



Section 202/8 TSP

Fedor Manor
Senior Affordable Housing
12400 Madison Avenue
Lakewood, OH 44107
www.fedormanorapartments.com

June 1, 2017

SS C & M Haven, Inc. dba Fedor Manor is a Section 202 property, which 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 one bedroom units available for rent to elderly persons and persons with mobility impairments.

Management Agent

This property is managed by LSC Service, Corp. , located at 14300 Detroit Avenue , Lakewood, OH 44107. For any questions, please call 216-521-7260 ext. 30.

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.

Availability of Plan

This Resident Selection Plan is available to the public upon request. It may be reviewed in the site rental office at the address listed above during normal office hours.

Modification of Plan

Management will review this Resident Selection Plan as needed 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.

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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 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 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.

Equal Access to Housing Regardless of Sexual Orientation, Gender Identity or Marital Status (Equal Access Rule)

On February 3, 2012, HUD published a final rule entitled Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, which ensures that properties across HUD programs are open to all eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status. The rule includes the following provisions, which will be upheld by the property at all times:

- A determination of eligibility for this property will be made in accordance with the eligibility requirements provided by HUD, and will be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.
- This property will not inquire about the sexual orientation or gender identity of an applicant or tenant for purposes of determining eligibility or otherwise making housing available. However, it is possible that the property may need to make inquiries into sex for temporary, emergency shelter with shared sleeping areas or bathrooms, or to determine the number of bedrooms to which a household may be entitled.

Definitions for the Equal Access Rule

The property will use the following definitions that are applicable to the Equal Access Rule:

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

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 Rehab 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 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 requests 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 are used to assist, support, or provide service to persons with disabilities. Assistance animals – often referred to as “service animals”, “assistive animals”, “support animals”, or “therapy animals” – perform many disability-related functions including but not limited to guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, 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.

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. .

Mitigating Circumstances and Equal Access

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. Management will provide assistance 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, notices, and the Consent for Release of Information Packet (9887 and 9887-A) are all available upon request in Amharic, Korean, Arabic, Portuguese, Armenian, Russian, Chinese, Spanish, Farsi, Tagalog, French, Vietnamese, and Khmer (Cambodian).

II. Privacy Policy

Federal Privacy Act of 1974/ACT 5 U.S.C 552a

Management, in compliance with the Privacy Act, is fulfilling its fiduciary responsibility by giving notice of the authority to obtain income information on all individuals applying to or currently living in HUD-assisted housing, to determine eligibility and the amount of rent a resident will pay. This is achieved through HUD forms 9887 and 9887-A, *Applicant's/Tenant's Consent to the Release of Information*. Each applicant/resident gives their consent to the release of information by signing these forms, and the individual verification forms that apply to them. It is a requirement to sign these forms at the time of move-in, and annual/initial certifications. The effect on an individual for not signing the forms will be denial or termination of assistance.

Consent to Disclose an Individual's Information to Another Person or Entity

The Privacy Act prohibits the disclosure of an individual's information to another person without the written consent of such individual. The EIV data of a household member will not be shared with another household member or to a person assisting the resident, unless the individual has provided written consent to disclose such information. However, management is not prohibited from discussing with the head of household how the income and rent were determined.

Disclosure to Persons Assisting Residents with the Certification Process

With the written consent of the resident, EIV data may be shared with persons assisting in the certification process, including review and explanation of third party income verifications. Disclosure of EIV to these parties must pertain only to the resident who has provided his/her consent. Parties to whom the resident can provide written consent include guardians, translators, interpreters, individuals assisting an elderly individual or a person with a disability, powers of attorney, and other family members. Disclosure of EIV information to Service Coordinators, along with a release of information consent form to access their file, will be allowed only if the resident is present during the review of the file.

Records Obtained through HUD's EIV System

Public Notice

According to the EIV System of Records Notice published in the Federal Register on 8-8-06, management hereby gives public notice to all applicant/residents 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.

Protecting the Confidentiality of EIV Information

Income reports in HUD's EIV system contain sensitive data including SSNs, birth dates, names, and physical addresses of resident families, and will not be shared by management with anyone not authorized to have it. The reports will be utilized by management at times of certification to determine if the resident has begun to receive any new income since the last certification. To minimize the risk of exposing a resident's SSN, management will not include the full nine-digit SSN of any individual in emails or other electronic communications, including faxes.

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/ resident'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

Program Eligibility determines whether applicants are eligible for federal rental assistance. This Section 202 property will not admit ineligible applicants. In order to be eligible a family must meet **all** of the following requirements.

Income Limit Requirements

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to families who need the assistance. Income limits are based on family size and the annual income the family receives, and are available for review at the site office. Applicants must have an income that is not greater than the maximum income limits established by HUD. Once an applicant is approved under the income limit rule and moves into the property, this income eligibility test will not be done again.

Counting Family Members for Income Limits

In order to determine which family size to use for Income Limits, the property will count all full-time members of the family who will reside in the unit, with the exception of live-in aides. (See the paragraph on live-in aides below for more information.)

