711

Purpose of Plan

The purpose of this Resident Selection Plan is to establish guidelines for the selection of residents from a pool of applicants in accordance with HUD regulations and state/federal civil rights and fair housing legislation, and to preclude admission of applicants whose habits and practices would have a detrimental effect on other residents, the property, or the neighborhood environment. To enhance the quality of life for all resident families, and to improve the financial viability of the property, the plan also implements policies and procedures for all residents after they have been selected for occupancy, that take into account the continued mission of providing a safe, sanitary and comfortable living environment for the tenant body as a whole.

Availability of Plan

This Resident Selection Plan is available to the public upon request. It will be posted in a common area of the management office at the address listed above. It may be reviewed during normal office hours.

Modification of Plan

Management will review this Resident Selection Plan at least once annually to ensure that it reflects current operating practices, program priorities, and HUD requirements. If the property and/or HUD's Contract Administrator feel the plan needs to be modified in any way, a notice of such modification will be provided by mail to applicants on the waiting list. For this reason the current Resident Selection Plan in place at the property will always be dated.

Reviewed 6/11/2019

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I. Fair Housing and Equal Opportunity Requirements

Non-Discrimination

It is the policy of this property to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

The property will not discriminate on the basis of race, color, sex, religion, age, handicap, disability, or national origin in the leasing, rental, or other disposition of housing or related facilities, or in the use or occupancy thereof. In addition, the property will not:

- Deny to any applicant the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;
- Provide housing which is different from that provided others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services; or
- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

The property shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

Section 504 of the Rehabilitation Act of 1973

It is the policy of this property to assure that qualified individuals with handicaps or disabilities are not discriminated against on the basis of their handicap or disability. The property also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at the property.

Reasonable Accommodations

The property will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, the property will make reasonable accommodation for individuals with handicaps or disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services at this property where such modifications would be necessary to afford full access to the housing program for qualified individuals with handicaps.

In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals with disabilities, the property is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structural member;
- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or service;
- Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

Information Regarding Handicaps

The property ensures that any questions related to handicapped information on the application for housing have to do with program eligibility and allowable medical or handicapped deductions for housing applicants who wish to take advantage of those deductions. It is not required that any information regarding a possible handicap be revealed other than for program eligibility requirements.

Neutral Policies

The property will make reasonable adjustments to rules, policies, practices, and procedures in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common areas of a dwelling, or to participate in or have access to other activities conducted or sponsored by management.

Auxiliary Aids to Ensure Effective Communication

The property will seek to effectively communicate with applicants, residents, and members of the public who are individuals with handicaps or disabilities. The use of auxiliary aides will be implemented when necessary. The property asks for 7 days notice in order to make any service, meeting, interview, appointment, or any business accessible. Requests for auxiliary aids may include visual alarms, tactile signs, visual doorbells, readers, interpreters, large print or Braille applications, leases, and other information/communications, recordings of such information, and a community room television that provides closed-captioning service.

Assistance Animals

The property will allow assistive animals which are defined as animals that work, provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support to alleviate identified symptoms or effects of a person's disability. These animals, often referred to as service animals, support animals, or therapy animals, perform many disability-related functions, including but not limited to guiding individuals who are blind, alerting individuals who are deaf, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. No pet deposit is required for assistive animals.

Accessible Route

For mobility-impaired persons, this property is an accessible facility on an accessible route. Documents that the resident would like to review may be examined during regular business hours. Please contact the management office to make arrangements to examine any documents.

Reasonable Modifications

The property will permit residents with handicaps or disabilities to make reasonable modifications to their individual units or common areas at the resident's own expense. When the resident vacates the unit, s/he must agree to restore the premises to the condition that existed before the modification, if requested by the property. The property will not require this restoration if the modification benefits the property or is needed by another resident.

To ensure with reasonable certainty that funds will be available to pay for restorations at the end of the tenancy, management will negotiate as part of such restoration an agreement requiring that the resident pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money, not to exceed the cost of the restorations. The property will require that the work be done in a workman like manner, utilizing licensed contractors, and that any required building permits will be obtained.

Equal Access

The property will provide assistance in a confidential manner and setting to insure equal access to a resident's documents. An individual with disabilities is responsible for providing her/his own transportation to and from the location where all documents are kept.

Civil Rights Related Program Requirements

Limited English Proficiency (LEP)

Executive Order 13166 requires Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English. Management has taken steps to ensure meaningful access to the information and services that we provide for persons with limited English proficiency, by providing interpreter services and/or written materials translated into other languages. HUD's required leases, recertification notices, and the Consent for Release of Information Packet (9887 and 9887-A) are all available upon request in the following languages:

- | | |
|-------------------|------------|
| Amharic | Korean |
| Arabic | Portuguese |
| Armenian | Russian |
| Chinese | Spanish |
| Farsi | Tagalog |
| French | Vietnamese |
| Khmer (Cambodian) | |

Mitigating Circumstances

Section 504 and Fair Housing regulations state that consideration for mitigating circumstances shall be given to all persons applying for occupancy. If an applicant feels there is a mitigating circumstance or reasonable accommodation to be considered for determining occupancy, they should contact the property immediately to schedule a meeting.

II. Privacy Policy

Personal Information

It is the policy of the property to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by the property. Some of these records are obtained through HUD's Enterprise Income Verification (EIV) system. Management has established safeguards to deter any of its agents or employees from disclosing or inappropriately inspecting such documents. More information about these safeguards can be found on Page 24 of this Resident Selection Plan.

PRIVACY ACT 5 U.S.C 552a –Key Statutory Provisions

Management, in compliance with the Privacy Act, is fulfilling its fiduciary responsibility by providing the following:

Individual Notice

Individuals are hereby given notice of the authority given by HUD for management to obtain income information on all individuals applying to or currently living at the property. The principal purpose(s) for which the information is being collected and used is to determine eligibility and the amount of rent a tenant will pay. This is achieved through forms contained in a package of HUD forms called *Applicant's/Tenant's Consent to the Release of Information*, located at <http://www.hud.gov/offices/adm/hudclips/forms/files/9887.pdf>. Each applicant/tenant gives their consent to the release of information by signing the form HUD-9887, the form HUD-9887-A, and the individual verification and consent forms that apply to them. It is a requirement to sign these forms at the time of move-in, annual recertifications, and initial certifications. The effect on an individual for not signing the forms will be denial of assistance for an applicant, and termination of assistance for a tenant.

Public Notice

According to the EIV System of Records Notice published in the Federal Register at 71 FR 45066, dated August 8, 2006, management hereby gives public notice to all tenants and future applicants of this property of its participation in HUD's Enterprise Income Verification system of records which houses any and all confidential information on all individuals living at this property.

Records Obtained through HUD's EIV System

Protecting the Confidentiality of EIV Information

Income Information reports in HUD's EIV system contain sensitive data, including Social Security numbers (SSNs), dates of birth (DOB), first and last names, and physical addresses of tenant families. HUD requires that this information is not to be shared with anyone not authorized to have it. Management will prevent its use for fraudulent purposes (e.g. identity theft). The reports are utilized by management at the time of all recertifications for verification purposes, to determine the following:

- has a tenant started new employment since their last certification?
- is there any quarterly wage information for past or current employment for the tenant?
- does the tenant receive unemployment benefits?
- does the tenant receive social security benefits?

Written Consent

Unless required by Federal or state law, neither the property nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure.

Determining Eligibility for Assistance

This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility and income, compute rent, or determine an applicant's suitability for tenancy.

Information on Handicaps/Disabilities

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on an applicant's/tenant's handicap or disability will be treated in a confidential manner.

Investigations into Fraud/Criminal Activities

This privacy policy is not intended to preclude the cooperation of management/agent with local, state, or Federal investigations into fraud or criminal activity. With proper identification, the property is permitted to advise the investigating officer whether or not an individual is a resident, how long an individual has been a resident, and any other appropriate answers to questions related to the investigation. The property will not make files, forms, or documents available to the investigating officer unless a court order for such action is provided.

III. Qualifying for Admission Under Program Eligibility Requirements

Defining Program Eligibility

Program Eligibility determines whether applicants are eligible for federal rental assistance. The property will not admit ineligible applicants. In order to be eligible a family must meet all of the following tests.

Income Limits

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families. Income limits are based on family size and the annual income the family receives. These limits are available for review at the site or management office. The property will determine income eligibility prior to approving any applicant for tenancy. Once the applicant moves into the property, this income eligibility test will not be done again unless the resident has gone to market rent and wants once again to be eligible for subsidy.

Applicants must have an income that is not greater than the maximum income limits established by HUD, and as published annually in the Federal Register. In addition, 40% of the new move-ins per year at this Section 8 property must be at or below 30% of the area median income, as required by HUD, and explained in the “Income-Targeting” paragraph below.

Method for Income-Targeting

HUD requires that Section 8 developments must lease not less than 40% of the dwelling units that become available for occupancy in any project fiscal year to extremely low-income families, which is defined as families whose incomes are below 30% of the area median income. The methodology management has chosen to fulfill this obligation is to alternate between the first six (6) extremely low-income families on the waiting list and the first four (4) otherwise eligible families. It is possible that applicants of a higher income that are also higher on the waiting list will be skipped over to achieve income-targeting. When this occurs, management will make a notation on the waiting list to indicate that an applicant was skipped over to achieve the 40% income-targeting rule.

Social Security Numbers

The property has implemented the policies and procedures made effective by HUD on 1-31-10, per the Code of Federal Regulations, 24 CFR Parts 5, 92, and 908, *Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Final Rule*, regarding Social Security numbers, as listed below. Per the instructions, management will implement the rule for all applicants and participants except for those individuals who do not contend eligible immigration status.

