



**Knudson Management Co., Inc.**  
PROPERTY MANAGEMENT • REAL ESTATE DEVELOPMENT  
Section 8 Elderly Smoke Free

## RESIDENT SELECTION GUIDELINES

The following topics are covered in these resident selection guidelines as follows:

|                                                       |                                                                      |
|-------------------------------------------------------|----------------------------------------------------------------------|
| 1. Fair Housing and Equal Opportunity                 | 17. Rejection of Application of Ineligible or Unqualified Applicants |
| 2. Privacy Policy                                     | 18. Acceptance and Move-In of Eligible and Qualified Applicants      |
| 3. Qualifying for Admission-Eligibility Requirements  | 19. Offering an Apartment                                            |
| 4. Application Intake and Processing                  | 20. Prior to Move-In – Tenant Interview                              |
| 5. Priorities for Accessible or Adaptable Apartments  | 21. Transfer Policy                                                  |
| 6. Waiting List Selection Priorities & Preferences    | 22. At Move-in                                                       |
| 7. Changes to Waiting List(s)                         | 23. Failure to Move-in On Time                                       |
| 8. Interviews and Verification Process                | 24. Apartment Inspections                                            |
| 9. Verification Requirements including EIV            | 25. Annual Recertifications/Interim Recertifications                 |
| 10. Attempted Fraud                                   | 26. Reasonable Accommodations and Modifications                      |
| 11. Determination of Applicant Eligibility            | 27. Apply Screening Criteria Uniformly to All Applicants             |
| 12. Determination of Applicant Qualification          | 28. The Violence Against Women's Act (VAWA) 2013                     |
| 13. How Applicant's History Will Be Checked           | 29. Pets for Elderly and Properties for Persons with Disabilities    |
| 14. Obtaining Applicant Releases                      | 30. Use of EIV During Application Processing                         |
| 15. Review of Application for Acceptance or Rejection | 31. Smoke Free Property                                              |
| 16. Applicants with Disabilities                      | 32. Grievance Procedure                                              |

### 1. FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS STATEMENTS OF NONDISCRIMINATION

It is the policy of \_\_\_\_\_ to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Amendments Act of 1988, Equal Access to Housing in HUD Programs - Regardless of Sexual Orientation or Gender Identity Final Rule and any legislation protecting the individual rights of residents, applicants, or staff which may subsequently be enacted.

We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, creed, age, religion, sex, disability, familial status, national origin, and regardless of sexual orientation or gender identity or marital status of applicants and residents.

\_\_\_\_\_ shall not discriminate because of race, color, sex, familial status, religion, disability or national origin in the leasing, rental or other disposition of housing regardless of sexual orientation or



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gender identity or marital status of applicants and residents in any of the following:

- a. deny to any household the opportunity to apply for housing, or deny to any eligible applicant the opportunity to lease housing suitable to their needs,
- b. provide housing which is different than that provided to others,
- c. subject a person to segregation or disparate treatment,
- d. restrict a person's access to any benefit enjoyed by others in connection with the housing program,
- e. treat a person differently in determining eligibility or other requirements for admission,
- f. deny a person access to the same level of services, or
- g. deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

\_\_\_\_\_ will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, the property will make reasonable accommodations and structural modifications for individuals with disabilities as well as for individuals with limited English proficiency (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, services and making structural modifications when necessary.

Limited English Proficiency – Management complies with Executive Order 13166 in its efforts to improve access to all of its programs and activities for persons who, as a result of national origin, are limited in their English proficiency. A Language Access Plan, which outlines the specific language assistance that is provided for persons who are limited in their English proficiency, is available for review upon request.

## **2. PRIVACY POLICY**

It is the policy of \_\_\_\_\_ to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, the Health Insurance Portability & Accountability Act of 1996 (HIPAA), Enterprise Income Verification (EIV) System and the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA) to ensure the protection of such individuals' records maintained by the property.

Therefore, neither \_\_\_\_\_ nor its agents shall disclose any personal information contained in its records to any person or agency other than HUD or its contractors unless the individual about whom information is requested shall give written consent to such disclosure or information is being subpoenaed by a court of law.

This Privacy Policy in no way limits \_\_\_\_\_ ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on disability will be treated in a confidential manner.

We are dedicated to protecting the privacy of your personal information that was used to determine your eligibility for rental assistance based on HUD regulations, including Social Security, other governmental identification numbers and any other required information. We have adopted a Privacy Policy for Personal Information of Applicants and Residents as well as an EIV Privacy and Security Policy to help ensure that your personal information is kept secure.

## **3. QUALIFYING FOR ADMISSION – ELIGIBILITY REQUIREMENTS**

Based on Federal Regulations, \_\_\_\_\_ may not admit ineligible applicants. In the selection of applicants for admission, Eligibility Criteria has been established in accordance with HUD guidelines. All information reported by the household is subject to verification. All applicants will be screened carefully and the following eligibility standards will be applied:



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In order to be ELIGIBLE, a household must meet these tests:

- a. Elderly Family. [24 CFR 5.403] Elderly Family. Elderly family means a family whose head or spouse or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides; or
- b. Person with a Disability (Handicapped Person).[24 CFR 891.505 and 891.305] A person with disabilities means:
  - (1) Any adult having a physical, mental, or emotional impairment that is expected to be of long continued and indefinite duration, substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.
  - (2) A person with a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that:
    - (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
    - (ii) Is manifested before the person attains age 22;
    - (iii) Is likely to continue indefinitely;
    - (iv) Results in substantial functional limitation in three or more of the following areas of major life activity:
      - (A) Self-care,
      - (B) Receptive and expressive language,
      - (C) Learning,
      - (D) Mobility,
      - (E) Self-direction,
      - (F) Capacity for independent living, and
      - (G) Economic self-sufficiency; and
    - (v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
  - (3) A person with a chronic mental illness, i.e., a person who has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently, and whose impairment could be improved by more suitable housing conditions.
  - (4) Persons infected with the human acquired immunodeficiency virus (HIV) who are disabled as a result of infection with the HIV are eligible for occupancy in the Section 202 projects designed for the physically disabled, developmentally disabled, or chronically mentally ill depending upon the nature of the person's disability. (24 CFR 891.505)

**Note:** A person whose sole impairment is alcoholism or drug addiction (i.e., who does not have a developmental disability, chronic mental illness, or physical disability that is the disabling condition required for eligibility in a particular project) will not be considered to be disabled for the purposes of the Section 202 program.