Live-In Aides are Not Counted as Family Members for Income Eligibility

When determining the family size for establishing income eligibility, the property will not include any live-in aide living in the unit. (However, note that a live-in aide is counted in the family size when establishing unit size under the property's occupancy standards.) The live-in aide is defined as a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who is determined to be essential to the care and wellbeing of the person(s), is not obligated for the support of the person(s), and would not be living in the unit except to provide the necessary supportive services. To qualify as a live-in aide the following guidelines must be used:

- The owner will verify that the live-in aide is needed to provide the necessary supportive services essential to the care and well-being of the person. The verification will be obtained from the applicant's physician, psychiatrist, other medical practitioner, or health care provider, but will never include asking for access to confidential medical records, or for the applicant to submit to a physical examination.
- Expenses for services provided by the live-in aide, such as nursing services (dispensing of medications or providing other medical needs) and personal care (such as bathing or dressing), that are out-of-pocket expenses for the resident and where the resident is not reimbursed for the expenses from other sources, are considered as eligible medical expenses. Homemaker services such as housekeeping and meal preparation are not eligible medical expenses.
- The live-in aide qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a resident. The live-in aide may not qualify for continued occupancy as a remaining family member. The owner has instituted at the property a HUD-approved lease addendum that denies occupancy of the unit to a live-in aide after the resident, for whatever reason, is no longer living in the unit. The addendum also gives the owner the right to evict a live-in aide who violates any of the house rules.
- The income of a live-in aide is excluded from annual income.
- The live-in aide must disclose and provide verification of their SSN.
- The live-in aide must meet the property's screening criteria.
- A relative may be considered to be a live-in aide if they meet the requirements above.
- An adult child is eligible to move into a Section 202 project after initial occupancy only if they are essential to the care or well-being of the elderly parent(s). The adult child may be considered a live-in aide if all of the requirements above apply, and there is a verified need for a live-in aide.

Income Targeting

The Department of Housing and Urban Development (HUD) has established Income Targeting requirements. These requirements apply to HUD projects receiving Section 8 funding through the Housing Assistance Payments Contract.

Income must be less than or equal to the HUD established income limits effective at the time of the interview.

- 40% of apartments are reserved for those persons meeting HUD's extremely low income limits
- 60% of apartments are reserved for those persons meeting HUD's very low income limits

Our procedures for ensuring we meet HUD's requirement for 40% of all households falling within the extremely low income range are to ensure that of every five (5) new tenants two (2) will be in the extremely low category. When needed, very low income applicants at the top of the wait list will be skipped and our wait list will be so noted.

Admitting Over-Income Applicants

If the owner of this Section 202 property is temporarily unable to lease all units to income eligible families, s/he will request for approval of HUD to admit applicants with incomes that exceed the applicable program income limits. The information will be submitted to the HUD Field Office using Situation #6 of Exhibit 3-1 of HUD Handbook 4350.3 REV-1. If it is necessary for the owner to take this step, an addendum will be added to this Plan signifying such.

Social Security Number Requirements

Applicants will be required to disclose and provide verification of the complete and accurate SSN assigned to them except for those individuals who do not contend eligible immigration status, or for residents who were age 62 or older as of 1-31-10, and whose initial determination of eligibility was begun before 1-31-10.

Exceptions to Disclosure of Verification of SSNs

The SSN requirements do not apply to the following individuals:

- **Individuals who do not Contend Eligible Immigration Status.**
In this Section 202 property the restriction on assistance to noncitizens does not apply, and individuals are not required to declare their citizenship or immigration status on a Citizenship Declaration form. Such individuals will not be subject to the requirement to disclose and provide verification of a SSN. However, a resident of this property who is not a citizen and who does not contend eligible immigration status must sign a certification, containing the penalty of perjury clause, certifying to that effect. The certification will support the individual not being subject to the requirements to disclose or provide verification of a SSN. The certification will be retained in the resident file.
- **Individuals Age 62 or Older as of January 31, 2010**
If an individual is 62 or older as of 1-31-10, and their initial determination of eligibility was begun before 1-31-10, they are exempt from the requirement to disclose and provide verification of a SSN. The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program. Documentation will be obtained from the O/A where the initial determination of eligibility was determined prior to 1-31-10, which verifies the applicant's exemption status, and will be retained in the resident file.

Required Documentation

Each non-exempt assistance applicant and their household members must submit to management the complete and accurate SSN assigned to them, and documentation of the numbers submitted. Allowable documentation is:

- A valid SSN card issued by the Social Security Administration (SSA);
- An original document issued by a federal or state government agency, which contains the name and SSN of the individual, along with other identifying information; or
- Such other HUD-allowable evidence of the SSN as indicated in Appendix 3 of HUD Handbook 4350.3 REV-1.

Assistance Applicants

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

- If all household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant will be offered the available unit.
- The applicant who has not disclosed and provided verification of SSNs for all household members must disclose and provide verification to the owner within 90 days from the date they are first offered an available unit.
- If management determines that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of disclosing and providing verification of the SSN, the applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation.
- After 90 days, if the applicant has been unable to supply the required SSN and verification documentation, the applicant will be determined ineligible and removed from the waiting list.

Existing Residents

SSNs must be disclosed and verification provided for any household member who has not previously disclosed a SSN as of 1-31-10, except for those individuals who do not contend eligible immigration status, or residents who were age 62 or older as of 1-31-10, and whose initial determination of eligibility was begun before 1-31-10. The head of household will be notified when the EIV system identifies that a household member has provided an invalid SSN, so that the discrepancy can be resolved and the correct SSN disclosed and verified. If a resident or any member of a resident's household is assigned a new SSN, the SSN must be disclosed and verification provided to management.