Assistance Applicants

Effective 1-31-10, per the Code of Federal Regulations, 24 CFR Parts 5, 92, and 908, *Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Final Rule*, each assistance applicant must submit to management the complete and accurate Social Security number assigned to the applicant and to each member of the applicant’s household, and documentation of the numbers submitted. The documentation necessary to verify a SSN is: (i) a valid SSN card issued by the Social Security Administration (SSA); (ii) an original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or (iii) such other evidence of the SSN as HUD may prescribe in administrative instructions.

Existing Residents

For current residents, each participant, except those age 62 or older as of 1-31-10, whose initial determination of eligibility was begun before 1-31-10, must submit to management the complete and accurate SSN assigned to the participant and to each member of their household at the next interim or regularly scheduled reexamination of family composition or income, or other recertification, and documentation of the numbers submitted. The documentation necessary to verify a SSN is: (i) a valid SSN card issued by the Social Security Administration (SSA); (ii) an original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or (iii) such other evidence of the SSN as HUD may prescribe in administrative instructions.

Adding a New Household Member Who Has Already Been Assigned a SSN

When a current resident requests to add a new household member of any age, who has already been assigned a SSN, the resident must submit the complete and accurate SSN of the new member to management at the time of the request or at the time of processing the interim reexamination or recertification of family composition that includes the new member(s), and documentation of the number(s) submitted. The documentation necessary to verify a SSN is: (i) a valid SSN card issued by the Social Security Administration (SSA); (ii) an original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or (iii) such other evidence of the SSN as HUD may prescribe in administrative instructions.

Adding a New Household Member to an Existing Family Who is Under 6 and has No Assigned SSN

When a current resident requests to add a new household member **under the age of 6, who has never been assigned a SSN**, the resident must submit the complete and accurate SSN of the new member to management within 90 calendar days of the child being added to the household, and documentation of the assigned number. The documentation necessary to verify a SSN is: (i) a valid SSN card issued by the Social Security Administration (SSA); (ii) an original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or (iii) such other evidence of the SSN as HUD may prescribe in administrative instructions.

Management will grant an extension of one additional 90-day period if in its discretion it determines that the resident's failure to comply was due to circumstances that could not have reasonably been foreseen and were outside the control of the resident. During the period that management is awaiting documentation of a SSN, management will include the child as part of the assisted household and the child shall be entitled to all the benefits of being a household member. If, upon expiration of the provided time period, the resident fails to produce a SSN, management will terminate assistance or tenancy, or both, of the resident and the resident's household.

Assignment of New SSN

If a resident or any member of the resident's household has been assigned a new SSN, the resident must submit the complete and accurate SSN assigned to the resident or household member, and documentation of the number(s) submitted at either the time of receipt of the new SSN, at the next interim recertification, or regularly scheduled annual recertification of family composition or income. The documentation necessary to verify a SSN is: (i) a valid SSN card issued by the Social Security Administration (SSA); (ii) an original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or (iii) such other evidence of the SSN as HUD may prescribe in administrative instructions.

Authorization for Release of Information and Verification Forms

Authorization Consent Forms – HUD-9887 and 9887-A

Applicants and tenants must sign the two HUD-required consent forms HUD-9887 and HUD-9887-A. All members of an applicant or tenant family who are at least 18 years of age, and each family head, spouse, or co-head regardless of age, must sign form HUD-9887 at move-in, initial and at each annual recertification. The form must also be signed when a new adult member joins the household, and when members of the household turn 18 years of age. Refusing to sign the Authorization for Release of Information by any adult family member will cause the family to be ineligible for assistance. All adults regardless of whether they report income must sign the following forms:

- Form HUD-9887, Notice and Consent for the Release of Information to HUD and to a PHA
- Form HUD-9887-A, Applicant's/Tenant's Consent to the Release of Information – Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance

Individual Verification Forms

In addition, all adult members of an applicant or tenant family must sign individual verification forms authorizing management to verify certain family income or assets, and other applicable eligibility factors. Both the consent forms and the verification forms protect the rights and privacy of tenants and applicants by allowing them to have control over any information collected about them.

Only Residence

Applicants must agree that their rental unit will be their only residence. When applicants are undergoing income limit tests, they are required to reveal all assets they own including real estate. They are allowed to own real estate, whether they are retaining it for investment purposes as with any other asset, or have the property listed for sale. However, they may never use this real estate as a residence while they live in HUD-assisted housing.

Rent Formula for Section 8

Applicants must agree to pay the rent required by the Section 8 subsidy formula used at the property, which is defined in HUD's Occupancy Handbook, HUD Handbook 4350.3 REV-1, CHG-1 as follows:

The applicant/resident will pay the greater of 30% of the monthly-adjusted income, 10% of the monthly gross income, Welfare Rent, or Minimum Rent of \$25.

Hardship Exceptions

The property will waive the minimum monthly rent requirement to any family unable to pay due to a long-term financial hardship. The financial hardship exemption constitutes the only statutory exemption, and includes the hardship situations listed below. **NOTE:** A family who is eligible for and receives a hardship exemption must be recertified every 90 days.

- The family has lost federal, state, or local government assistance or is waiting for eligibility determination (including legal immigrants);

- The family would be evicted if the minimum rent requirement was imposed;
- The family income has decreased due to a change in circumstances, including but not limited to, loss of employment;
- A death in the family has occurred;
- Other applicable situations, as determined by HUD, have occurred.

Annual Recertification Policy

In addition, applicants must understand and agree to HUD's requirement of an annual recertification of family income and circumstances per lease agreement and program description.

Interim Recertification Policy

Further, to ensure that assisted families pay rents based on their ability to pay, applicants must understand and agree to HUD's requirement that they are required to supply interim information to the property when the following occurs between annually scheduled recertifications:

- A family member moves out of the unit;
- An adult member of the family who was reported as unemployed on the most recent certification/recertification obtains employment; or
- The family's income cumulatively increases by \$200 or more per month.

Notification Policy

The property will inform residents, through required written notices, about their responsibility annually to provide information about the family's income, which is necessary to properly complete a recertification.

Eligibility under the Noncitizen Rule

According to Section 214 of the Housing and Community Development Act of 1980 (commonly known as the Noncitizen Rule), only U.S. citizens and eligible noncitizens may benefit from federal rental assistance. All applicants will be given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application. For citizens, the evidence consists of a signed declaration of US citizenship or US nationality. The agent will obtain verification of the declaration by requiring presentation of a US passport, birth certificate, Employment Authorization card, Temporary Resident card, or other appropriate documentation, as provided by Section 214. For noncitizens, adequate evidence consists of a signed declaration of eligible immigration status, and one of the Section 214 documents listed in Figure 3-4 of HH 4350.3 REV-1.

Declaration Form

All family members, regardless of age, must declare their citizenship or immigration status via a Declaration Form. A separate form must be signed by each member of the family. For family members under the age of 18, the form must be signed by an adult member of the household. This form is a statement made by the applicant clarifying whether s/he is 1) a citizen or national of the United States, is 2) a noncitizen with eligible immigration status as evidenced by an immigration document, or 3) is a noncitizen and is not contending eligible immigration status and is thus not eligible to receive federal assistance.

- If an applicant under the age of 62 is an eligible noncitizen as an immigrant to the US, s/he must additionally sign a Verification Consent Form and submit documentation of immigration status. Otherwise, for noncitizens who are in this country on a visa, and are not immigrants, there is an appropriate place on the form for them to sign stating that they do not claim to have eligible immigration status and are not therefore eligible for assistance.
- Noncitizen immigrants who are age 62 and older are not required to be further verified regarding their immigration status other than signing their declaration of eligible immigration status, and providing a proof of age document.
- Noncitizens who are not contending eligible immigration status are eligible to live in assisted housing as long as there is at least one eligible member in the family intending to live in the unit. Only the eligible family members will receive assistance, which will be calculated by using a proration method of eligible members divided by total family members.

Eligibility under the Student Rule

On 11-30-05 Congress enacted Public Law 109-115, which included in Title III, Section 327, appropriations for HUD regarding eligibility of students for assisted housing under Section 8 and other assistance programs. Owners are required to determine a student's eligibility for housing assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving housing assistance), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student. Management will use the following HUD guidelines as indicated in Chapter 3 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.

Students Who are NOT Eligible for Section 8 Assistance

According to Section 327(a) of Public Law 109-115, Section 8 assistance shall not be provided to any individual who:

- Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
- Is under the age of 24;
- Is not married;
- Is not a veteran of the United States Military;
- Does not have a dependent child;
- 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);
- Is not living with his or her parents who are receiving Section 8 assistance; and
- Is not individually eligible to receive Section 8 assistance **and** has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

Showing Independence from Parents in Section 8

For a student to be eligible for Section 8 assistance independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. The student must meet at a minimum all of the following criteria to be eligible for Section 8 assistance:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meet the US Dept of Education's definition of an independent student (see definition below);
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support, even if no assistance is being provided.

Defining Independent Student

If an individual can prove independence from his/her parents, therefore meeting the handbook definition of independent student as outlined below, and does not meet any of the criteria in Section 327(a) above, but is otherwise eligible for assistance, the student would be eligible to move into the property and receive assistance. Non-tuition financial assistance would be counted as income unless the student is over 23 with a dependent child. To be classified as an independent student, the student must meet the Independent Student definition for Title IV aid. The student must meet one or more of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought;
 - 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 from age 13 or older;
 - Is, or was immediately before the age of majority, an emancipated minor or in legal guardianship as determined by a court;
- Be a veteran of the US Armed Forces or on active duty for other than training purposes;
- Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
- Be a graduate or professional student; or
- Be married.
 - Has been verified during the school year either as an unaccompanied youth who is homeless or at risk of homelessness and is self-supporting;
 - Be a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Including Financial Assistance in Annual Income

Any financial assistance an eligible Section 8 student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children, or if the student is living with his or her parents who are receiving Section 8 assistance.

Protection from Eviction

Management will not evict or require an ineligible student to move from a unit as long as the student is paying market rent and is in compliance with the terms of the lease.