- (5) A person infected with the human acquired immunodeficiency virus (HIV) and a person who suffers with alcoholism or drug addition, provided they meet the definition of "person with disabilities" in Section 811 (42 U.S.C) 8013(k)(2). A person whose sole impairment is a diagnosis of HIV positive or alcoholism or drug addiction (i.e., does not meet the qualifying criteria in Section 811 will not be eligible for occupancy in a section 811 project. (24 CFR 891.305) Definition I – Nonelderly Disabled (Handicapped) Family. [24 CFR 891.505]

A nonelderly disabled (handicapped) family means a disabled family in which the head of the family (and spouse, if any) is less than 62 years of age at the time of the family's initial occupancy of a project.

**NOTE:** The term handicapped appears in a number of regulatory definitions that have not yet been updated to reflect current statutes. In this handbook, HUD replaced handicapped with the term disabled, disability, or impairment to reflect current statutes. The parenthetical reference to handicapped indicates that the term handicapped has been replaced with disabled, disability, or impairment in that definition.



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- c. The family's annual income must not exceed **HUD program income limits published annually based on household size**;
- d. All applicants must **disclose valid social security numbers with verification for all household members including live-in aides** to receive assistance. Assistance will not be provided until all household members have disclosed valid SSNs with verification unless the SSN is not required. This includes live-in aides, adult and foster children.

Documentation of SSN is not required for 1) Applicants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010 or 2) Applicants who do not contend eligible immigration status.

1. SSN do not need to be disclosed or verified to be placed on the waiting list BUT SSN MUST be disclosed and verification provided for all non-exempt household members before they can move-in.
2. If all nonexempt applicant household members have not disclosed and verified SSN then move to the next applicant household on waiting list.
3. Once the unit is offered then the applicant has 90 days to supply all SSN documentation and verification. Applicant households may remain on the waiting list until all household members disclose and verify their SS numbers, but no longer than 90 days.
4. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the application will be determined ineligible and removed from the waiting list.
5. If the applicant is unable to provide all Social Security Numbers within the 90 days, then the application will be rejected for failure to provide Social Security numbers for all nonexempt household members.
6. Once an application is denied, a new application must be submitted and added to the waiting list based on the date and time it is received.
7. A child under the age of 6 years added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner/agent terminate tenancy.
8. Social Security Numbers requirements when adding members to existing households are as follows:

#### Adding a New Household Member:

- a. Age Six or Older or Under the Age of Six with an Assigned SSN.

When adding a new household member who is age six or older, or is under the age of six and has a SSN, the tenant must disclose and provide verification of the SSN of the individual to be added to the household. This SSN must be provided to the owner at:

- 1) The time of the request, or
- 2) At the time the recertification that includes the new household member is processed.

- b. Under the Age of Six without an Assigned SSN.

- 1) The tenant must disclose and provide verification of the new household member's SSN within 90 calendar days of the child being added to the household.
- 2) The owner must grant an extension of one additional 90-day period, if the owner, in its discretion, determines that the tenant's failure to comply is due to circumstances that could not have been foreseen and were outside the control of the tenant, e.g., delay in processing by SSA, natural disaster, fire, death in family, etc.)
- 3) During the period that the owner is awaiting disclosure and verification of the SSN, the child is included as part of the household and shall be entitled to all of the benefits of being a household member, including the dependent deduction.
- 4) A TRACS ID will be assigned to the child until the time the SSN is provided. At the time of the disclosure of the SSN, an interim recertification must be processed changing the child's TRACS ID to the child's verified SSN.



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5) If, upon expiration of the provided time period, the tenant fails to disclose and provide verification of the SSN, the tenant and the tenant's household are subject to termination of tenancy. The owner shall follow the guidance in Paragraph 8-13.A.6 to terminate the household's tenancy.

- c. **All adults, age 18 and older**, in each applicant household must sign all consent forms required including but not limited to the 9887, 9887A, any other owner consent forms and verifications prior to receiving assistance and annually thereafter;
- d. The unit for which the household is applying must be the household's **only residence**;
- e. An applicant must agree to **pay the rent required** by the program under which the applicant will receive assistance;
- f. **Citizenship, Naturalization, and/or Eligible Immigration status:**

By law, only U.S. citizens and eligible noncitizens may benefit from federal rental assistance. Compliance with these rules ensures that only eligible households receive subsidy. These requirements apply to households making application, households on the wait list, and residents. Applicants must prove U.S. Citizenship, naturalization or legal non-citizen status for each household member, regardless of age, in accordance with HUD.

Households that have no members with citizenship, naturalization or legal non-citizen status do not qualify for assistance. Assistance is available to households which include at least one member with citizenship, naturalization or legal non-citizen status that has been verified through the DHS (Department of Homeland Security) through the Systematic Alien Verification for Entitlements (SAVE) Program. The Owner/agents will not delay the family's assistance if the family submitted its immigration documentation in a timely manner but the DHS verification or appeals process has not been completed and, if assistance, is denied then the applicant may appeal the determination.

**Non-citizens under the age of 62** claiming eligible status must provide:

1. a signed declaration of eligible immigration status;
2. a signed consent form; and
3. one of the DHS-approved documents.

**Non-citizens age 62 and older** must sign a declaration of eligible immigration status and provide a proof of age document.

Noncitizens not claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance.

Once the determination of non-citizen status of a household assisted prior to completion of the verification or appeal process, the management will do as follows:

1. Provide assistance for each household member with eligible noncitizen status verified by SAVE; or
2. Terminate assistance of any household member whose immigration status of any noncitizen family verified by SAVE to be ineligible; then
3. Offer prorated assistance to the mixed household. Applicant families that are mixed are eligible only for prorated assistance. Non-citizen students with a citizen spouse or child is considered a mixed family.

**NOTE:** Noncitizen students and their noncitizen spouse and children may not receive assistance. Noncitizen students are not eligible for continuation of assistance, prorated assistance, or temporary deferral of termination of assistance.

A noncitizen student is defined as an individual who is as follows:

1. A resident of another country to which the individual intends to return;
2. A bona fide student pursuing a course of study in the United States; and



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3. A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

However, spouses and children who are citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

- g. **Section 8 Student Eligibility:** Section 8 assistance is not prorated for applicant or existing households with ineligible students. If an ineligible student is a member of the household, assistance is not prorated, but will be terminated. Eligibility of students will be verified at move-in, annual, interim (if one of the family composition changes reported is that a household member has enrolled as a student) and initial certification (when an in-place tenant begins receiving Section 8).

Any student attending an “institution of higher learning” (full or part-time) to be eligible must meet all screening criteria and **meet one of the following which will be verified:**

1. Living with your parents/guardian currently on or applying for Section 8 **or**
2. Is over the age of 24 **or**
3. A veteran **or**
4. Married **or**
5. Has a dependent child **or**
6. Is a person with disabilities and receiving Section 8 assistance as of November 30, 2005 **or**
7. Prove independence of parents **or**
8. A Vulnerable Youth **or**
9. Have parents who are income eligible for the Section 8 program.