Authorization for Release of Information Requirements

Applicants and residents must sign the two HUD-required authorization consent forms HUD-9887 and HUD-9887-A. All members of an applicant or resident 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. The form must also be signed when a new adult member joins the household. Refusing to sign these forms 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*

Only Residence Requirements

Applicants must agree that their rental unit will be their only residence. When applicants are being interviewed, 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.

Noncitizen Rule Requirements

HUD's requirements for the Noncitizen Rule do not apply to residents living in this Section 202 property. However, under the EIV Final Rule, noncitizens who do not hold eligible immigration status must self-certify that they are not contending eligible immigration status, and therefore are not eligible for subsidy. See more information on this issue in the Social Security Number requirements earlier in this section.

Verification Requirements

Applicants must agree to furnish any information required to verify eligibility for rental assistance including all sources of income and assets. 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. Applicants must understand that a final decision of eligibility cannot be made until all verifications are complete. In addition, they 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*.

Individual Verification Forms

In addition to the Authorization for Release of Information 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.

Preferred Forms of Verification

Verifications will 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.

IV. Qualifying for Admission under 202 Project Eligibility Requirements

Section 202 Project Eligibility Requirements

Project eligibility establishes whether applicants are eligible to reside in the specific property to which they are applying. Section 202 properties for the elderly serve elderly families and for 10% of the units which were designed for people with mobility impairments, persons (elderly) who require the accessible features of the unit. To qualify for admission to one of the units for the elderly, the applicant must be an elderly family as defined below. To qualify for admission to one of the units specifically designed for persons with mobility impairments:

- The head or spouse must be at least 62 years old and have a handicap requiring the accessible design features of the unit;
- Persons with degenerative conditions (e.g., AIDS, multiple sclerosis, or cancer) qualify for one of these units if they require the accessible design features of the unit;
- Persons who meet the definition of a handicapped person and who do not require the accessible features of these units may be admitted to the property only if they qualify as elderly for one of the units designed for elderly occupancy;

Definitions of Elderly and Handicapped for Section 202

Defining Elderly for Section 202

Elderly families are:

- Single people aged 62 or older;
- Households the head of which (or the spouse) is aged 62 or more.

Defining Handicapped for Section 202

A person shall be considered handicapped if such person is determined to have a physical impairment which is:

- Expected to be of long-continued and indefinite duration;
- Substantially impedes his ability to live independently; and
- Is of such a nature that such ability could be improved by more suitable housing conditions.

Eligibility of Remaining Members of a Section 202 Resident Family

Periodically, family composition changes after initial occupancy. If the qualifying person leaves the unit, a determination will be made as to whether any remaining member(s) of the household will be eligible to receive assistance. In this Section 202 property the remaining member of a household must be a party to the lease when the family member leaves the unit, and the individual must be of legal contract age under state law. The remaining family member is defined in Section 202 regulations as the surviving member or members of an elderly family or family with disabilities that was a party to the lease and living in the assisted unit with the now deceased member of the family at the time of his or her death.

V. Qualifying for Admission under Owner/Agent's Occupancy Standards

Being eligible for federal rental housing is not an entitlement. Every applicant must meet the resident selection criteria set in place at the property, which is used to demonstrate the applicant's suitability as a resident. The criteria is 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. The applicant family 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.

Unit Size Occupancy Standards

This Section 202 property has units designed to serve elderly persons and elderly persons with mobility impairments.

Two Persons per Bedroom

The property has adopted a bedroom size standard of two persons per bedroom. This standard serves to prevent the over-utilization or under-utilization of units that could result in an inefficient use of housing assistance. This standard also ensures that residents are treated fairly and consistently in order to receive adequate housing space. The property will not make social judgments on a family's sleeping arrangement. Management has adopted the following occupancy standards:

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

UNIT SIZE POLICY: ONE BEDROOM UNITS

One bedroom units shall be available to one- or two-member elderly households.

UNIT SIZE POLICY: ONE BEDROOM ACCESSIBLE UNITS

One bedroom mobility accessible units shall be available to one- or two-member elderly households. At least one member of the household must have a mobility impairment that would benefit from the design features of an accessible unit.

The following suites at FEDOR MANOR are accessible units:

201	501	701	809	1001
301	601	709	901	1009
401	609	801	909	1101

Vacant accessible units shall be offered in the following order:

1. To a current tenant household which includes a mobility impaired member who requires the accessibility features of the unit;
2. To the next eligible, qualified applicant household on the accessible unit waiting list, that includes an individual with mobility impairment who requires the accessibility features of the unit.

If no current tenant or applicant household requires an accessible unit, the unit shall be offered to the next eligible applicant household from the regular suite waiting list, without a mobility impaired member, provided that said applicant agrees to relocate, at our expense, to another unit when one becomes available and the need arises for the accessible unit. **FEDOR MANOR** is not responsible for telephone and/or cable disconnect-reconnect fees.

Prohibition against Denying Families with Children

The Fair Housing Act prohibits properties receiving Federal assistance from discriminating on the basis of familial status, defined by Congress as children under the age of 18, making it illegal to discriminate against families because of the presence of children. The property will neither exclude families with children, nor will they develop policies or procedures that have the purpose or effect of prohibiting children. The property will not exclude eligible elderly families because of the presence of children, or because of the anticipated presence of children.

Standards for Unit Assignment

Change in Need for Accessible Features

If a family is in an accessible unit but no longer needs the accessible features, management may request that the family move to another unit in 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 only one bedroom units at this property. If a resident has an increase in family size, or has a medical/health condition that warrants 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.