Students Who are Not Eligible for Assistance in Other Assistance Programs

A student who is enrolled at an institution of higher education must meet **all** of the following criteria, or s/he will not be eligible for assistance in the Rent Supplement program, the RAP program, Section 221(d)(3) BMIR, Section 236, Section 202 PAC, Section 202 PRAC, or Section 811 PRAC programs:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meet the US Dept of Education's definition of an independent student;
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and

- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support, even if no assistance is being provided.

Defining Student Financial Assistance Income in Other Assistance Programs

The full amount of financial assistance paid directly to the student or to the educational institution and amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs, are excluded from annual income for the above programs.

Verifying Information

The applicant must agree to furnish any information required to verify eligibility for rental assistance including all sources of income, assets, and certain expenses. Applicants are hereby informed that, by law, the penalties for false information may include eviction, loss of assistance, fines up to \$10,000, and imprisonment up to five years. The applicant must understand that a final decision of eligibility cannot be made until all verifications are complete. In addition, the applicant must understand that HUD has the right to compare any of the information supplied in the verifications with information that federal, state, or local agencies have on the family's income and household composition. See also Section X of this plan, *Verification Requirements and EIV*. Management must explain all program requirements to applicants, including the following verification procedures:

Individual Verification Consent Forms

In addition to the Authorization for Release of Information and the appropriate Consent Forms indicated earlier, applicants must sign Individual Verification Forms that have been designed by management for obtaining documentation from third parties, to verify an applicant's income and deductions for determining the rent.

Verification Documentation

Documentation used as part of the verification process may include checklists completed and signed by the applicant, verification forms completed and signed by third parties, dated notes of interviews with third parties whether by phone or in person, documents provided by family members, or affidavits/certifications supplied by the applicant. Management will be the final judge of the credibility of any verification submitted by an applicant.

Preferred Forms of Verification

Verifications must be attempted in the order indicated below. Each file will be documented to show that management attempted to obtain third party written documentation before relying on some less acceptable form of information.

- Upfront Income Verification through the Enterprise Income Verification (EIV) system;
- Third party written;
- Third party oral with a record kept in the file;
- Review of documents provided by the family, or
- Affidavits from the family.

Verifying Zero Income

If an applicant reports zero income on an application, management will advise her/him that if they are still at zero income when they come to the top of the Waiting List, they will be asked to fill out a questionnaire prepared by management stating their source of necessary living items that are not covered by Food Stamps or other federal assistance sources. After 90 days at zero income, and for every 90-day period thereafter, the resident will be recertified to determine if they have begun to receive any type of income. At the time of these 90-day interim recertifications a "No Income Report" will be run by management in the EIV system to determine if EIV is reporting any income for this individual.

If a resident goes through four 90-day periods at zero income, management will make a visit to the dwelling unit to determine the likelihood of the resident's report. If the resident is found to have a car, a telephone, cable television, cigarettes, disposable diapers, or other evidence of some form of income, the applicant may be asked to explain the source of income supporting cash expenditures when zero income is present. A Family Budget or Statement of Financial Responsibility may be required from the applicant. Investigations may include ordering a credit report on the resident after proper notice is given.

Attempted Fraud

Any information provided by the applicant that is later proven to be untrue by verification may be used to disqualify the applicant for admission on the basis of attempted fraud. Fraud is defined in Par 8-13A of HUD Handbook 4350.3 REV-1 as an applicant/resident knowingly providing inaccurate or incomplete information. Unwitting errors that do not secure an advantage with regard to program eligibility, preferences, or rent will not be used as a basis to exclude applicants. Management considers false information about income, assets, family composition, Social Security numbers, allowances, and previous resident or criminal history to be grounds for rejecting an applicant.

IV. Qualifying for Admission Under HUD's Project Eligibility Requirements

Defining Project Eligibility

Project Eligibility establishes whether applicants are eligible to reside in the specific property to which they are applying. This property has units designed to serve seniors or persons with disabilities. The Occupancy Standards listed below take into consideration not only family type, but also family size and what unit sizes are available in the property. It is possible that a family might be eligible for subsidy under HUD's requirements, but would not be eligible under the unit size requirements of this particular property.

Occupancy Standards

When applying to the property, the appropriately sized unit must be in the unit configuration within the development. Units are assigned according to family size and composition. If the appropriate unit size is not available at the time of application, the applicant will be put on a waiting list. To avoid overcrowding, and in order to be consistent, we have adopted the following occupancy standards:

<u>Bedroom</u>	<u>Minimum</u>	<u>Maximum</u>
0	1	2
1	1	2

Defining Persons with Disabilities

- Any adult having a physical, mental, or emotional impairment that:
 - Is expected to be of long-continued and indefinite duration;
 - Substantially impedes the person's ability to conduct the activities of daily living;
 - Is such that the person's inability to conduct the activities of daily living could be improved by more suitable housing conditions.
- A person having a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, that is a person with a severe chronic disability which:
 - Is attributable to a mental and/or physical impairment or combination of mental and physical impairments;
 - Was manifested before age 22;
 - Is likely to continue indefinitely;
 - Results in substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and responsive language; learning; mobility; self-direction; capacity for independent living; and economic self-sufficiency; and,
 - Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- A person with a chronic mental illness, that is a person who has a severe and persistent mental or emotional impairment that seriously limits his/her ability to live independently, and whose impairment could be improved by more suitable housing conditions.
- Persons infected with the human acquired immunodeficiency virus (HIV) who are disabled as a result of infection with the HIV are eligible for occupancy in the Section 202 properties designed for the physically disabled, developmentally disabled, or chronically mentally ill depending upon the nature of the person's disability.

NOTE: A person whose sole impairment is alcoholism or drug addiction will not be considered to be disabled for the purposes of the Section 202 program.

Assigning Units for Persons with Physical Disabilities

The property will always give a family that has indicated a need for certain unit accommodations because of a disability, the opportunity to benefit from the HUD program in place at the property. The property asks the family to decide for itself, in compliance with Section 504 of the Rehabilitation Act, whether a unit meets the needs of the family. The property will notify the household whenever any unit becomes available, without regard to unit accessibility. The property will never prohibit an eligible family with a member who has a disability from accepting a suitable nonaccessible unit if no accessible unit is available when the family reaches the top of the waiting list. If the applicant decides to accept a standard unit, s/he may request some modification to the unit as a reasonable accommodation.

Assigning Accessible Units

If a unit becomes available that has either been made accessible under Section 504, or was originally designed for disabled households when the property was approved for funding, the property will first offer the unit to an individual with

disabilities who is currently residing in a nonaccessible unit who requires the features of the unit. If there is no such current resident, the property will offer the unit to the next qualified applicant on the waiting list who needs the features of the accessible unit.

When neither a current resident nor a qualified applicant require the features of an available accessible unit, the property will offer the unit to another resident or applicant, and will incorporate as an addendum to the lease an agreement that the resident will move to a nonaccessible unit within the property when one becomes available. This addendum will also cover whether the resident or the property will pay for the cost of such a move.

Reasonable Accommodation

The property will consider requests for reasonable accommodations from applicants/residents with disabilities, in order that they may benefit from the use and enjoyment of the dwelling units. The applicant/resident must be able to show that the requested accommodation is necessary, and that there is a strong, identifiable relationship between the requested accommodation and the individual's disability.

If a household requests an accessible feature, policy modification, or other reasonable accommodation, the property will provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program, or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the operations of the property.

Policy for Unit Transfers

Requests from Residents

Once an applicant has become a resident, a transfer of units may be warranted. There are studio and one bedroom unit sizes at this property. If a resident has an increase in family size, or has a medical/health condition that warrants a larger unit or a unit that has special design features for a person with disabilities, a transfer may be requested. On occasion there may be other requests for transfers that the property will consider on a case-by-case basis. All transfer requests must be made in writing, and must state the reason for the request. The request will then be forwarded to the property manager/owner for final approval.

Requirement by Owner

On occasion an owner may require a resident to transfer to a smaller unit size. This may occur when the family composition decreases and the family no longer qualifies for the unit size in which they are dwelling. If a unit of appropriate size is not available, management will not evict the family and will not increase the family's rent to the market rent. However, if an appropriately sized unit is available and the family refuses to move, the family may stay in their current unit and pay the HUD-approved market rent. Management may evict the family if the family fails to pay the market rent in accordance with the lease.

Acceptable Reasons for Transfers

Current residents may qualify for a unit transfer for one of the following conditions:

- Medical/health conditions, including inability to use stairs, or the need for a live-in attendant;
- Family size increases or decreases, or composition changes;
- There is a need for a unit with special design features for a person with disabilities; or
- Other potential conditions not related to health, which will be reviewed on a case-by-case basis by management.

Placement on Transfer Waiting List

If the property manager approves a request for a transfer to a different unit, and there is no current unit available, the resident will be placed on the property's transfer waiting list. In-house residents that must be transferred due to overcrowding will be transferred first. Residents needing transfers due to medical reasons must have a written physician's statement.

Procedures for Filling Vacancies

If a request for a transfer to a different unit is approved, the resident agrees to pay all transfer costs prior to the move. Costs may include damages that are beyond normal wear and tear. However, if a resident is transferred as an accommodation to a household member's disability, then management may be obligated to pay the costs associated with the transfer as discussed under Section 504 of the Rehabilitation Act of 1973 of Chapter 2 of HUD Handbook 4350.3 REV-1.

Priority for Filling Vacancies

The property will fill its vacant units with current residents awaiting transfers before applicants from the property's waiting list. Unit transfers that are required by management will take priority over resident requested transfers.

Preferences

The property has adopted a preference for admission to tenants who currently live in another property managed by RMDC, Property Management Services who wish to transfer into another project.

Elderly Election

The property has made an election to give preference for the elderly as allowed under Title VI, Subtitle D of the Housing and Community Development Act of 1992, and as explained in HUD Handbook 4350.3 REV-1, Par 3-18.