Students must meet one of the U.S. Department of Education’s definitions of an independent student as follows:

1. Be 24 years of age or older by December 31 of the award year;
2. Is a vulnerable youth defined as 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;
3. 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;
4. Is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes;
5. Is a graduate or professional student;
6. Is a married individual;
7. Has legal dependents other than a spouse;
8. 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 or as unaccompanied, at risk of homelessness and self-supporting;
9. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
10. Is independent from his or her parents; determine that the student’s parent’s income is not relevant in determining the student’s eligibility for assistance by doing all of the following. Note: The rule does not apply to students residing with their parents in a section 8 assisted unit or who reside with parents who are applying to receive Section 8 assistance.
  - a. Review and verify previous address information to determine evidence of a separate household;
  - b. Review a student’s prior year income tax returns;
  - c. Verify income provided by parent by requiring written certification for an individual providing the support; financial assistance that is provided by persons not living in the unit is part of the annual income;
  - d. Certification is also required if the parent is providing NO support to the student.
  - e. When an individual is determined to be a “vulnerable youth”, such determination is all that is necessary to determine a person is an “independent student”.
    1. Tax return requirement only applies to providing student’s tax return and not of the student’s parents, and
    2. A written certification is not required by the student’s parents.

**Then the student would be deemed eligible.**



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Any financial assistance, in excess of amounts received for tuition and other fees and charges, which an individual receives under the Higher Education Act of 1965 from private sources or an institution of higher education (as defined under the Higher Education Act of 1965) shall be considered income to that individual. This income rule does not apply if the applicant is:

1. Living with his/her parents/guardian currently on or applying for Section 8 **or**
2. A person over the age of 23 with dependent children

**Vulnerable Youth Financial Assistance Exception:** Financial assistance that is provided by person not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth". When Vulnerable Youth is determined, such determination is all that is necessary to determine a person is an "independent student".

- h. **Occupancy Standards:** The household size must be appropriate for the available apartments.

Applicants must meet the established occupancy standards. As a general policy there should be a minimum of one person per bedroom and no more than two persons per bedroom. Management shall take into consideration mitigating circumstances in cases where applicants or residents have a verifiable need for a larger unit.

Children who are away at school who have established residency at another address or location as evidenced by a lease agreement are not counted in occupancy.

Any household placed in a unit size different than that defined in these occupancy standards shall agree to transfer to an appropriate size unit when one becomes available at their own expense (in accordance with the Transfer Policy Paragraph 21).

Dwelling units will be assigned in accordance with the following standards:

| <u>Bedroom Size</u> | <u>Persons per Household</u> |                |
|---------------------|------------------------------|----------------|
|                     | <u>Minimum</u>               | <u>Maximum</u> |
| 1                   | 1                            | 2              |
| 2                   | 2                            | 4              |
| 3                   | 3                            | 6              |

- i. **Criminal History:**

It is the policy of \_\_\_\_\_ to screen applicants, residents and household members for criminal history, and to reject applicants, or terminate the leases of residents, if it is determined that current or past criminal activity of an applicant, resident or household member may indicate a present threat the health, safety, or right to peaceful enjoyment by other residents, property management staff or persons residing in the immediate vicinity of the facility.

\_\_\_\_\_ may deny admission to applicants or terminate the lease of any resident or household member who is or has been engaged in criminal activity that could reasonably indicate a present threat to the health, safety or welfare of others. All applicants and residents will be screened using \_\_\_\_\_ Criminal History Policy.

Applicants must not have been released anytime during the past 2 years from a prison, penitentiary or jail after serving time for a felony and must not have a criminal background as described below:

1. Eviction for Drug Related Criminal Activity: If the applicant or any household member has been evicted from federally assisted housing for drug related criminal activity, the application will be rejected for 3 years.
2. Illegal Drug Use: If the applicant or any household member is currently engaged in illegal use of a drug or shows a pattern of illegal use that may interfere with the health, safety, or right to peaceful enjoyment by other residents, the application will be rejected.
3. Alcohol Abuse: If a determination is made that the applicant or any household member's abuse, or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
4. Sex Offenders: If the applicant or any household member has a conviction or adjudication other than acquittal, for any sexual offense, the application will be rejected.
5. Sex Offender Registration: If the applicant or any household member is subject to registration under a state sex offender registration program, the application will be rejected.



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6. Domestic Violence: If the applicant or any household member has a conviction or adjudication other than acquittal, for domestic violence, dating violence, sexual assault or stalking, during the past 5 years, the application will be rejected unless otherwise protected pursuant to the Violence Against Women Act. Management will take such extenuating circumstances into account and will not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim of VAWA crimes.
7. Applicant's criminal history includes grounds for rejection as described in the Criminal History Policy set forth in Section 17I.

NOTE: The tenant is expected to pay a security deposit from his/her own resources, and/or other public or private sources at the time of the initial lease execution. The amount of the security deposit to be collected is dependent upon the HUD program and any applicable state and local laws governing the security deposit. The security deposit is refundable.

NOTE: Being eligible, however, is not an entitlement to housing. In addition, every applicant must meet the Resident Selection Guidelines. The Resident Selection Guidelines are used to demonstrate the applicant's suitability as a resident using verified information on past behavior, to document the applicant's ability, either alone or with assistance, and to comply with essential lease provisions and any other rules and regulations governing residency.

#### 4. APPLICATION INTAKE AND PROCESSING

It is \_\_\_\_\_ policy to accept and process all applications in accordance with the current version of the HUD Handbook 4350.3 and all applicable HUD regulations.

All written communications with applicants will be by First Class Mail. Failure to respond to the application notices may result in withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control (for example, medical emergencies or extreme weather conditions or reasonable accommodation for a disability).

Every application must be completed and signed by the head of the household, spouse, and every adult household member 18 years and older. All members of the household must be listed on the application.

Assistance from the management might take the form of answering questions about the application, helping applicants who might have literacy, vision, or language challenges, and, in general, make it possible for interested parties to apply for assisted housing. Applicants with disabilities may be provided an alternative method of having their application processed as a result of their disability. Management assistance will be available upon request. This may take the form of answering questions about the application, helping applicants who might have literacy, vision, or limited English Proficiency challenges via oral or written translation or large print, and, in general, make it possible for interested parties to apply for assisted housing. Applicants may bring an individual with them, to help with the application, if desired.