Acceptable Reasons for Transfers

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

- Medical/health conditions
- There is a need for a unit with special design features for a person with mobility impairments; 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. Residents needing transfers due to medical reasons must have a written physician's statement.

Assigning Units for Persons with Mobility Impairments

Management will always give a family that has indicated a need for certain unit accommodations because of a mobility impairment, the opportunity 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 mobility impairment 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 households with mobility impairments when the property was approved for funding, the property will first offer the unit to an individual with a mobility impairment 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 Accommodations

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.

VI. 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/resident 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 residents 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.

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 Plain Dealer—The Lakewood Observer

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.

VII. 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 as listed on the front page of this Resident Selection Plan.

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. Applicants with disabilities may also request auxiliary aids or TTY/TTD services.

Race/Ethnicity Data Collection

The applicant provides self-certification of their race and ethnicity for data collection by using form HUD-27601-H, Exh 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;
- Disclosure of Social Security numbers for all family members except for members who are exempt;
- Citizenship declaration and consent form(s);
- Higher education student status (only if a member of the household is a student in higher education);
- Screening information including drug/criminal history; State sex offender registration records; listing of states where all family members have lived; prior landlord references; and credit references;
- 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.

Supplement and Optional Contact Information

Management will provide all applicants the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. This form gives applicants the option to identify an individual or organization that the owner may contact and the reason(s) the individual or organization may be contacted. Management will not require applicants to provide the contact information, as providing contact information is optional. Those applicants who choose not to provide the contact information will be asked to check the box indicating that they "*chose not to provide the contact information*", and sign and date the form.

Offering Assistance to Applicants

Staff will be prepared to assist any applicants who might have trouble completing the application. This assistance may 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

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 are not available, 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.

Applicant Interview/Briefing

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 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 of the following:

- 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;
- Household members have failed to meet disclosure requirements for Social Security numbers;
- 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.

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, and any other pertinent information.

Accommodating Persons with Disabilities

The property will accommodate persons with disabilities who cannot utilize the property's preferred application process, by providing alternative methods of application in-take (e.g. accepting mailed or online applications). In addition, the public notification of any closing or opening of the property's waiting list will comply with HUD fair housing requirements, such as adopting suitable means to assure that notices reach eligible individuals with disabilities and those with limited English proficiency. The property also ensures that notices of and communications during all meetings will be provided in a manner that is effective for persons with hearing, vision, and other communications-related disabilities consistent with Section 504 and ADA. This includes ensuring that meeting sites are accessible and auxiliary aids and services are provided as needed, e.g. , materials in Braille, audio, and large type; sign language interpreters, computer-assisted real time transcription (CART) services, and assistive listening devices, etc. The opening of the property's waiting list and accepting applications for limited periods, will always be done in a manner advocated in HUD's Notice H14-16, and will be done for periods longer than a single day, which could create disorderly and unsafe application intake. Applications will be made available ahead of time, and in multiple venues, both physical and online, which will create safer, more accessible, and more effective application intake.

Selecting Names from the Waiting List

The property will select names from the waiting list in chronological order to fill vacancies in this Section 202 property.

Skipping Over an Applicant on the Waiting List

According to §5.216 (h) of Federal Register Notice 74 FR 68924, published on 12-29-09, the O/A will skip over an assistance applicant as follows: "...if the processing entity determines that the assistance applicant is 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 Plain Dealer.

Advertising

Advertising and outreach activities will be done in accordance with applicable fair housing marketing requirements and the HUD-approved AFHMP, and will target groups other than the typical population of the neighborhood in which the property is located, while reaching out to applicants who are least likely to apply because they are not the predominant racial or ethnic group in the neighborhood. Closing the waiting lists, restricting intake, or opening the waiting lists will be publicly announced via the Plain Dealer Newspaper and will include the HUD-approved Equal Housing Opportunity logo, slogan, or statement. Further, all advertising depicting persons will depict members of all eligible protected classes including individuals from both majority and minority groups, including both sexes.

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 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 as vacancies occur. The property will update the waiting list by removing the names of those who are no longer interested in, or who have found other 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, or 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, or the property made a reasonable effort to contact the applicant to determine if there is continued interest in housing, but has been unsuccessful, or management is informed by the applicant that they are no longer qualified for assisted housing. 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.

Preferences

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances. Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change an owner's right to adopt and enforce resident screening criteria. The owner has not established any preferences at this property.

IX. Screening for Suitability to Determine 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.

Prohibited Screening

- The property will not 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;
- The property will not 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 Rental 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 one year of rental history to contact;
- The rental history of both the current landlord, and one previous landlord will be reviewed;
- Applicants must not have a history of more than four (4) late payments;
- 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;
- If the applicant's current living arrangements are with a family member, additional information on the applicant's ability to comply with lease terms will be collected from other sources.
- If an applicant's current housing is "owner occupied" this criterion is waived.

Record of Eviction

Management will check court records for evidence of evictions or judgments against the applicant, to determine the applicant's past history of meeting financial obligations, and their future ability to make timely rent payments. If it is determined by the landlord that the applicant is not credit worthy, the applicant will be rejected.

- 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.

Record of Disturbance

- Management will check with the current landlord for potential problems regarding undesirable noise, disturbance of neighbors, or destruction of property.
- 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.

Screening for Housekeeping Habits

Management will check with the current landlord regarding the applicant's housekeeping habits, to determine the maintenance of the present home in regards to sanitary conditions, and fire and safety standards that would pose a threat to other residents.