V. Qualifying for Admission under the Property's Standards

Property Standards for Occupancy

Being eligible for federal rental housing is not an entitlement. Every applicant must meet the resident selection criteria set in place at the property. These standards are used to demonstrate the applicant's suitability as a resident. They are determined by verifying information on past behavior to document the applicant's ability, either alone or with assistance, to comply with essential lease provisions and any other rules governing tenancy.

Change in Need for Accessible Features

If a resident is in an accessible unit but no longer needs the accessible features, management may request that the resident move to another unit in the property.

Property Standards for Behavior

The applicant will be judged on past habits and practices related to tenancy and not on any attribute or behavior which may be imputed to a particular group or category of persons of which an applicant may be a member.

VI. Screening to Determine Applicant Eligibility

Applicant Screening Policy

All applicants for assisted housing will be screened according to the criteria set forth in HUD's Occupancy Handbook, HUD Handbook 4350.3 REV-1. Certain key questions relating to the applicant's eligibility and resident history will be asked, including Social Security numbers, and the names, addresses and telephone numbers of current and former landlords. Failure to provide this information will result in cessation of application processing. Property staff will assist applicants, as needed, in understanding the application process and completing forms. Applicants will be instructed on what aspects of their background will be checked. An applicant has the right to voluntarily withdraw from the application process at any time.

Things the Property will Check

- Past performance in meeting financial obligations, especially rent;
- A record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other residents, or cause damage to the unit or development;
- Involvement in criminal activity on the part of any applicant family member which would adversely affect the health, safety or welfare of other residents;
- A record of eviction from housing, or termination from residential programs;
- An applicant's ability and willingness to comply with the terms of the property's lease;
- An applicant's misrepresentation of any information related to eligibility, allowances, family composition or rent.

Things the Property will Not Check

- The property is not allowed to require physical examinations or medical testing as a condition of admission;
- The property will uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy, but will not impose greater burdens on persons with disabilities. Persons with disabilities may meet the requirements of the lease with the assistance of others such as attendant care providers;
- The property will not require a donation, contribution or membership fee as a condition of admission;
- It is unlawful for the property to make an inquiry to determine whether an applicant has a disability, or to make inquiry as to the nature or severity of a disability.

Procedures to Determine an Applicant's History

Past Performance

- Past performance for meeting financial obligations will be checked by contacting the current landlord and all prior landlords for the past five years.
- If verified records of timely rental payments (and utility payments, if applicable) are received from a landlord and/or utility supplier, no further documentation of past performance in meeting financial obligations, especially rent, will be collected.
- An applicant who applies owing a balance consisting of uncollected rent and/or miscellaneous charges may not be placed on the Waiting List until that balance is paid.
- The property will run a credit check and obtain a credit report on the applicant. In addition, the property will check court records for evidence of evictions or judgments against the applicant. The purpose of these checks is to obtain information on the applicant's past history of meeting financial obligations, future ability to make timely rent payments, and to describe whether the applicant has ever been evicted from a rental unit. If it is determined by the landlord that the applicant is not credit worthy, the applicant will be rejected.
- Also, the property will contact the current housing provider to determine the applicant's current behavior and abilities for paying the rent in a timely manner. If the current housing provider is a relative, additional information on the applicant's ability to comply with lease terms will be collected from other sources by the property.

Record of Disturbance

- The property will check with the current landlord and at least all prior landlords for the past five years for potential problems regarding disturbance of neighbors, destruction of property, or housekeeping habits that would pose a threat to other residents.
- If the applicant is not currently living under a lease with a landlord, the current housing provider will be asked to verify the applicant's ability to comply with lease terms. Any area for which the applicant has upkeep responsibility will be inspected.
- Documentation of current use of illegal drugs on the part of any applicant family member will be sufficient grounds to reject the applicant family.
- An applicant's behavior toward property staff will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward staff will be noted in the file.

Involvement in Criminal Activity

- Involvement in criminal activity by any member of an applicant family that would adversely affect the health, safety or welfare of other residents will be verified. In addition, the current or former landlord will be asked to indicate problems in this area during the applicant's tenancy.

Record of Eviction

- Staff will check property records, landlord records and other court records to determine whether the applicant has been evicted from any other property in the past.
- Record of termination from residential programs will be checked with police, service agencies and with any housing providers referred by the applicant.
- An applicant will in no way be held accountable by the property for the rental delinquency or other problems of a former household of which the applicant was a member, but not the head or spouse.
- Staff will consider the date and circumstances of any past eviction or termination in determining its relevance to property tenancy.

Complying with the Lease

- If an applicant is able to document through landlord references that s/he is complying with lease terms in current residences, and has so in former residences, this criterion will be considered to have been satisfied. Ability to comply with the property lease terms will be checked only in the absence of satisfactory landlord's documentation.

Misrepresentation of Information

- If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise misrepresented any facts about his/her current situation, history, or behavior in a manner that would affect eligibility, applicant selection criteria qualification, allowances or rent, the application shall be rejected.

Review of Information

If management's review of information about the applicant indicates that the applicant will not be a suitable resident, management may reject the application for tenancy.

Screening for Credit History

Management will screen all applicants for their credit activity. Management will reject an applicant for a credit history showing a delinquency on accounts. Management will not reject an applicant for a lack of a credit history.

Screening for Rental History

The applicant's rental history must be acceptable to the property's standards, which are as follows:

- Applicants should have at least five years of rental history to contact;
- The rental history of both the current landlord, and prior landlords will be reviewed;
- If the applicant's current living arrangements are with a family member, then two previous unbiased landlords will be contacted;
- If an applicant's preceding housing was "owner occupied" this criterion is waived;
- Applicants must not have a history of more than four (4) late payments;
- Applicants must show a willingness to maintain premises in a sanitary condition with no evidence of undesirable noise, odor, or disruptions to the quiet and peaceful enjoyment of other residents.

Screening for Housekeeping Habits

- All landlords contacted for rental history will also be questioned regarding the applicant's housekeeping habits, to determine the maintenance of the present home in regards to sanitary conditions, and fire and safety standards.

Screening for Drug Abuse and Other Criminal Activity

Management will deny admission if any household member has been convicted of a felony, or if:

- Any household member has been evicted from federally assisted housing for drug-related criminal activity, for 3 years from the date of eviction. If the evicted household member who engages in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, management may, but is not required to, admit the household.
- Any household member is currently engaging in illegal drug use.
- Management determines that there is reasonable cause to believe that a household member's illegal use or a pattern of 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.)
- Management determines that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Screening for Sex Offenders

Management will deny admission to any member of the household that is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal law, management is establishing this standard to prohibit admission to this Federally assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admission screening process, management will perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.

Violence Against Women Act

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for termination of assistance, or occupancy rights if the resident or an immediate member of the resident's family is the victim or the threatened victim of that abuse.

An incident(s) of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim (or threatened victim), and will not be "good cause" for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Form HUD-91066, Certification of Domestic Violence, Dating Violence or Stalking

All current tenants will be provided the option to complete form HUD-91066, *Certification of Domestic Violence, Dating Violence or Stalking*. This form will also be made available to all families at the time of admission

Form HUD-91067, Lease Addendum for VAWA

Form HUD-91067, HUD's lease addendum for the VAWA provisions, is a required addendum to every lease. If it is determined that physical abuse caused by a tenant is clear and present, the law provides management the authority to bifurcate the lease, and 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 termination action against the individual, will be done in accordance with the procedures prescribed by federal, state, and local law. If such action is deemed necessary, an interim recertification will be processed reflecting the change in household composition.

Form HUD - 5380, Notice of Occupancy Rights under VAWA; Form HUD – 5381 Emergency Transfer Plan; Form HUD – 5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation; Form HUD -5383 Emergency Transfer Request

Eagle Manor Residence's Notice of Occupancy Rights Form HUD 5380 is EMR's policy regarding protections for victims of domestic violence, dating violence, sexual assault, or stalking. Upon move in and each year at recertification Form HUD 5380, Notice of Occupancy; Form HUD – 5381 Eagle Manor Residences Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; HUD Form 5382 – Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation; and HUD Form 5383

Screening of Live-In Aides or Persons to be Added to the Tenant Household

As per Par 4-7B5 of HUD Handbook 4350.3 REV-1, management will screen live-in aides and new additions to the tenant household for drug abuse and other criminal activity by applying the same criteria established for screening other applicants.

VII. Marketing

Fair Housing Requirements

The property enforces a marketing effort that attracts a broad cross-section of the eligible population without regard to race, color, religion, sex, disability, familial status, or national origin.

Filling Available Units

Whenever additional applicants are needed to fill available units, advertising will be carried out in accordance with the HUD-approved AFHMP, and as indicated below.

Race and Ethnic Data Reporting

The property will offer all members of an applicant/tenant family the option of completing Form HUD-27061-H, Race and Ethnic Data Reporting Form. This form is used for gathering race and ethnic data in assisted housing programs. The form will be offered for completion at initial application or at lease signing. In-place tenants who have not completed the form will be offered the opportunity to complete the form. There is no penalty for persons who do not complete the form. The property will place a note in the file of any family member who chooses not to complete the form.

Affirmative Fair Housing Marketing Plan (AFHMP)

The property complies with the requirements of the HUD-approved AFHMP established for the property, which is designed to promote equal housing choice for all prospective residents regardless of race, color, religion, sex, disability, familial status, or national origin. The purpose of the plan is to ensure that eligible families of similar income levels will have a similar range of

housing opportunities. The plan outlines marketing strategies management will use. Special efforts will be made to attract persons who are least likely to apply due to such factors as the racial or ethnic composition of the neighborhood. Marketing will also seek to reach potential applicants outside the immediate neighborhood if marketing only within the neighborhood would create a disparate impact against certain classes, such as the case of an entire neighborhood that includes no minorities.