Every applicant who wishes to be considered for an apartment must complete an application. If an apartment is not immediately available, applicant will be placed on the application log (waiting list). Applicants on the waiting list are not guaranteed an apartment. All applicants must complete a full application then the application must be processed according to the tenant selection plan which will determine the applicant's eligibility.

#### 5. PRIORTIES FOR ACCESSIBLE OR ADAPTABLE APARTMENTS

When applicable, all apartments accessible to, or adaptable for, persons with mobility, visual, or hearing impairments, households containing at least one person with such impairment will have first priority (as applicable for a particular apartment feature). NOTE: Current residents requiring accessible/adaptable apartments shall be given priority over applicants requiring the same type apartment. Where persons without disabilities are moved into physically accessible apartments, they shall do so only after agreeing to move to an apartment with no such design features at their expense should an applicant or current resident require an accessible apartment of the type currently occupied by the persons without disabilities.

#### 6. WAITING LIST SELECTION PRIORTIES AND PREFERENCES

A waiting list is necessary to provide a fair and equitable means of tracking applicants who have applied for an apartment. It helps assure that each applicant is offered an apartment in the proper order, thus preventing claims



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of discrimination or favoritism, and allows for the most efficient turnover of vacant apartments. If an applicant qualifies for a preference or priority then it is possible to move up the waiting list based on the circumstances.

Preferences are established criteria used to determine the order applicants are selected from the waiting list for housing assistance or an assisted housing unit. Preferences may be established by federal law, HUD regulations, State or local law, or written owner policy. **THIS PROPERTY DOES NOT HAVE ANY ESTABLISHED PREFERENCES.**

Priorities are statutory requirements which include 1) the need for an accessible unit or accessible features and 2) income targeting that at least 40% of new admissions to a Section 8 property in each fiscal year be households with incomes at or below 30% of the area median income. NOTE: ELI defined as those whose incomes do not exceed the higher of the Federal poverty level or 30 percent of Area Median Income.

NOTE: Current residents who meet the qualifications listed in the Transfer Policy (paragraph 21) shall be given priority over applicants. It is likely that there will be more applicants for housing than can be assisted. In order to select those households most in need of housing, the following categories will be the basis of selecting residents from among all applicants:

- a. Households with one or more, members with a disability, when accessible units or features are designated for the disability.
- b. Victims of VAWA Crimes may receive preference over other applicants. The applicant will receive preference over other applicants that do not qualify for a preference described in this policy.
- c. Forty percent (40%) of all available (moved-out) units will be set aside for households whose total gross household income does not exceed 30% of the area median income as established annually by HUD.
- d. Applicants will be taken from the waiting list in order EXCEPT, if, at any time, the admission of the next qualified applicant on the waiting list would cause the property to fall below the 40% under 30% requirement, the next qualified applicant who meets the under 30% income level requirement will be moved to the top of the list and admitted.

NOTE: This testing procedure will be applied to all admissions during the year and records regarding this procedure will be kept on an annual basis and in the rental office.

- e. Marketing of these units will be targeted towards potential residents who have incomes that do not exceed 30% of the area median income.
- f. When offering a unit, the owner/agent will consider applicants and residents requesting unit transfers who qualify for preference over applicants and residents requesting unit transfer who do not qualify for any of the preferences described above. Because the owner/agent does not determine who needs a unit more, the selection order will be based on the date the application was completed and received by the owner/agent.
- g. Accessible units will always be offered to those residents requesting unit transfers because of a verified need for an accessible unit and applicants with a verified need for an accessible unit before accessible units are offered to applicants/resident who have not requested units with those features.

## 7. CHANGES TO WAITING LIST(S)

It is the policy of Management to administer its waiting list as required by HUD handbooks and regulations.

### a. Opening and Closing Waiting Lists

In order to maintain a balanced application pool, \_\_\_\_\_ may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part as allowed by the current version of the HUD Handbook 4350.3. The property waiting list will be updated by removing the names of those who are no longer interested in or no longer qualify for housing.

If the property has sufficient applications, it may, subject to HUD regulations, elect to close the waiting list if the waiting list contains more applicants than can be housed in a one year period. When the waiting list is closed, an announcement of the closure will be posted in the property's rental office and advertised according to the Affirmative Fair Housing Marketing Plan (AFHMP). 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 reopens.



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When the waiting list is to be opened, an announcement will be made in compliance with the property's approved Affirmative Fair Housing Marketing Plan which will be sent to the locations and entities in the AFHMP.

b. Change in Priority or Preference Status While on the Waiting List

Occasionally households on the waiting list who did not qualify for a priority or preference when they applied will experience a change in circumstances that qualifies them for a priority or a preference. In such cases, it will be the household's duty to contact \_\_\_\_\_ so that their change in status may be verified to reflect the priority.

To the extent the verification determines the household does now qualify for a priority or a preference, they will be moved up on the waiting list in accordance with the priority and their date and time of application.

c. Removal of Applications from the waiting list

An applicant's name will not be removed from the waiting list unless:

1. the applicant requests their name be removed; or
2. the applicant was clearly advised, in writing, of the requirement to tell property of their continued interest in housing by a particular time and failed to do so; or
3. a reasonable effort was made, in writing, to contact the applicant to determine if there was continued interest in housing but has been unsuccessful; or
4. the applicant was notified, in writing, of its intention to remove the applicant's name; or
5. the applicant no longer qualifies for assisted housing; or
6. the applicant refused second offer of unit for other than medically related reason.

d. Wait List Maintenance

Applicants have the right to be placed on the waiting list for any unit size or type that they qualify for.

A letter will be sent to each applicant, asking for outdated information to be updated in writing and asking whether the applicant wishes to remain on the waiting list or not. Confirmation must be returned to the property, in writing, using any forms which may be provided, within 30 (thirty) days of the letter's postmark date. Upon request, assistance will be provided to any applicant households with disabilities or limited English proficiency to enable them to meet this deadline.

If the household composition changes, the waiting list will be updated. A determination will be made to see if the unit size remains the same or changes.

If, as a result of the household composition change, it is determined that the unit size will increase or decrease, the updated application for the appropriate unit size maintains the original application date.

If the waiting list is currently closed for the appropriate unit size, the application will be rejected and the application will be removed from the waiting list.

If there are no appropriate size units on the property, the application will be rejected and removed from the waiting list.

e. If an application is removed from the waiting list, and subsequently the owner/agent determines that an error was made in removing the application, the application will be reinstated at the original place on the waiting list.

If an application is removed from the waiting list and later, the applicant household feels that they are now qualified for assistance/tenancy, the applicant household must submit a new application. The application will be placed on the waiting list, as necessary, based on the submission date and time of the new application.