Applicant Criminal Background Screening Criteria

Fedor Manor will prohibit admission for the following regardless of when it occurred:

- a. Any person who was evicted from any type housing for drug-related criminal activity or criminal activity including the manufacture and/or sale of illegal or dangerous drugs.**
- b. Any person who is currently engaged in illegal use of drugs or for which Landlord has reasonable cause to believe that a person's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents;**
- c. Any person who is subject to a national, state or local sex offender lifetime registration requirement;**
- d. Any person who, at the time of application, is subject, for a specified length of time, to a national, state or local sex offender registration requirement.**
- e. Any person, if there is a reasonable cause to believe that such person's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents. The screening standards are based on behavior, not the condition of alcoholism.**

Fedor Manor will prohibit admission for the following if it has occurred in the past seven (7) years:

- a. Any person who engages in other criminal activity that threatens the health, safety, and right to peaceful enjoyment of the property by other residents or the health and safety of Fedor Manor, its employees, contractors, subcontractors, or agents. Other criminal activity includes the following criminal history within the past five (5) years (five year look-back period begins from date of conviction or release from detention or incarceration whichever is more recent to the date of screening):**

- (1) Violent felonies involving injury to or death of another and destruction of property;**
- (2) Arson**
- (3) Sexual offenses**
- (4) More than one (1) drug or alcohol offenses including OVI offenses**
- (5) Any theft offense**
- (6) More than three (3) minor offenses (other than minor traffic offenses)**

When applying screening criteria to a specific case, Fedor Manor may consider all of the circumstances relevant to a particular applicant or occupant's case before making a final decision. Fedor Manor may take into consideration the seriousness of the offense, the degree of participation in the offending activity, and the effect denying housing would have on non-offending occupants.

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.

Screening of Live-In Aides or New Additions to the Household

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

X. Student Eligibility Requirements

Management is required to determine a student's eligibility for housing assistance at MI, AR, IC (when an in-place resident begins receiving housing assistance), and at the time of an IR.

Department of Education's Definition of Independent Student

The Department of Education provides that an independent student is a student who meets one or more of the following criteria:

The individual is 24 years of age or older by December 31 of the award year;

The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;

The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;

The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;

The individual is a graduate or professional student;

The individual is a married individual;

The individual has legal dependents other than a spouse;

The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by--

a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;

the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or

a financial aid administrator; or

The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

HUD's Definition of Vulnerable Youth as Regards Independent Student Status

HUD defines vulnerable youth as unaccompanied homeless youth, youth that are at risk of being homeless, and youth who have aged out of the foster system. Individuals who meet the Department of Education's definition of independent student as defined on the previous page are considered vulnerable youth. If an O/A determines an individual is a vulnerable youth, such determination is all that is necessary to determine a person is an independent student for purposes of using only the student's income for determining eligibility for section 8 assistance.

Demonstrating Independence from Parents in Section 8 Properties

For a student to be considered living independently of their parents, they must be able to demonstrate the absence of or independence from parents, and must meet all of the following 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.

If an individual can prove independence from his/her parents and is otherwise eligible for assistance, the student would be eligible to move into the property and receive assistance. Non-tuition student financial assistance would be counted as income unless the student is over 23 with a dependent child.

Student's Independence Verification Requirements

0/ As of Section 8 assistance will need to verify a student's independence from his or her parents to determine that the student's parents' income is not relevant for determining the student's eligibility for assistance by doing all of

the following:

Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education's definition of independent student;

Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of independent student;

and

Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student.

Note: Verification of a Student's Independence is not required if the student meets the definition of vulnerable youth.

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.

Note: Financial assistance that is provided by persons not living in the unit is not part of annual income for students who meet the Department of Education's definition of vulnerable youth.

Verification Requirements and Enterprise Income Verification (EIV)

Verification of Eligibility Factors

Verification of Family Composition and Age

Management will obtain verification of age since eligibility for this Section 202 property is dependent on the head, spouse, or co-head being 62 years of age or older.

Acceptable Verifications of Age

- Birth Certificate
- Baptismal Certificate
- Military Discharge Papers
- Valid Passport
- Census Document showing age
- Naturalization Certificate
- SSA Retirement Benefits Printout
- SSI Old Age Benefits Printout

Verification of Handicap

Verification of handicap may need to be obtained to determine whether a family or person meets the definition of handicap used to determine eligibility for a project, preferences, or an allowance, or to identify applicant needs for features of accessible units or reasonable accommodations. Management will not specifically ask for or verify the nature and extent of the handicap.

Acceptable Verifications of Handicap

Verification of handicap may be provided by:

- Receipt of supplemental social security disability or social security disability benefits, which would provide verification that an individual met the handbook definition of a person with a handicap; or
- Verification by a reliable source that the individual meets the relevant definition of a person with a handicap for this property.

Verification of the Need for an Assistance Animal

Some applicants or residents may require the use of assistance animals as a reasonable accommodation for a handicap. Management will verify that the applicant/resident has a handicap and that there is a handicap-related need for the requested accommodation, in this case the assistance animal. Management will require the applicant/resident to provide documentation of the handicap and the need for the animal from an appropriate third party, such as a medical provider, mental health provider, or other professional in a position to provide this verification.

Verification of Income Eligibility

All sources of income required by HUD to be included in a family's income and used to determine applicant eligibility will be verified by management in accordance with Chapter 5 of HUD Handbook 4350.3 REV-1. This includes using the EIV system for up-front verification of employment and income information.