Giving Preference to Local Residents

The property has been given HUD's approval to give preference to local residents of the community. HUD has found the property to be consistent with nondiscrimination and equal opportunity requirements and the goals of the AFHMP located at this property. The property will not require local residency as a prerequisite for admission.

Special Marketing Requirements for Section 8 Units

The property will target its marketing and outreach activities for any Section 8 units to attract applicants with incomes below the very low-income limit. In addition, for income-targeting requirements, the property will target marketing and outreach to attract applicants with incomes at or below the extremely low-income limit to achieve the income-targeting requirements established on Page 9 of this plan.

Monitoring and Documenting Marketing Activities

The property will monitor marketing efforts and document the results in writing. The documentation will be made available, upon request, for all marketing activities, to show consistency with affirmative fair housing marketing requirements and the approved plan for the property. This documentation will include copies of media and marketing materials, records of marketing activities conducted, and documentation of any special marketing activities conducted in accordance with the property's approved AFHMP.

Five-year Review of Plan

The property will review the AFHMP every five years and update it as needed to ensure compliance with HUD regulations. If the demographics of the area have changed, the property will determine whether advertising efforts should be targeted to different groups. The AFHMP will be revised whenever a substantial change takes place, or the local Consolidated Plan is updated, and be submitted to HUD for approval.

Advertising

Population to be Targeted

When available units cannot be filled from applicants on a waiting list, the property will target advertising to groups other than the typical population of the neighborhood, and will reach out to applicants who are least likely to apply because they are not the predominant racial or ethnic group in the neighborhood.

Form of Advertisement

All advertising for this property includes either the HUD-approved Equal Housing Opportunity logo, the Equal Housing Opportunity slogan, or an equal housing statement. All visual advertising will depict members of all eligible protected classes including individuals from both majority and minority groups.

Source of Advertising

The property will use the following public forums for its advertising: The Independent Record and Queen City Newspaper(s), and Cherry Creek/KMTX Radio/Television

Fair Housing Poster

The property has posted the required Equal Housing Opportunity poster in a window of the Leasing Office which can be seen from the street, so that it is readily apparent to all persons seeking housing.

VIII. Waiting List Management

Anyone who wishes to be admitted to the property or to be placed on the property's Waiting List must complete an application. The application must include a signature certifying the accuracy and completeness of information provided. If the applicant is placed on the property's Waiting List, the list will note the name of the applicant, the date and time of application, the type of income, the size of unit desired, and any other pertinent information.

Selecting Names from the Waiting List

The property will select names from the waiting list in chronological order to fill vacancies, unless 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. In such a case, a notation will be made on the waiting list to indicate why this applicant was skipped for an extremely low-income applicant. Please note the paragraph on Income-Targeting on Page 9 of this Resident Selection Plan.

Skipping Over an Applicant on the Waiting List

In addition to the requirements to skip over certain applicants on the waiting list in order to accomplish the required percentages for income-targeting, management is also required in §5.216 paragraph (h) of Federal Register Notice 74 FR 68924, published on 12-29-09, to skip over an assistance applicant as follows: "...if the processing entity determines that the assistance applicant is otherwise eligible to participate in a program, the assistance applicant may retain its place on the waiting list for the program but cannot become a participant until it can provide the complete and accurate SSN assigned to each member of the household, and the required documentation referred to in paragraph (g)(1) of the notice."

Applicant's Refusal to Accept a Unit

When appropriately sized units are offered to applicants, and an applicant turns down unit offers two consecutive times, the applicant will be placed at the bottom of the Waiting List.

Maintaining the Waiting List

In order to maintain a balanced application pool, the property may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. Decisions about closing the waiting list will be based on the number of applications available, and the ability of the property to house an applicant within a reasonable period of time. Closing the waiting lists, restricting intake, or opening the waiting lists will be publicly announced in the Independent Record.

Policy for Closing the List

The waiting list will be closed when the average wait is two years. Potential applicants whose names appear on the waiting list will be notified via mail of the closure of the waiting list. The waiting list closure will also be published in the newspaper(s) listed above, and will state that additional applications will not be accepted until the waiting list is no longer excessive. During the period when the waiting list is closed, the property will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

Reopening the List

If there is a need to reopen the waiting list, the property will advertise in the newspapers listed above, explaining the rules for applying, when and where to apply, and the order in which applications will be processed.

Updating the Waiting List

The Waiting List will be updated annually. Applicants must contact the property the first of every year between January 2nd and January 31st in order to stay on the Waiting List. The property will update the waiting list by removing the names of those who are no longer interested in, or who are no longer qualified for, assisted housing. The applicant is responsible to update the application with any changes that may occur to remain active on the current waiting list.

Removal of Applications from the Waiting List

The property will not remove an applicant's name from the waiting list unless:

- The applicant requests that the name be removed.
- The applicant was clearly advised of the requirement to tell the property of his/her continued interest in housing by a particular time and failed to do so. Those applicants failing to respond within the required time frame will be removed from the list. They may reapply at any time, but will not assume their old position on the list.
- The property made a reasonable effort to contact the applicant to determine if there is continued interest in housing, but has been unsuccessful.
- The property has notified the applicant of its intention to remove their name because they no longer qualify for assisted housing.

IX. Application Intake and Processing

Application Intake

All persons wishing to be admitted to the property, or placed on the property's waiting list, must complete an application. All applications will be taken at the property site office, or at the home office of the management company at the following address: RMDC, Property Management Services
PO Box 1717
200 South Cruse Avenue
Helena, MT 59624-1717

Communications with Applicants

All communications with applicants will be by first class mail or by telephone. Failure to respond to letters or phone messages may result in withdrawal of an application from further processing. The property will make exceptions to these procedures to take into account circumstances beyond the applicant's control, such as medical emergencies or extreme weather conditions.

Race/Ethnicity Data Collection

The applicant provides self-certification of their race and ethnicity for data collection by using form HUD-27601-H, Exhibit 4-3 of HUD Handbook 4350.3 REV-1. Completing this form is optional and there is no penalty for not completing it.

Written and Signed Applications

Written applications will be accepted from anyone who wishes to apply. Every application must be completed and signed by the applicant. The information requested on the application form includes:

- Household characteristics such as name, sex, age, disability status (only where necessary to establish eligibility), need for an accessible unit, and race/ethnicity;
- General household contact information such as address, phone number, etc.;
- Sources and estimates of the household's anticipated annual income and assets;
- Social Security number(s);
- Citizenship declaration and consent form(s);
- Higher education student status (only if a member of the household is a student in higher education);
- Identification of preferences for which the household qualifies;
- Screening information, which may include prior landlord, credit, and drug/criminal history;
- Marketing information regarding how the applicant heard about the property; and
- Certification from the applicant stating the accuracy and completeness of information provided, and an acknowledgement that the applicant has read the Privacy Act and understands the disclosure requirements.

Staff will be prepared to assist any applicants who might have trouble completing the application form. This assistance might take the form of answering questions about the application, helping applicants who might have literacy, vision or language problems and, in general, making it possible for interested parties to apply for assisted housing.

Determining an Applicant's Eligibility

Preliminary Determination

Before putting any applicant on a waiting list, the property will make a preliminary eligibility determination to ensure that there are no obvious factors that would make an applicant ineligible.

Placement on a Waiting List

If a preliminary screening indicates that a family is eligible for tenancy, but units of appropriate size are not vacant, management will place the family on a Waiting List according to the date and time the application was received in the rental office. The family will be notified when a suitable unit becomes available.

Placement on More than One List

Families may request and be placed on more than one waiting list, as long as they are eligible for the appropriate bedroom size. For more information on Waiting List Management, see Section VIII of this Resident Selection Plan.

Verification Interview

As applicants approach the top of the waiting list they will be contacted to schedule an interview to verify all information given on the application. The interview will be conducted in accordance with HUD's Occupancy Handbook, HUD Handbook 4350.3 REV-1. The property will confirm and update all information provided on the application, and will explain program requirements, verification procedures, and penalties for false information, which include eviction, loss of assistance, fines up to \$10,000, and imprisonment up to five years. The applicant will be asked to sign the release of information consent portion of the Authorization for Release of Information (Forms HUD 9887 and 9887-A) and any other necessary verification requests.

Ineligible Applicants

At the completion of the verification process, applicants will be ineligible to move into the property for any one of the following reasons:

- The applicant's gross annual income changes by the time they reach the top of the waiting list, and exceeds the income limit for the property;
- In a 202/8 property, the applicant's rent based on HUD's rent formula, exceeds the gross rent for the unit;
- Household members have failed to meet disclosure requirements for Social Security numbers;
- Household members have failed to declare citizenship/noncitizenship status;
- Household members have failed to sign the release of information forms; and,
- Landlord reference checks reveal that the applicant has a history of nonpayment of rent, eviction for nonpayment of rent, history of disruptive behavior, or history of damaging site property.

X. Verification Requirements and EIV

Required Consent Forms

Adult members of assisted families must authorize owners to request independent verification of data required for program participation. To provide owners with this authorization, adult family members must sign two HUD-required consent forms, plus management's specialized verification forms.

Form HUD-9887, Notice and Consent to the Release of Information to HUD.

Each family member who is at least 18 years of age and the head, spouse or co-head, regardless of age, must sign this form at move-in, initial and at each annual recertification, regardless of whether s/he has income. Additionally, the form must be signed when a new adult member joins the household, and when members of the household become 18 years of age. The consent allows HUD to verify information with the IRS, the Social Security Administration, and with state agencies that maintain wage and unemployment claim information.

Form HUD 9887-A, Applicant's/Tenant's Consent to Release of Information – Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance.

Owners and all family members 18 years of age and older, regardless of whether they have income, must sign this form. The consent allows owners to request and receive information from third-party sources about the applicant/resident.

Required Information

All information relative to the following items will be verified:

- Income, assets, family composition, and Social Security numbers;
- Deductions for such things as age, disability, disability expenses, and medical costs;
- Documented ability and willingness to abide by lease requirements, previous history of tenancy, rent paying, caring for a home, and criminal activity of any family member.