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There are certain situations when the owner/agent may refuse to accept an application. The owner/agent will not accept applications from individuals who were previously rejected because the applicant:

1. Is subject to a state lifetime sex offender registry
2. Has been evicted from another property managed or owned by the owner/agent
3. Has been evicted from a federally assisted property for drug use in the last three year.

The O/A will not accept an application from an applicant if the O/A has documented one or more instance(s) when during the processing of a past application the applicant has disregarded the O/A's policies and procedures without justification.

## **8. INTERVIEWS AND VERIFICATION PROCESS**

As applicants approach the top of the waiting list, they will be contacted to schedule an application interview. The interview shall be conducted in accordance with the current version of the HUD Handbook 4350.3.

No decisions to accept or reject applications shall be made until all information presented by the applicant on the application has been verified.

All reasonable efforts will be made to offer reasonable accommodations as requested by applicants with disabilities and/or limited English proficiency during the application process, as well as during tenancy and for all appeal processes.

## **9. VERIFICATION REQUIREMENTS**

\_\_\_\_\_ shall obtain verifications in compliance with requirements set forth in the current version of the HUD Handbook 4350.3. No decision to accept or reject an application shall be made until verifications triggered by the application form have been collected and any necessary follow-up interviews have been performed.

### **a. Types of Verification Required**

All information relative to the following items must be verified as described in these procedures:

1. Eligibility for Admission, such as
  - a. income, assets, and asset income
  - b. household composition
  - c. Social Security Numbers
  - d. citizenship, naturalization and/or eligible non-citizen status
  - e. student status – full or part-time
2. Allowances, such as
  - a. age, disability, or disability of household members
  - b. full time student status
  - c. child care costs
  - d. disability expenses
  - e. medical costs (for elderly/disabled households only)
3. Priorities or preferences, such as
  - a. Income less than 30% of median income limits
  - b. mobility accessible apartments
4. Compliance with Resident Selection Guidelines, such as
  - a. positive prior landlord reference, rent paying, caring for a home
  - b. history of criminal activity including sex offender registry of any household member
5. Credit checks will be processed through approved credit bureaus.
  - a. applicants are to have an approved credit rating
  - b. lack of credit does not necessarily mean bad credit

Exceptions may include:

1. medical collections
2. proof of satisfactory dispute of credit rating
3. applicant shows period of credit problems which have been corrected



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4. applicant has proof of repayment of debt (Proof must be a statement of satisfaction from creditor, court, or other legal proof)
6. Reasonable accommodations/modifications based on disability

All the above information must be documented and appropriate verification forms or letters placed in the applicant file.

b. Period for Verification

Only verified information that is less than 120 days old may be used for certification or recertification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

c. Forms of Verification - documentation required, as part of the verification process, may include:

1. checklists completed as part of the interview process (signed by the applicant)
2. verification forms completed and signed by third parties
3. reports of interviews
4. documentation, ie, award letters, pay stubs, bank statements, IRS 1040, etc.
5. notes of telephone conversations with reliable sources
6. facsimile, email and internet
7. copies of local government condemnation or displacement notices
8. IRS tax returns
9. EIV Existing Tenant Search – to determine is applicant is currently receiving HUD assistance

At a minimum, such reports will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.

Management will be the final judge of the credibility of any verification submitted by an applicant. If the documentation is considered to be doubtful, it will be reviewed by Management, who will make a ruling about its acceptability. Management will continue to pursue credible documentation until it is obtained or the applicant's application is rejected for failing to produce it.

d. Sources of Information - Sources of information to be checked may include, but is not limited to:

1. the applicant by means of interviews
2. present and former housing providers
3. present and former employers
4. credit checks and management record services
5. social workers, parole officers, court records, drug treatment centers, physician, clergy
6. The Department of Health and Human Services (HHS)
7. Database of Wage, New Hires, and Unemployment Compensation
8. The Social Security Administration (SSA)
9. Medicare/Medicaid
10. "Institutes of higher learning" for student status
11. Law enforcement – federal, state, or local
12. Dru Sjodin National Sex Offender Public Website
13. SAVE System for noncitizen status
14. Enterprise Income Verification (EIV) Existing Tenant Search

e. Owner/Agents must verify all income, expenses, assets, family characteristics, and circumstances that affect family eligibility, order of applicant selection, or level of assistance. Four methods of verification are acceptable to HUD. Verifications shall be attempted in the following order:

Methods of verification acceptable to HUD listed in the order of priority:

1. Up-front Income Verification (UIV)
  - a. Using HUD's EIV system for tenants (not available for applicants) (Mandatory)
  - b. UIV using non-EIV system (Optional)
2. Third-party verification from source (written);



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3. Third-party verification from source (oral); or
4. Family certification.

NOTE: If third party verification is not available, then the file will be documented to show that the management attempted to obtain third-party written documentation before relying on some less acceptable form of information.

## **10. 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. HUD regulations consider false information discovered during the application process on any of the following to be grounds for rejecting an application:

- a. Income, assets, household composition
- b. Social Security Numbers
- c. Preferences and/or priorities
- d. Allowances
- e. Previous residence history
- f. Criminal history
- g. Citizenship, naturalization, and/or eligible non-citizen status
- h. Student status, full or part time

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information.

Management will take extenuating circumstances into account and will not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim of VAWA crimes.

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject the application.

## **11. DETERMINATION OF APPLICANT ELIGIBILITY**

Information needed to determine applicant eligibility shall be obtained, verified, then the determination of applicant eligibility will be performed, in accordance with HUD and property eligibility regulations.

## **12. DETERMINATION OF APPLICANT QUALIFICATION**

The Applicant Screening Policy:

All applications will be screened according to the criteria set forth in these Resident Selection Guidelines. These guidelines, which are based on HUD regulations, relate to the individual behavior of each applicant household.

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



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### 13. HOW APPLICANT'S HISTORY WILL BE CHECKED

Listed below are the methods by which every applicant's performance, relative to each of the following criteria, will be verified:

- a. Past performance meeting financial obligations, especially rent:
  - 1. Credit check with Credit Bureau.
  - 2. Contacting the current landlord and at least one prior landlord.

NOTE: Applications from households which owe any outstanding balance to any other landlord or rental housing provider will be immediately rejected.

NOTE: Management will take extenuating circumstances into account and will not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim of VAWA crimes.

- b. Disturbance of neighbors, destruction of property, living or housekeeping habits that would pose a threat to other residents:
  - 1. Management will check for these potential problems with the current management and at least one former manager.
  - 2. If the applicant is not currently living under a lease with a management, the housing provider will be asked to verify the applicant's ability to comply with the property's lease terms as it relates to these guidelines.