Verification of Social Security Numbers

Applicants and residents, excluding individuals who do not contend eligible immigration status and residents age 62 or older as of 1-31-10, whose initial determination of eligibility was begun before 1-31-10, will be required to disclose and provide verification of the complete and accurate SSN assigned to each household member. (See Section III of this plan for more information.)

Adequate Documentation

Adequate documentation to verify the SSN of an individual is a social security card issued by the SSA, an original document issued by a federal or state government agency which contains the name and SSN of the individual along with identifying information of the individual, or other acceptable evidence of the SSN listed in Appendix 3.

Verification Using the EIV System

HUD's Enterprise Income Verification (EIV) system 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 computerized form for a large number of individuals. It is also known as automated written third party verification.

Use of EIV Data and Reports

Management has trained its staff regarding the use of all EIV data and reports at the property. Management has trained its staff to retain EIV data in residents' files for the term of tenancy plus 3 years after tenancy is terminated.

Procedures for Using the Existing Tenant Search

Management will use the Existing Tenant Search at the time of processing all applicants for admission, to determine if there may be applicants or applicant household members who are currently residing at another multifamily 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 multifamily assisted or PIH property, management will discuss this with the applicant, giving them the opportunity to explain any circumstances relative to them being assisted at another location, such as their intention to move from their existing location. In addition, before admitting the applicant, management will contact the respective PHA or O/A to confirm the individual's program participation status, and if the individual has given a 30-day notice to vacate at their current property. Management will then coordinate the move-in/move-out dates with the PHA or O/A.

Safeguards

Management is currently in compliance with the EIV system and has established guidelines in the property's Policies and Procedures manual outlining technical, administrative and physical safeguards for staff to implement for ensuring the security and confidentiality of resident records.

Required Verification and Consent Forms

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 MI, IC, and AR, 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 SSA, 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.

Owner-Created Verification Forms

All information relative to eligibility and level of assistance will be documented, and appropriate verification forms or letters placed in the applicant file. Management has created verification forms for specific verification needs which it will utilize when requesting information from employers, banks, child care providers, doctors, pharmacies, etc. No decision to accept or reject an application will be made until all verifications have been collected. Management staff will be the final judge of the credibility of any verification submitted by an applicant. All information relative to the following items will be verified:

- Income, assets, family composition, and Social Security numbers;
- Deductions for such things as dependent status, age, childcare, 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.

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 MI and each AR, IR, and IC, certifying to any income, assets, deductions or level of eligibility.

Verification Documentation

Documentation used as part of the verification process may include:

- Certification Checklists/Questionnaires as listed above;
- Verification forms completed and signed by third parties;
- Reports/letters of interviews; and
- Notes of telephone conversations with reliable sources. At a minimum, telephone conversations 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.

Acceptable Verification Methods

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

- Upfront-income verification (UIV) with use of EIV being mandatory and use of non-EIV UIV being optional;
- Written third-party verification;
- Oral third-party verification, with a record kept in the file;
- Family Certification. If third-party verification is not available, management will document the resident file to explain why third-party is not available.

Dispute of EIV Information

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

Resolving Discrepancies

Management will investigate and confirm possible discrepancies and errors to a resident's reporting of income. The property will not suspend, terminate, reduce, make a final denial of rental assistance, or take any other adverse action against an individual based solely on the data in EIV. When the employment and income data in EIV is not the same as reported by the resident, or when the resident disputes the EIV data, the property will independently verify any information by obtaining third party verification directly from the third party source. The property will notify the resident of the results of the third party verification and request the resident come into the office, within 10 days of notification, to discuss the results. The resident may contest the findings in the same manner as applies to other information and findings relating to eligibility factors.

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. 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.

Pursuing for Fraud

If the property determines that the resident is in non-compliance with his/her lease because he/she knowingly provided incomplete or inaccurate information, the property will follow the guidance in Par 8-18 of HH 4350.3 REV-1, for terminating the resident's tenancy and for filing a civil action against the resident to recover improper subsidy payments. Where fraud is suspected, the property will report this to the HUD OIG Office of Investigation.

Recalculating Rent Owed

If the property determines that the resident unreported or underreported his/her income, management will go back to the time the unreported or underreporting of income started, not to exceed the 5-year limitation that the resident was receiving assistance discussed on forms HUD-9887 and HUD-9887-A, and calculate the difference between the amount of rent the resident should have paid and the amount of rent the resident was charged. A record of this calculation will be provided to the resident and also retained in the resident's file.

Resident Repayment of Unreported or Underreported Income

Residents are obligated to reimburse the property if they are charged less rent than required by HUD's rent formula due to underreporting or failure to report income. The resident is required to reimburse the property for the difference between the rent that should have been paid and the rent that was charged. Residents can repay amounts due in a lump sum payment, by entering into a repayment agreement with the property, or a combination of the two.

XI. Making an Occupancy Determination

Rejection or Admission

If at any point in the screening process 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. 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. If an applicant is clearly eligible and passes the screening criteria, admission will be authorized. Likewise, if the applicant is ineligible, rejection will be authorized.

Rejection of Ineligible Applicants

Applicants who do not pass the eligibility requirements will immediately be sent a Notice of Rejection. This written notice will specifically state the reason 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.

Certain Prohibitions for Rejecting Applicants

Prohibition of Rejecting Applicants because of Discrimination

The owner will not discriminate against an applicant based on race, color, religion, sex, national origin, familial status, or disability.