All of the above information will be documented, and appropriate verification forms or letters placed in the applicant or resident file. No decision to accept or reject an application will be made until all verifications have been collected.

Certification Checklist/Questionnaire

Each member of an applicant/tenant family who is 18 years of age and older will be required to complete a checklist/questionnaire at move-in and each annual recertification, interim recertification, and initial certification, certifying to any of the above income, assets, deductions or level of eligibility.

Utilizing HUD's EIV System

HUD's Enterprise Income Verification (EIV) system is an upfront income verification tool available to owners to validate wage, unemployment and social security income during annual, interim, and initial certifications of tenants' income. It is a web-based application available to authorized program administrators of HUD's rental assistance programs, which allows an owner to verify income through an independent source that systematically and uniformly maintains income information in computer-ized form for a large number of individuals. It is also known as automated written third party verification. Management is currently in compliance with the EIV system and has taken steps to ensure technical, administrative and physical safeguards to ensure the privacy of all applicants/tenants, including ensuring that there is a current signed copy of form HUD-9887 on file for all adult tenants. See the paragraph below for the safeguards management has established to deter any of its agents or employees from disclosing or inappropriately inspecting such documents. In addition, see the section called Use of EIV Data and Reports on Pages 26 and 27.

Security Safeguards for the EIV System

Management has established the following safeguards to ensure the security and confidentiality of tenant records.

Technical Safeguards - Addressing Issues of Access to the EIV System

When accessing the EIV system for verifying tenants' information at the time of recertifications, all authenticated users under the employ of management have been authorized by management to use the system, have been given annual security awareness training, have been certified within the timeframes dictated by HUD, and have been instructed that management will use its technology system to monitor the users' activity when utilizing the system. All system users have:

- signed HUD's Rules of Behavior indicating they understand the information obtained may only be used for official HUD business, and that willful disclosure or inspection of EIV data can result in civil and criminal penalties including fines up to \$5,000 and/or imprisonment up to five (5) years, as well as civil penalties;
- agreed to follow HUD standards, policies and procedures, and that their user ID and passwords are to be used only by them, and under no circumstances will they reveal or allow use of their passwords by another person, nor will they use another person's password or ID;
- agreed to protect EIV system data within their control, whether online, printed or stored in media, from unauthorized access.

Administrative Safeguards - Addressing Issues of Use of the EIV System

Management ensures that:

- users' access rights, roles, and responsibilities are appropriately and adequately assigned, and that these rights will be modified or revoked, as appropriate, when an employee has a change in duties, or when employment is terminated;
- the authorized release of tenant information consent forms (forms HUD-9887 and 9887-A) are included in all tenant files, prior to the EIV system being accessed;
- standard operating procedures will be maintained and enforced relating to the security of EIV data, via the distribution of posters, security bulletins, and EIV training manuals;
- all EIV users will receive formal training on security measures and awareness at the time of implementation, and at least annually thereafter, either in a formal setting with the use of a private training company or via HUD's training webcasts;
- all EIV users will receive informal training in regularly scheduled discussion groups and staff meetings regarding the detection and reporting of improper disclosures, unauthorized access or security breaches to the EIV system.

Physical Safeguards - Addressing Issues of Information Handling of EIV Data, Whether Online or in Print.

Designation of Secure Areas

Management has designated secure areas at this property and has trained its staff to:

- Protect copies of sensitive data;
- Destroy system-related records to prevent reconstruction of the contents;
- Establish barriers between unauthorized persons and documents, and control access to the area;
- Restrict the use of printers, copiers, facsimile machines, etc., to only those individuals who are authorized to use EIV;
- Prevent undetected entry into protected areas and/or documents;
- Notify Coordinators/Security Administrators of system breaches and penetration by unauthorized users.

Secure Computer Systems and Output

Management has trained its staff to:

- Store downloaded EIV data in a separate, restricted access directory, to label CDs containing EIV data "confidential" or "For Official Use Only," and to lock such CDs in a secure place.
- Retrieve all computer printouts as soon as they are generated so that EIV data is not left unattended, to keep printouts locked up, and to never transport them from the premises.

Signing Off Computer

Management has trained its staff to:

- Avoid leaving a computer unattended with EIV data displayed on screen
- Lock computer/Log off/Exit the system when not going to be at desk or when finished for the day - EIV will time-out after 30 minutes of inactivity - use a password-protected screensaver

Logging Out/Exiting System

Management has trained its staff not to select "Back to Secure Systems" to log out of EIV leaving WASS active, as it would make it possible to reenter EIV or another system without entering a password, but rather to close EIV and WASS by clicking on the "x" in the upper right-hand corner of the screen.

Retention of EIV Data

Management has trained its staff to retain EIV data in the tenant's file for the term of tenancy plus three years after tenancy is terminated.

Disposal of EIV Information

Management has trained its staff to dispose of EIV information by destroying it as soon as it has served its purpose, either by burning or shredding, and to keep a log of the destroyed data, including the date it was destroyed and how it was destroyed.

Use of EIV Data and Reports

Use of Income Reports

Management will use the following EIV income reports to fulfill its fiduciary responsibility to HUD in the managing of this property.

Income Report

Management will use this report each month when processing all Annual Recertifications. Whenever the income or employment data in EIV is not the same as reported by the tenant, management will independently verify any information by obtaining third party verification directly from the employer or by having the tenant request a current Award Letter from the SSA. Management will notify the tenant of the results of the third party verification and request the tenant come into the office to discuss the results in accordance with Par 8-17 of HUD Handbook 4350.3 REV-1. If management determines that the tenant had unreported or underreported income, management will go back

to the point in time of the discrepancy, up to 5 years, and calculate the amount the tenant owes. The tenant will be obligated to reimburse management if they have been charged a rent less than required by the rent formula. If they are not able to pay the amount due, management will enter into a repayment agreement with the tenant to collect the funds over a specific period of time.

Using the EIV Income Report for Zero Income Tenants

It is management's policy to reverify the status of tenants reporting zero income every ninety days. To ensure the accuracy of the tenant's report, management will pull an EIV Income Report within 90 days after a tenant has claimed zero income to determine if the tenant has given an accurate reporting.

Using the EIV Income Report Within 90 Days of All Move-Ins

Because Income Reports cannot be obtained for new move-ins, management's policy is to pull an EIV Income Report on every family that has been moved into the property within 90 days of move-in, to confirm the accuracy of their reporting at the time of move-in.

Using the EIV Income Report Following an Internal or CA Review of Tenant Files

Whenever there is a discrepancy in income, or question about how income was calculated, found upon review of a tenant file, either by a staff member of the management company, a private third party hired by the O/A (such as an occupancy training company), an independent public auditor (IPA), or a contract administrator (CA), which could be clarified by pulling an EIV Income Report, the O/A has the authority to pull an EIV Income Report on that tenant at that time.

Income Discrepancy Report

Management will print this report at the time of each tenant's recertification to review and resolve any discrepancies in income that are contained in the report. Since the income discrepancies reported in EIV are determined by comparing the wage, unemployment and social security benefits income reported by NDNH or SSA with the wage, unemployment and social security benefits income reported by the family and transmitted to TRACS, management will insure that the information in TRACS agrees with the information on the form HUD-50059 in the tenant's file. Management will correct any discrepant information in the TRACS database.

Management will retain a printed copy of the Income Discrepancy Report along with detailed information on the resolution of the reported discrepancy in the tenant file. This includes information on resolution of the discrepancy regardless of whether the discrepancy was found to be valid or invalid.

No Income Report (including No Income Reported by HHS or SSA & No Income Reported on 50059)

Management will use these reports at the time of each tenant's recertification to see if the report lists the tenant as receiving employment or income from either SSA or NDNH records. Management is utilizing an income checklist at each certification to ensure that the right questions are asked of tenants, to give them an opportunity to disclose any income they receive.

Zero Income Tenants

It is management's policy to reverify the status of tenants reporting zero income every ninety days. To ensure the accuracy of the tenant's report, management will utilize the No Income Report on a quarterly basis for implementing this policy.

New Hires Report

Management will use this report on a quarterly basis to determine if any tenant in their property has started a new job. Because tenants are required in their lease to report changes in income when the family's income cumulatively increase by \$200 or more per month, management will be proactive in assuring that tenants are making this required report in a timely manner, thus eliminating/reducing the amount of retroactive rent repayments.

Use of Verification Reports

Existing Tenant Search

Management will use this report during each applicant screening to determine if there may be applicants who are currently residing at another multifamily (MF) assisted property or Public and Indian Housing (PIH) property at the time of application processing. If it is found that an applicant is residing at a MF assisted or PIH property, management will discuss this with the applicant, giving the applicant the opportunity to explain any circumstances relative to his/her being assisted at another location, such as their intention to move from their existing location.

Multiple Subsidy Report

Management will use this report on a quarterly basis to identify any tenants in the property who may be receiving a rental subsidy at another assisted multifamily or PIH property. If the report shows that a tenant is being assisted at another location, management will discuss this with the tenant, giving the tenant the opportunity to explain any circumstances relative to his/her being assisted at another location. In addition, management will follow-up with the respective PHA or O/A to confirm that the tenant is being assisted at the other location. Depending on the results of this investigation, management may need to take action to terminate the tenant's assistance or tenancy.

Identity Verification Report

Each month management will use the following 2 reports to clear up any invalid, discrepant or missing information in the TRACS database.

Failed EIV Pre-Screening Report

Management will use this report monthly to identify those tenants that did not pass the pre-screening test and the reason(s) they did not pass, whether due to invalid or missing personal identifiers, so that the errors can be corrected. Management will confirm with the affected tenant their SSN, DOB and/or last name, and will obtain third party verification or documentation to support the tenant's personal identifiers and the accuracy of the information on the form HUD-50059 in the tenant's file and in TRACS. Management will correct any discrepant information in the TRACS system so that the tenant will be included in the TRACS file provided to EIV for inclusion in the SSA identity match.