NOTE: An applicant's behavior toward management will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward management will be noted in the file and the application will be rejected.

- c. Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
- d. Criminal history checks of convictions and outstanding warrants with local, state or federal authorities including sex offender registry by state.
- e. A record of eviction from housing or termination from residential programs will be considered:
  - 1. Manager will check property records, management records, and other records to determine whether the applicants have been evicted from the property or any assisted or market rate housing in the past.
  - 2. Records of evictions from residential programs will be checked with service agencies and housing providers referred by the applicant.
  - 3. Circumstances of any past eviction or termination in determining its relevance to property tenancy.
- f. Ability and willingness to comply with the terms of the lease & community policies (house rules).

An applicant household must be able to document that they have complied with lease terms and community policies (house rules), in current and former residences.

- g. An applicant's misrepresentation of any information related to eligibility, award of priority for admission, allowances, household composition, or rent.
- h. The EIV Existing Tenant Search to determine if the applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location.

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



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## 14. OBTAINING APPLICANT RELEASES

All members of an applicant or tenant family who are at least 18 years of age and each family head, spouse or co-head, regardless of age, must sign and date the HUD-required consent forms (form HUD-9887, Notice and Consent for the Release of Information to HUD and to a PHA and 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) at the initial certification and each recertification. All adults regardless whether they report income must sign and date these forms.

A current form HUD-9887:

- a. Must be on file before owner/agents access the EIV employment and income information for a tenant.
- b. Does not have to be on file to use the EIV Verification Reports. This includes the Existing Tenant Search for applicants.

If the applicant or tenant, or any adult member of the applicant's or tenant's family, does not sign and submit the consent form as required in 24 CFR 5.230, the following statements apply:

1. The owner must deny assistance and admission to the applicant; or
2. The owner must terminate assistance to the family not the individual.

## 15. REVIEW OF APPLICATIONS FOR ACCEPTANCE OR REJECTION

- a. If the applicant requests an appeal interview to determine whether mitigating circumstances or reasonable accommodations due to their disability would make it possible to accept their application, management will do so according to HUD regulations and Section 504 of the Rehabilitation Act of 1973.
- b. And, if you are a person with a disability, you have the right to request reasonable accommodations to participate in the informal hearing process.
- c. If an applicant is clearly eligible and passes the screening guidelines, admission shall be authorized. Likewise, if the applicant is ineligible, rejection of the application shall be authorized.
- d. Management will follow the grievance process set forth in the current version of the HUD Handbook 4350.3 which is the applicant's right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection.

## 16. APPLICANTS WITH DISABILITIES

Management will consider the appeal of an application rejection; if the applicant has a disability and the reasons for the rejection could be overcome by management's reasonable accommodation of the applicant's disability. For reasonable accommodations to apply there are several requirements. First, the applicant must make the request and have a verifiable disability [mental or physical impairment that substantially limits one or more major life activities] unless the disability is readily apparent. To not reject the application, the disability must have a direct nexus to the reason the application would be rejected. The applicant must request the reasonable accommodation and, if required, provide verification of the disability and the need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in an undue financial and administrative burden to the property.

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations the applicant is not eligible and the application will be rejected. Examples of such situations are where the behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from management that represent an alteration in the fundamental nature of the property's program.

## 17. REJECTION OF APPLICATION OF INELIGIBLE OR UNQUALIFIED APPLICANTS

\_\_\_\_\_ complies with application rejection requirements set forth in the current version of the HUD Handbook 4350.3. Applications will be rejected if it is determined that the applicant or any member of the household falls within the following categories, including but not limited to:



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- a. **Security Deposit:** Applicant does not have sufficient funds to pay the security deposit. (If security deposits are allowed to be paid in installments then this statement needs to be removed)
- b. **Misrepresentation:** Willful or serious misrepresentation in the application procedure for the apartment or certification process for any government assisted dwelling unit.

**NOTE: Incomplete applications will be rejected.**

- c. **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility, which damages the equipment or premises in which the household resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.
- d. **Violent Behavior:** Includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors.
- e. **Non-compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.
- f. **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the household to pay rent and other charges when due.
- g. **Owing Utility Providers:** Applicants who owe a balance to the local utility provider for present or prior residences will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for failure to pay the utility bill have changed sufficiently to enable the household to pay and maintain utilities in the name of the head of household.
- h. **Unsanitary or Hazardous Care of Unit:** Includes generally creating any health or safety hazard through acts of neglect, including but not limited to: causing or permitting any damage to or misuse of premises and equipment, if the household is responsible for such hazard, damage or misuse; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.
- i. **Credit History:** A consistent, severe or recent history of deficiencies in overall credit or rent payment which indicate the household will be unable or would otherwise fail to pay when due rent for the apartment and other expenses relating to occupancy of the apartment.
- j. **Failure** to provide social security number documentation for all family/household members.
- k. **Student status** does not meet the HUD Student eligibility requirements.
- l. **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity and has been released anytime during the past 2 years from a prison, penitentiary or jail after serving time for a felony.

The activities that will be grounds for rejection of an application include but are not limited to the following:

- 1. Any conviction or adjudication other than acquittal for violent crimes and felonies in any state, including but not limited to: criminal homicide, manslaughter, armed robbery, assault, arson, etc. within the last 10 years.
- 2. Any conviction or adjudication other than acquittal, which involved injury or potential injury to a person or property within the last 5 years.
- 3. Any conviction or adjudication other than acquittal for non-violent crimes, the severity or existence of crime vary from state to state including, but not limited to: other simple assaults, forgery, fraud, embezzlement, weapons, etc. within the last 3 years.



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4. Any conviction or adjudication other than acquittal for the sale, distribution or manufacture of any controlled or illegal substance within the past 10 years.
5. Any conviction or adjudication other than acquittal involving illegal use or possession of any controlled or illegal substance within the last 3 years.
6. Any current illegal user or addict of a controlled or illegal substance.
7. Any act, which results in the person's tenancy constituting a potential threat to the health or safety of other individuals, possible substantial physical damage to the property of others, or interfere with the peaceful and quiet enjoyment of the premises.
8. Any conviction or adjudication other than acquittal, for any sexual offense.
9. Registration on any state sex offender registry.
10. Any conviction or adjudication other than acquittal, for domestic violence, dating violence, sexual assault or stalking, unless otherwise protected pursuant to the Violence Against Women Act within the last 5 years.
11. Eviction for Drug Related Criminal Activity from federally assisted housing for drug related criminal activity within the last 3 years.
12. Alcohol abuse or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.
13. Any applicant convicted of more than 3 unrelated felonies or misdemeanors of any kind, within 10 years of the application or 3 unrelated misdemeanors within 5 years of the application.