Prohibition of Rejecting Applicants because of Disabilities

Management will comply with HUD's prohibition of rejecting 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/handicaps cannot meet essential program requirements, management will be permitted 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. An applicant who has a disability/handicap but who is able to demonstrate a history of meeting financial obligations, caring for a rental unit, avoiding disturbing neighbors and destroying property, abstaining from criminal behavior, and complying with the property's lease, would be recommended for admission with no further reference to or consideration of any disability or handicap.

Allowable Reasons for Rejection

Failing HUD's Requirements

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 all family members except for those individuals who are exempted;
- Does not sign and submit verification consent forms or the Authorization for Release of Information (Forms HUD-9887 and HUD-9887-A);
- Does not meet the property's screening criteria as set forth below.

Failing the Property's Screening Criteria

Reasons for failing the property's resident screening criteria 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;
- The applicant or a member of the household is subject to a State lifetime sex offender registration in any state;
- 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 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, safety, welfare or enjoyment of the premises; depositing garbage improperly; failing to properly use all utilities, services, appliances and equipment in the unit, or failing to maintain such in good and clean condition. 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.

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 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.

Acceptance of Eligible Applicants

Offering a Unit

When a unit becomes available for occupancy, it will be offered to the first applicant at the top of the Waiting List. If the applicant cannot be contacted within 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 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 4 working days, the application will be withdrawn.

Briefing the Applicant before Move-In

Management will hold a meeting prior to the applicant taking possession of their unit to ensure that all new residents understand the terms of the lease, lease attachments, rent, security deposit, charges for facilities and services, maintenance, damages, residents' rights, unit inspections, house rules, penalties for fraud, and conditions for termination of assistance and tenancy. At the briefing management will give new residents an opportunity to ask questions and discuss the information being presented.

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 Move-In/Move-Out Inspection Form, House Rules, the Lead Hazard Information Pamphlet and Lead-Based Paint Disclosure Form (if applicable), a HUD Fact Sheet describing the program and how the property determined the rent, the *Resident Rights and Responsibilities* brochure, the *EIV & You* brochure, and the receipt for the security deposit and first month's rent.

Move-In Inspection

Before executing the lease, management and the resident will jointly inspect the unit to determine if it is decent, safe, sanitary, and in good repair. If cleaning or repair is required, management will specify on the MI/MO inspection 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 will be signed and dated by both management and the resident.

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.

Annual Unit Inspections

In addition to the unit inspection at move-in/move-out, there will also be an annual inspection for repairs and monitoring of housekeeping habits. Management will always give a 24-hour written notice in advance of the annual inspection. 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 3 unsatisfactory inspections, s/he will be required to move out of the property.

House Rules

The property has House Rules 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 residents, and that are compliant with state and local requirements. It should be noted that if a resident 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.

Pet Rules

The Pet Rules that are attached to the Lease at this property are instituted to help maintain a decent, safe, and sanitary living environment for the residents of the property. The rules include guidelines on the registration and inoculation of pets, the sanitary disposal of waste, and the restraint of pets while in common areas, to help ensure that existing and prospective pet owners know their responsibilities to their pets and neighbors, as well as the property.

Assistance Animals

Management will not apply pet rules to assistance animals and their owners. This prohibition does not preclude an owner from enforcing state and local health and safety laws, nor does it preclude the owner from requiring that a resident with a disability who uses an assistance animal be responsible for the care and maintenance of the animal, including the proper disposal of the assistance animal's waste.

XII. Resident Responsibilities after Move-In

Lease Requirements

Once an applicant has been approved and is ready to move into their assisted unit, they are required to sign a lease, which is a contract between the owner and resident that explains the terms for residing in the unit. The lease is legally binding and is enforceable in a court of law.

Form of Lease

The lease being used at this Section 202 property is Appendix 21 from HUD Handbook 4571.1 REV-2, and will only be modified for documented state or local laws.

Lease Term

The Initial Lease term for this Section 202 property is one year. The lease will automatically be renewed for successive one-month terms.

Collection of Rent

The owner will accept a resident's personal check for payment of rent. If the resident bounces a rent check, thereafter the owner may refuse to accept the resident's personal check, and may require the resident to pay rent in a guaranteed form, such as a money order, a cashier's check, or bank check.

Collection of Security Deposit

Security deposits provide owners with some financial protection when a resident moves out of the unit and fails to fulfill his/her obligations under the lease. The owner will collect a security deposit at the time of the initial lease execution, and will place the security deposit into a segregated, interest-bearing account. The deposit for this Section 202 property will be the greater of one month's rent or \$50. Upon termination of the Lease, the deposit will be refunded to the resident or applied to any such damage or any rent delinquency. The owner will comply with all State and local laws regarding interest payments on security deposits.

Charges for 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.

XII. Termination for Section 202

Termination of Tenancy by Resident

- (a) The resident may terminate this Agreement at the end of the initial term or any successive term by giving 30 days written notice in advance to the owner. Whenever the owner has been in material noncompliance with this Agreement, the resident may in accordance with State law terminate this Agreement by so advising the owner in writing.