Failed Verification Report (Failed the SSA Identity Test)

Management will use this report monthly to identify household members who failed the SSA identity match due to invalid personal identifiers (SSN, last name or DOB), as well as, to identify deceased household members. To correct errors, management will confirm with the affected tenant their SSN, DOB and/or last name, and obtain third party verification or documentation to support the tenant's personal identifiers and the accuracy of the form HUD-50059 and TRACS data. Management will correct any discrepant information in the TRACS system so that the tenant will be included in the match against SSA and NDNH data. In addition, management will encourage the tenant to contact the SSA to correct any inaccurate data in their databases if the personal identifiers on the form HUD-50059 and in TRACS are accurate.

Deceased Tenant Report

Management will run this report quarterly to determine if any of their tenants are reported by SSA as being deceased. They will confirm with the head-of-household, next of kin or emergency contact person whether or not the person is deceased. If so, they will update the family composition on the form HUD-50059, or in the case of a deceased single member of a household, process a form HUD-50059-A to terminate tenancy.

Preferred Forms of Verification

All verifications of eligibility, income, assets, and deductions will be attempted in the following order:

- Utilizing the EIV system;
- Written third party;
- Oral third party, with a record kept in the file;
- Review of documents provided by the family, or affidavits from the family.

Securing income information through HUD's EIV system will always be management's first choice of verification. If the tenant disputes the information obtained in EIV, management will request written 3rd party verification. Each file where EIV is not used will be documented to show that management attempted to obtain third party written documentation before relying on some less acceptable form of information.

Verification Documentation

Documentation used as part of the verification process may include:

- Checklists completed as part of the interview process and signed by the applicant;
- Verification forms completed and signed by third parties;
- Reports/letters of interviews; and
- Notes of telephone conversations with reliable sources.

At a minimum, such reports will indicate the date of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received. Management staff will be the final judge of the credibility of any verification submitted by an applicant. If a staff member considers documentation to be doubtful, the property manager/owner will review it before making a ruling about its acceptability. Staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.

Source of Information

Sources of information to be checked may include, but are not limited to:

- Present and former landlords, or housing providers;
- Present and former employers;
- Credit checks and landlord record services;
- Family social workers, parole officers, court records, drug treatment centers, clinics, physicians, clergy; and
- Police departments.

Verifications and Rent Computations

Annual Income, which is used to determine eligibility, and Adjusted Income, which is the income upon which the rent is based, will be computed in accordance with the definitions and procedures established in Federal Law and set forth in the applicable HUD regulations, as found in HUD Handbook 4350.3 REV-1.

Verifying Annual Income

Projections of Annual Income will include estimates for each income recipient, and will be based on the best available information, considering the past year's gross income, and for employed families, the current income rate, and any potential rate increase, bonus, or possibility of overtime. The income of irregular workers will be estimated on the basis of the best information available, considering earning ability and work history. Overtime income will be computed in accordance with verification obtained from the employer, in the absence of more reliable or accurate information.

Methods of Verifying Income

Income is the most important factor in determining a family's eligibility and rent. The property has established methods of verifying income which include:

- Written third party verification (with an appropriate release) through an employer or public agency. Property staff may update this verification by phone provided a memorandum to the file is prepared.
- Property review of documentation provided by the family such as benefit checks, income tax returns, and W-2 forms.

In the absence of any of the above, affidavits from the family describing the amount and type of income are acceptable documentation.

Verifying Zero Income

If an applicant reports zero income, the property will advise her/him that if they are still at zero income when they become a resident, they will be asked to complete a questionnaire prepared by the property stating their source of necessary living items that are not covered by Food Stamps or other federal assistance sources. After 90 days at zero income, and for every 90-day period thereafter, the resident will be recertified to determine if they have begun to receive any type of income. If a resident goes through four 90-day periods at zero income, the property will then make a visit to their dwelling unit to determine the likelihood of the resident's report. If the resident is found to have a car, a telephone, cable television, cigarettes, disposable diapers, or other evidence of some form of income, the applicant will be asked to explain the source of income supporting cash expenditures when zero income is present. A Family Budget or Statement of Financial Responsibility may be required from the applicant. Investigations may include ordering a credit report on the resident after proper notice is given.

Attempted Fraud

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. The property considers false information about the following items to be grounds for rejecting an applicant:

- Income, assets, family composition; Social Security numbers; allowances; and
- Previous resident or criminal history

Unwitting errors that do not secure an advantage with regard to program eligibility, preferences, or rent will not be used as a basis to exclude applicants.

XI. Making an Occupancy Determination

Non-Discrimination

The following list of factors will not be considered in making a decision to admit or reject an application:

- Race
- Color
- Religion
- Ancestry
- National origin
- Age
- Sex
- Marital status
- Receipt of Public Assistance
- Parental status
- Political ideology
- Handicap or disability, including mental or emotional illness

Applicants with Disabilities

It is illegal to reject an applicant because s/he has a handicap or disability, or for reasons that could be overcome by the property's reasonable accommodation of the applicant's disability or handicap. If, even with a reasonable accommodation, applicants with disabilities or handicaps cannot meet essential program requirements, it is permissible to reject them. Such insurmountable problems might arise because of behavior or performance in past housing, inability to comply with the terms of the property's lease, or needed services from property staff that represent an alteration in the fundamental nature of the property's program.

Determining Program Eligibility

An applicant who happens to have a disability or handicap but who is able to demonstrate a history of meeting financial obligations, caring for a rental unit, avoiding disturbing neighbors and destroying property, eschewing criminal behavior, and if necessary, ability to comply with the property's lease, would be recommended for admission with no further reference to or consideration of any disability or handicap.

Recommendations for Admission or Rejection

If at any point in the screening process (including landlord references, home visit, police check, or verification of ability to comply with lease terms), it becomes clear to the property that an applicant will not meet the screening criteria, the file will be sent to the appropriate Supervisor for review. The first step in this review is a determination of the file's completeness. If any information is missing or the case for rejection or acceptance is not compelling, the file will be returned to the staff for further work.

Authorizing Admission

If an applicant is clearly eligible and passes the screening criteria, admission will be authorized.

Authorizing Rejection

Likewise, if the applicant is ineligible, rejection will be authorized. See the next page for further requirements regarding rejection.

XII. Rejection of Ineligible Applicants

Applicants who do not pass the eligibility requirements will immediately be sent a letter of rejection. This written rejection notice will specifically state one of the reasons listed below for the rejection, and will inform the applicant of her/his right to respond to management in writing, or to request a meeting within 14 days to dispute the rejection.

Reasons for Rejection

The property will reject an applicant if s/he:

- Is ineligible for occupancy based on HUD's guidelines as indicated in HUD Handbook 4350.3 REV-1;
- Is unable to disclose and document a SSN for every family member;
- Does not sign and submit verification consent forms or the Authorization for Release of Information (Forms HUD-9887 and HUD-9887-A);
- Has household characteristics that are not appropriate for the unit sizes that are available;
- Has not completed a declaration of citizenship for every family member which declares that the member is either:
 - 1) a citizen or national of the United States;
 - 2) a noncitizen with eligible immigrant status, and evidence of such if under the age of 62; or
 - 3) a signed statement not contending eligible immigration status, thus agreeing there is no eligibility for assistance.
- Does not meet the property's resident screening criteria as set forth in this Resident Selection Plan. If this item is the cause for rejection, the letter of rejection will specifically state in which area the applicant did not pass the screening criteria, as indicated below.

Failing the Screening Criteria

Reasons for failing the property's resident screening criteria may include:

- A family member was, or is, engaged in criminal activity that involves crimes or physical violence to persons or property, or that disturbs the peaceful enjoyment of the premises;
- A family member is required to register as a lifetime sex offender;
- There is evidence of acts of violence or any other conduct that constitutes a danger or disruption to the peaceful enjoyment of the premises;
- There is confirmed drug addiction or alcohol abuse, such as a conviction for possession, trafficking or use of narcotics or controlled substances, a record of conviction for activity relating to the misuse of alcohol, or written reports from a probation officer, a social agency, or the family itself to the effect that the individual is addicted to, or is misusing drugs or alcohol;
- A family member was evicted in the past three (3) years from federally assisted housing for drug and criminal activity;
- A family member has a conviction for the offense of rape, prostitution, indecent exposure, sodomy, carnal abuse, impairing the morals of a minor or similar crimes indicating sexual deviation;
- There is evidence of grossly unsanitary or hazardous housekeeping habits, which includes the creation of health or safety hazards through acts of neglect, or causing, or permitting to cause any damage to or misuse of the premises. This includes causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in good and clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.

Report from Qualified Agency

In cases where a qualified agency, such as F.I.A. or Protective Services, reports that a family shows potential for improvement in the area of housekeeping, an eligibility decision will be reached after receiving such a referral or recommendation from such an agency.

Appeal Process

All denied applicants have 14 days to respond in writing or to request a meeting to discuss their rejection. Appeal letters should be sent to the address on the cover page of this Resident Selection Plan. A member of management's staff who was not involved in the initial decision to deny admission will conduct any meeting with the applicant. A written response will be sent to the applicant within 5 days following the review meeting with the final decision.

XIII. Acceptance of Eligible Applicants

Offering a Unit

When a unit becomes available for occupancy, it will be offered either to the first Extremely Low-income applicant on the Waiting List, or, if the income-targeting percentage has already been met, to the first applicant at the top of the Waiting List. If the applicant cannot be contacted within four (4) working days, the offer will be canceled and the unit will be offered to the next applicant on the Waiting List. In that event, the first applicant will be sent a letter requesting confirmation of their interest in remaining on the Waiting List. If the applicant replies affirmatively, their application will retain its position on the Waiting List. The applicant will be advised at that time that if another unit becomes available and they cannot be reached within four (4) working days, their name will be moved to the bottom of the waiting list. If the applicant's reply is negative, or if no reply is received within four (4) working days, the application will be withdrawn.