**It is the policy of \_\_\_\_\_ to screen applicants, residents and household members for criminal history, and to reject applications or terminate the leases of residents, if it is determined that current or past criminal activity of an applicant, resident or household member may indicate a present threat to the health, safety, or right to peaceful enjoyment by other residents, property management staff or persons residing in the immediate vicinity of the facility.**

**Management will work with law enforcement to follow-up on any criminal reports received for all criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff; or any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises. If the criminal police reports indicate criminal activity, which allows for the termination of tenancy, then eviction proceedings will be started.**

**You have the right to respond in writing or request a meeting within 14 days to dispute the rejection. If you believe there are mitigating circumstances that should be considered that would allow us to continue processing your application, please advise us so we may schedule a meeting to discuss your request.**

## **18. ACCEPTANCE AND MOVE-IN OF ELIGIBLE AND QUALIFIED APPLICANTS**

- a. Determination for Rent and Security Deposit
- b. Monthly rent and security deposit amount will be determined in accordance with the federal regulations governing the housing program and state law.

## **19. OFFERING AN APARTMENT**

When an apartment becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for that apartment type. If the applicant cannot be contacted within five (5) working days, the offer will be cancelled and the apartment 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 its interest in remaining on the waiting list. If the applicant replies affirmatively, its application will retain its position on the waiting list. If the reply is negative, or if no reply is received within five (5) working days, the application will be removed from the waiting list.

If an applicant rejects the offer of an apartment twice, the applicant will be removed from the waiting list.



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## 20. PRIOR TO MOVE-IN / TENANT INTERVIEW

The Manager must meet with all residents of the apartment. Management will explain the HUD regulations regarding the following:

- a. security deposits and refunds – applicant must pay before moving in
- b. use of the HUD EIV System for all recertifications after move-in
- c. annual recertifications
- d. interim recertifications
- e. unit inspections
- f. community policies (house rules)
- g. transfer policy
- h. Section 8 student eligibility
- i. charges for facilities and services
- j. VAWA – Violence Against Women Act
- k. reporting required when the household composition changes, or there is a change in employment status or income increases of \$200 or more per month
- l. apartment must be the family's only residence; therefore; residents are not allowed an unexplained and/or extended absence from the premises for sixty (60) continuous days or for longer than 180 continuous days for medical reason
- m. all adult members of the household, 18 years and older will sign the lease, community policies (house rules), and related documents
- n. applicant and management will inspect the apartment and sign the Move-In Inspection form
- o. applicant will pay the rent for the first month, as set forth in the Lease
- p. applicant will be given a copy of the Lease, the Move-In Inspection form, Community Policies, and the receipt for the Security Deposit and first month's rent
- q. applicant must have receipt of proof that the utilities have been transferred into their name
- r. All household members age 18 and older will be screened during the annual recertification process using "The Dru Sjodin National Sex Offender Public Website"

## 21. TRANSFER POLICY

Residents who wish to transfer to another unit must complete a Unit Transfer Request. This request must be completed and signed by the head of household and all adult household members who wish to transfer.

Security Deposits will be transferred when a household transfers from one apartment to another.

Transfers will be reviewed and may be granted, based on, but not limited to the following:

- a. Household size;
- b. Changes in family composition;
- c. Deeper subsidy (Rent Supplement, RAP, or Section 8 assistance) needed and available;
- d. Medical reason or a need for an accessible unit because of a Reasonable Accommodation due to the disability of a household member;
- e. If the household member needing the accessible features moves out of the accessible apartment, then the remaining household members will be required to move to a non-accessible unit; or
- f. If no household member needs the accessible features of their current apartment and the accessible apartment is needed by a household with person(s) with disabilities.
- g. VAWA (Violence Against Women Act)

Transfers will not be made due to household size or a change in household composition if all of the apartments are the same size or if the household still meets the property occupancy policy.

Transfers will not be made for a deeper subsidy if the property has a project based Section 8 contract which includes 100% of the apartments.

Residents, who either request a transfer or are required to transfer for any of the above reasons, will be placed on a transfer waiting list based on the apartment size requested.



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Residents, with disabilities, currently residing in a non-accessible apartment, and need accessible features will be given priority for an apartment with accessible features over other residents and applicants.

Residents, without disabilities, currently residing in an accessible apartment will be given a 30 day notice to transfer to a non-accessible apartment as agreed to when an applicant and/or resident household needs an apartment with accessible features.

Residents may be required to transfer in any situation which may arise that is due to reasons beyond anyone's control, including, but not limited to, natural disasters or extensive repairs to be completed in, or around, the unit which cannot be completed while the unit in question is occupied.

NOTE: Current residents that have been required to transfer due to reasons beyond anyone's control, (noted in previous paragraph) will be given priority over applicants.

NOTE: Current residents, who may qualify for rental assistance, or who meet the qualifications listed in the above Transfer Policy for transfer to a different unit shall be given priority over applicants.

NOTE: Depending upon the circumstances of the transfer, a resident may be obligated to pay all costs associated with the move. However, if a resident is transferred as a reasonable accommodation to a household member's disability, then the owner must pay the costs of moving the resident's belongings, unless doing so would be an undue financial and administrative burden.

NOTE: Transfers will not take place if the resident is not in compliance with their Lease, this includes but is not limited to the lease violations for "decent, safe and sanitary care of apartment that have not been "cured", unpaid rent, late fees, damage charges and any other outstanding lease violations. The transfer request will remain on the transfer waiting list until resident is in compliance with their lease and transfer takes place or resident moves out.

NOTE: Emergency Transfer – VAWA: In some cases, victims of VAWA Crimes may receive preference over other applicants. If the victim of a VAWA Crime lives on another property owned or managed by Knudson Management Co., Inc., that property-to-property transfer request will receive special consideration if the victim of the VAWA Crime is in imminent danger or was sexually assaulted on the current property within 90 days of the request for transfer. The applicant will receive preference over other applicants that do not qualify for a preference described in this policy. Please see the VAWA Policy and/or contact property staff for additional information.

## **22. AT MOVE-IN**

Keys to the apartment will be issued to the household. After move-in, periodic inspections will be completed as well as annual and interim certifications will be completed.

## **23. FAILURE TO MOVE-IN ON TIME**

If a household fails to move in on the agreed date, the application will be declined and the apartment will be offered to the next household on the waiting list unless there are extenuating circumstances.

## **24. APARTMENT INSPECTIONS**

All apartments must undergo a move-in and move-out inspection by the on-site management team. These inspections include not only interior but also exterior inspections. There will be an annual inspection. From time to time, HUD and/or the Contract Administrator will conduct an inspection.