Termination of Tenancy by Owner

- (b) The owner's right to terminate this Agreement is governed by the regulation of the Secretary at 24 Code of Federal Regulations, Part 450 (herein referred to as the HUD Regulation). The HUD Regulation provides that the owner may terminate this Agreement only under the following circumstances:
 - (2) The OWNER may terminate, effective at the end of the initial term or any successive term, by giving the resident at least 30 days advance notification in the manner prescribed in paragraph (g) below that the term of this Agreement is not renewed and this Agreement accordingly terminated. This termination must be based upon either material noncompliance with this Agreement or other good cause.
 - (2) Notwithstanding subparagraph (1), whenever the resident has been in material noncompliance with this Agreement, the owner may, in accordance with State law and the HUD Regulation, terminate this Agreement by notifying the resident in the manner prescribed in paragraph (g) below.
 - (3) In any locality where a State statute or local ordinance is in effect which imposes obligations on owners and residents and provides that a violation of such obligation by a resident constitutes grounds for eviction, the OWNER may terminate in accordance with such statute or ordinance.
- (c) If the resident does not vacate the premises on the effective date of the termination of this agreement, the owner may pursue all judicial remedies under state law for the eviction of the resident.
- (d) The term "material noncompliance with this Agreement" shall, in the case of the resident, include (1) one or more substantial violations of this Agreement, or (2) repeated minor violations of this Agreement which disrupt the livability of the project, adversely affect the health or safety of any person or the right of any resident to the quiet enjoyment of the leased premises and related project facilities, interfere with the management of the project or have an adverse financial effect on the project. Nonpayment of rent or any other financial obligation due under this Agreement (including any portion thereof) beyond any grace period permitted under State law shall constitute a substantial violation. The payment of rent or any other financial obligation due under this Agreement after the due date but within any grace period permitted under State law shall constitute a minor violation.
- (e) The conduct of the resident cannot be deemed other good cause unless the owner has given the resident prior notice that said conduct shall henceforth constitute a basis for termination of this Agreement. Said notice shall be served on the resident in the manner prescribed in paragraph (g) below.
- (f) The owner's determination to terminate this Agreement shall be in writing and shall (1) state that the Agreement is terminated on a date specified therein, (2) state the reasons for the owner's action with enough specificity so as to enable the resident to prepare a defense, (3) advise the resident that if a judicial proceeding for eviction is instituted the resident may present a defense, and (4) be served on the resident in the manner prescribed by paragraph (g) below.
- (g) The owner's termination notice shall be accomplished by (1) sending a letter by first class mail, properly stamped and addressed, to the resident at his/her address at the project, with a proper return address, and (2) by serving a copy of said notice on any adult answering the door at the leased dwelling unit, or if no adult responds, by placing said notice under or through the door. Service shall not be deemed effective until both notices provided for herein have been accomplished. the date on which the notice shall be deemed to be received by the resident shall be the date on which the first class letter provided for in clause (1) herein is mailed, or the date on which the notice provided for in clause (2) is properly served, whichever is later.
- (h) The owner may, with the prior approval of HUD, modify the terms and conditions of the Agreement other than changes in the rental, effective at the end of the initial term or a successive term, by serving an appropriate notice on the resident, together with the tender of a revised Agreement or an addendum revising the existing Agreement. This notice and tender shall be served on the resident in the manner prescribed in paragraph (g) and must be received by the resident (as defined in paragraph (g)) at least 60 days prior to its proposed effective date. The resident may accept

it by executing the tendered revised Agreement or addendum; or may reject it by giving the owner written notice at least 30 days prior to its effective date that he/she intends to terminate the tenancy.

- (i) Increases in rent shall be governed by the HUD Regulation in 24 CFR Part 401 and shall be put into effect by giving the resident at least 30 days advance written notice. Any such increase shall be effective at the end of the term of the existing Agreement.

XIII. COMPLYING WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA)

These protections prohibit Managing Agent from evicting or terminating assistance from individuals being assisted under a project-based Section 8 program if the asserted grounds for such action is an instance of domestic violence, dating violence or stalking. Fedor Manor shall refer to HUD Notice 09-15 for detailed procedures and further guidance.

Rights and responsibilities of owners/agents and tenants

Managing Agent must provide tenants the option to complete the Certification form as described in HUD Notice 09-15. The certification form may be made available to all eligible families at the time of admission or, in the event of a termination or start of an eviction for cause proceeding, the certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within fourteen (14) business days.

Tenant Selection Plans and Policies and Procedures

As required by the provisions of Section 606 of the VAWA, Managing Agent may request a tenant to certify that he/she is a victim of domestic violence, dating violence or stalking and that the incidence(s) of threatened or actual abuse are bona fide in determining whether the protections afforded under the VAWA are applicable. The identity of the victim and all information provided to Managing Agent relating to the incident(s) of domestic violence must be retained in confidence by the Managing Agent and

- must neither be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is
- a. requested or consented to by the individual in writing;
- b. required for use in an eviction proceeding or termination of assistance; or
- c. otherwise required by applicable law.

The HUD-approved certification form provides notice to the tenant of the confidentiality of the form and the limits thereof.

Managing Agent must retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files. Managing Agent is required to attach the HUD-approved Lease Addendum, Form HUD-91067, to each existing or new lease.

Lease Bifurcation

Should it be determined that physical abuse caused by a tenant is clear and present, the law provides Owner/Agent the authority to bifurcate a lease i.e., remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. Managing Agent must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law. In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence or stalking against another household member, an interim recertification should be processed reflecting the change in household composition.

See Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs, Chapter 7, Section 2, for processing interim Re-certifications.

Tenants and family members of tenants who are victims of domestic violence, dating violence or stalking are protected by the VAWA from being evicted or from housing assistance being terminated because of the acts of violence against them.