Preparing to Move In

- The applicant and site manager will inspect the unit, and will both sign the Move-In Inspection Form;
- All applicants will sign the lease and related documents;
- The applicant will pay the security deposit by personal check, bank check, cashier's check or money order;
- The applicant will pay the pet deposit (if applicable) by personal check, bank check, cashier's check or money order;
- The applicant will pay the rent for the first month or partial month of occupancy by personal check, bank check, cashier's check or money order;
- The applicant will be given a copy of the lease, the HUD-50059 Form used to certify the rent, the Initial Notice for next year's Annual Recertification, the Move-In Inspection Form, House Rules, Pet Rules (if applicable), a *Resident Rights and Responsibilities* brochure, the Lead-Based Paint Disclosure Form, a HUD Fact Sheet describing the program and how the property determined the rent, and the receipt for the security deposit and first month's rent.

Move-In Inspection

Before executing the lease management's representative and the resident will jointly inspect the unit. The move-in inspection form will be used to indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary, and in good repair. If cleaning or repair is required, management will specify on the form the date by which the work will be completed, which will be no later than 30 days after the effective date of the lease. The inspection form must be signed and dated by both management and the resident.

Initial and Renewal Leases

Applicants will be required to sign a lease for the program under which they are being admitted, in accordance with Figure 6-2 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1. The initial lease term and any renewal lease terms will be determined in accordance with Figure 6-3 of the handbook.

Determination of Security Deposit

Security deposit amounts will be determined in accordance with Figure 6-6 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.

Pet Deposit

Pet deposit amounts will be determined in accordance with Figure 6-7 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1. The pet deposit will not exceed \$300, per HUD rules.

Rent Calculation

Monthly rent will be determined in accordance with the resident rent formulas indicated in Exhibit 5-8 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.

Failure to Move In on Time

If an applicant fails to move in on the agreed date, the applicant will be contacted to determine if extenuating circumstances exist. If the property determines that extenuating circumstances do exist, and the applicant cannot immediately move into the property, the application will be returned to its current spot on the waiting list, and the unit will be offered to the next household on the Waiting List. If the property does not find that there are extenuating circumstances, the application will be withdrawn.

Charges for Facilities and Services

Checks Returned for Insufficient Funds

The property will impose a fee if a check is not honored for payment. The resident will be billed for the amount the bank charges for processing the returned check.

(Note: This paragraph does not apply to Section 202/8, Section 202 PAC, Section 202 PRAC and Section 811 PRAC properties. See Par 6-25B of the handbook.)

Damages

Whenever damage is caused by carelessness, misuse, or neglect on the part of the resident, household member, or visitor, the resident is obligated to reimburse management for the damages within 30 days after the resident receives a bill from management. The property will deduct accrued, unpaid damage charges from the resident's security deposit at the time of move-out, as allowed by the laws of this state.

Special Management Services

The property will charge for special services such as responding to lockout calls and providing extra keys. At the time of move-out the property will charge the resident for each key not returned.

Court Filing, Attorney, and Sheriff Fees

The property will accept fees from residents who wish to avoid or settle an eviction suit as permitted by state and local laws.

Unit Inspections After Move-In

In addition to the unit inspection at move-in, there will also be an annual inspection for repairs and monitoring of housekeeping habits. If a resident is written up for poor housekeeping habits, s/he must clean their unit within five (5) days for a re-inspection. If a resident has three (3) unsatisfactory inspections, s/he will be required to move out of the property.

House Rules/Resident Policy Handbook

The property has House Rules/Resident Policy Handbook that are attached to the Lease. These rules identify allowable and prohibited activities in housing units and common areas that are related to the safety, care and cleanliness of buildings on the property, and to the safety and comfort of the tenants, and that are compliant with state and local requirements. It should be noted that if a tenant has a live-in aide, the live-in aide must be compliant with the house rules, even though they are not a party to the lease. The owner has the right to evict a live-in aide who violates any of the house rules.

The house rules are reviewed annually and may be modified. Residents will be notified of any modifications to the House Rules 30 days before they become effective. All residents will be given the opportunity to accept the changes in writing. If a resident chooses to reject any House Rule changes, s/he will be required to move out of the property within 60 days.

XIV. Resident Responsibilities after Move-In

Annual Recertification Requirements

Once a resident has moved into assisted housing and has gone through the process of having his/her income, assets, and allowances verified, HUD requires management to go through that same process of certification on an annual basis to ensure residents are paying rent based on their ability to pay. This system of annually re-verifying income is called Annual Recertification.

Notification System

Management will initiate the annual recertification process by first notifying the resident at the signing of each lease of their obligation to recertify next year. This is called an Initial Notice of Recertification. The resident is obligated to respond by reporting to management at the requested time to complete the recertification process. One hundred twenty days before the new recertification effective date, management will send the resident a First Reminder Notice of their need to report for an Annual Recertification, and to bring income information to the recertification interview, as well as documentation of SSNs that have not been previously documented. If the resident does not respond to this notice, a Second Reminder Notice will be sent 90 days in advance of the annual recertification effective date, and likewise a Third Reminder Notice/Notice of Termination will be sent 60 days in advance, if the resident has not responded to the first or second reminder notices. If the resident does not respond to any of the recertification notices, management will terminate assistance on the resident's annual recertification effective date.

Interim Recertification and Reporting Requirements

If circumstances occur in a resident's life that either affect their ability to pay their rent, or constitute a change in the family composition, a recertification of income, assets, allowances, or household composition should take place before the next scheduled annual recertification is due. This action is called an Interim Recertification. Owners and residents both have certain responsibilities under HUD regulations to initiate interim recertifications to ensure that an assisted resident continues to pay rent according to his/her ability to pay.

Owner Responsibilities

Management will process interim recertifications when the resident reports circumstances which would decrease the rent, as indicated in Chapter 7 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.

Resident Responsibilities

As required in the resident's lease, if an assisted resident experiences the following changes in their income or household composition at a time other than their scheduled annual recertification, HUD requires them to immediately report these changes to management, so that an interim recertification can be processed:

- Any household member moves out of the unit;
- An adult member of the household who was reported as unemployed on the most recent certification or recertification obtains employment;
- The household's income cumulatively increases by \$200 or more a month.

Miscellaneous Reporting Requirements

- An interim recertification is not required when a family member turns 18 years of age. However, the family is required to report to management at the time of turning 18 to sign the consent forms 9887 and 9887-A.
- Management is required to determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification, and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student of higher education.
- Management must re-determine the citizenship/immigration status of tenants whose original documentation at move-in suggested that their status was likely to change. If the status of a family member in a mixed family changes from ineligible to eligible, the family may request an interim recertification.

Unit Transfer Policy

When a resident reports a change in the number of household members, or a change in the household composition, management will determine if the current unit is still appropriate for the new household. To make this determination management will rely on the occupancy standards implemented for the property on Page 14 of this Resident Selection Plan. Management will determine if there is an appropriately sized unit in the property, and if there is a market for the size of unit the resident would be vacating. For more information on Unit Transfers, go to Page 15 of this Resident Selection Plan.

Implementation of House Rules

The house rules in effect at this property are in place to ensure the safety, care, and cleanliness of the building, and the safety and comfort of the residents. They are in compliance with HUD, state and local requirements, and do not discriminate against individuals based upon membership in a protected class. Management will give residents a written 30-day notice prior to implementing any new house rules.

XV. Termination

Termination of Assistance

Management will terminate a resident's assistance if:

- The resident fails to provide required information at the time of recertification, including changes in family composition, or changes in income, or documentation of Social Security numbers for all family members;
- The resident fails to sign/submit required consent and verification forms;
- An annual or interim recertification determines that the resident has an increased ability to pay the full contract rent;
- The resident fails to move to a different-sized unit within 30 days after management notifies him/her that a transfer is required, and that the unit of the required size is available;
- The resident has begun receiving assistance, management is unable to establish citizenship or eligible immigration status for any family members from the information provided by the resident, and determines that the resident does not meet the citizenship requirement;
- Actions to terminate assistance will be based only on a change in the resident's eligibility for assistance or a resident's failure to fulfill specific responsibilities under program requirements.

Termination of Tenancy by Owner

The authority to terminate tenancy of residents is in accordance with the HUD model lease and the state/local Landlord/Tenant Act. Management will terminate a resident's tenancy for the following reasons:

Material Noncompliance with the Lease

Management will terminate tenancy when a resident is in material noncompliance with the lease, including:

- Failure of the resident to submit in time all required information on household income and composition;
- Extended absence or abandonment of the unit;
- Fraud, which is when a resident knowingly provides inaccurate or incomplete information;
- Repeated minor violations;
- Nonpayment of rent due under the lease, including any repayment of rents due if the tenant was charged a lesser rent than required by HUD's rent formula due to underreporting or failure to report income.

Drug Abuse and Other Criminal Activity

- Management will terminate tenancy for any type of criminal activity;
- Management will evict a family if it is determined that a household member is illegally using a drug, or if management determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Management will terminate tenancy if it is determined that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Management will terminate tenancy during the term of the lease if a resident is fleeing to avoid prosecution.

Material Failure to Carry Out Obligations under a State or Local Landlord and Resident Act

- State and local laws impose obligations on a landlord and resident. These laws provide that violations of the resident's obligations constitute grounds for eviction.

Other Good Cause

- Management will terminate tenancy for other good cause, which is defined by state and local laws.
- The conduct of a resident may be deemed good cause, provided management has given the resident prior written notice and stated the conduct would constitute a basis for termination of occupancy in the future.

Termination of Tenancy by Resident

In order to terminate tenancy, the resident must provide management with a written 30-day notice to vacate the unit, as required in the lease.