## **25. ANNUAL RECERTIFICATIONS/INTERIM RECERTIFICATIONS**

HUD regulations require an annual recertification of income and expenses for rent determination. Interim recertifications depend upon certain resident changes such as adding another person to your household,



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change in income, increase or decrease. This policy will be discussed during the initial recertification process.

## **26. REASONABLE ACCOMMODATION AND MODIFICATIONS**

It is our policy, pursuant to Section 504 of the Rehabilitation Act (if applicable) and the Federal Fair Housing Act, to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities. \_\_\_\_\_ will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, \_\_\_\_\_ will make reasonable accommodations for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services.

When an otherwise qualified applicant requests a reasonable accommodation or modification, management is not required to:

- a. make structural alterations that require the removal or altering of a load-bearing structure,
- b. provide support services that are not already part of its housing programs,
- c. take any action that would result in a fundamental alteration in the nature of the program or service,
- d. 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).

## **27. APPLY SCREENING CRITERIA UNIFORMLY TO ALL APPLICANTS**

Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the unit and common property, and allow all other residents to peacefully enjoy their homes. Anyone who wishes to live on the property must be screened prior to moving in. This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in.

Should an application be approved and move-in has occurred, any addition to the household must be approved by Management. The same screening completed to approve the original application will be used for future household members.

## **28. THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

The VAWA policy is intended to support or assist victims of domestic violence, dating violence, sexual assault and/or stalking and protect victims, as well as members of their family, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of domestic violence, sexual assault, dating violence and/or stalking.

VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident.

VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of an act of domestic violence, dating violence, stalking and/or sexual assault covered under the VAWA.

Being a victim of an act covered under the VAWA is not reason to change the eligibility or applicant screening requirements set forth in the tenant selection plan unless such requirements interfere with protections provided under the VAWA.

Being a victim of an act covered under the VAWA is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless such requirements interfere with protections provided under the VAWA.

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is eligible for an emergency transfer if:



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1. The tenant expressly requests the transfer and reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit, AND
2. The tenant is a victim of sexual assault, OR
3. The sexual assault occurred on the premises within the 90-calendar day period preceding a request for an emergency transfer.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of the property to honor such a request for a tenant currently receiving assistance, however, will depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether there is another dwelling unit that is available, and that the tenant feels is safe, to offer for temporary or more permanent occupancy.

VAWA Policy in its entirety is available upon request.

The Notice of Occupancy Rights under the Violence Against Women (form HUD-5380) and Certification as a Victim (form HUD-5382) will be provided to:

- All resident families at their next certification or next lease renewal;
- All applicants when denied or admitted at Move-in;
- With any notification of eviction; and
- With any notification of termination.

## **29. PETS FOR ELDERLY AND PROPERTIES FOR PERSONS WITH DISABILITIES**

HUD properties for the elderly and disabled people must permit residents to keep common household pets in their apartment (subject to the provisions in 24 CFR Part 5 and the pet rules promulgated under 24 CFR Part 5). Before bringing a pet to their apartment, an applicant or resident must complete the pet application and sign the pet addendum. Copies of the pet policy and pet lease addendum will be given to the applicant and/or the resident upon their request.

## **30. USE OF EIV EXISTING TENANT SEARCH**

The Existing Tenant Search report identifies applicants applying for assisted housing that may be receiving rental assistance at the time of application processing at another location.

The Existing Tenant Search will be used during the processing of an applicant for admission to determine if the applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location.

If the applicant or a member of the applicant's household is identified as residing at another property receiving HUD assistance, they will be given the opportunity to explain any circumstances relative to their receiving assistance at the other property.

Before the applicant(s) can move-in, management will use the EIV Coordination of Section 8 from Property to Property form to follow up with the respective PHA or O/A to confirm the applicant's move-out status before admission. Use of the EIV Existing Tenant Search report and the EIV Coordination of Section 8 form gives management the ability to coordinate move-out and move-in dates with the PHA or O/A of the other property, thus helping to reduce "double subsidy".

The EIV Existing Tenant Search report and the EIV Coordination of Section 8 from Property to Property along with any documentation obtained as a result of contacts with the applicant and the PHA and/or O/A at the other property will be printed and kept with the application.

An EIV Income Report will be pulled on all new move-ins within ninety (90) days after move-in information has been transmitted to TRACS to confirm and validate the income reported by the now resident household.



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Any discrepancies found in the reported income of the resident household will be resolved within 30 days of the EIV Income Report date. A copy of this Income Report will be kept with the applicable move-in income verifications.

### **31. SMOKE FREE**

This property is smoke-free. The purpose of this rule is to protect the health and safety of our residents and property. It is a violation of the Community Policies for any resident, guest, visitor, contractor and/or staff persons to smoke on the property. The term "smoking" means inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe or other lighted smoking device for burning tobacco or any other plant, including any type of electronic cigarette, cigar, pipe or other vapor product.

Violation of the smoke-free policy may result in eviction as a violation of the House Rules, which Rules are incorporated by reference in the lease.

### **32. GRIEVANCE PROCEDURE – WHEN REJECTING AN APPLICATION, MANAGEMENT WILL:**

- a. **provide notification in writing of reasons for rejection;**
- b. **inform the applicant they have 14 days to request in writing a meeting to discuss the rejection;**
- c. **allow the applicant with a representative to participate in an informal meeting;**
- d. **have the meeting conducted by a member of management who was not involved in the initial decision to reject the application;**
- e. **consider mitigating circumstances would allow the processing of your application to continue;**
- f. **provide a written determination to the applicant within 5 days of meeting.**

**NOTE: If you are a person with a disability, you have the right to request reasonable accommodations to participate in the informal hearing process**

**NOTE: Your response to this letter does not preclude you from exercising other avenues available if you believe that you are being discriminated against on the basis of race, color, creed, age, religion, sex, disability, familial status, national origin, and regardless of sexual orientation or gender identity or marital status.**

\_\_\_\_\_ does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.

The person named below has been designated to coordinate compliance with the nondiscrimination against persons with disabilities.

Mari Dau \* Section 504 Coordinator  
Knudson Management Company  
29 South Main \* Council Bluffs, IA 51503  
Phone: (712)328-2222 \* Fax: (712)322-8972  
IA Relay System: 1-800-735-2943 \* TDD 711

**PENALTIES FOR MISUSING THIS CONSENT:** Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD and any owner (or any employee of HUD or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willingly requests, obtains, or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages and seek other relief, as may be appropriate, against the officer or employee of HUD or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 42 USC 208 a(6)(7) and (8). Violations of these provisions are cited as violations of 42 USC 408 a(6)(7) and (8).



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