

**SOUTHFAIR APARTMENTS**

**TENANT SELECTION PLAN**

**EFFECTIVE**

**03/01/2008**

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## SECTION I – MARKETING

### Statement of Non-Discrimination

See Exhibit 2

### Affirmative Marketing Practices

The Salem Housing Authority (SHA) shall use the HUD approved Affirmative Fair Housing Marketing Plan (AFHMP) to conduct outreach for the project.

The AFHMP will be reviewed every 5 years and updated as needed to ensure compliance with 24 CFR 200.620.

SHA will review the demographics of the project area and determine whether advertising efforts should be targeted to different groups, under-represented racial or ethnic groups in the project area.

The AFHMP will be revised when a substantial change takes place or the local Consolidated Plan is updated.

Revised AFHMP's will be submitted to HUD for approval.

### Opening and Closing the Waiting List

The waiting list for Southfair (SF) will remain open to new applicants on an ongoing basis. SHA will monitor the vacancies and the waiting list for SF regularly to ensure that there are enough applicants to fill the vacancies. SHA will also monitor the waiting list to ensure that waits for units are not excessive.

#### Closing the Waiting List

The waiting list may be closed for one or more unit sizes when the average wait is excessive (i.e., one year or more).

When SHA closes the list, applicants will be advised that the waiting list is closed and that additional applications will not be accepted.

SHA will publish a notice in a publication(s) likely to be read by potential applicants and the notice will state the reasons for closing the waiting list.

#### Opening the Waiting List

When SHA decides to accept applications again, SHA will publish a notice in appropriate publications likely to be read by potential applicants (if possible, in the same publications used to notify potential applicants that the waiting list was closed). The notification will include the rules for applying and the order in which applications will be processed.

Advertisements will include where and when to apply and will conform to the advertising and outreach activities described in the AFHMP.

## **SECTION II- WAITING LIST REQUESTS (PRE-APPLICATIONS) AND VERIFICATION OF INCOME**

Receipt of applications and verifications of income will be completed in accordance with HUD's handbook 4350.3; OHCS LIHTC Compliance Manual and Exhibit 3, Acceptable Forms of Verification.

### **Applicant Requests to be Placed on Waiting List**

Families may request to have their name placed on the waiting list(s) for any of SHA's in the following manner:

- Complete a Waiting List Request form;
- Contact the TDD line;
- Referral through an advocate for seniors or persons with disabilities;
- Referral through an outside agency (via partnerships);
- Internet; and/or
- Telephone request; and
- A written waiting list request form will be mailed to interested families upon request.

The waiting list request process involves two phases. The first is the "initial" request to be placed on the waiting list, which requires applicants to provide adequate family information that enables SHA to determine basic eligibility without requiring third party verification at this state. This first phase results in the family's placement on the waiting list.

Applicant information is entered into a computerized housing management database system by date and time of waiting list request and/or referral, and reviewed for accuracy. The computerized waiting list request becomes the final record of the request for placement on the list.

Applicants are sent a letter acknowledging placement on the appropriate waiting list(s) indicating the date and time the request and/or referral was received, with the anticipated waiting period for each program. Applicants are instructed to notify SHA of any changes in their household that could affect eligibility, such as changes in their mailing address, income, and family composition.

The second phase of the waiting list request involves completing the "long application and/or application/certification." This application will be used as final documentation to determine eligibility. The long application/certification is completed when an applicant's name reaches the top of the waiting list. At that time SHA ensures that verification of all HUD and SHA eligibility factors is complete in order to determine the family's eligibility for placement.

### **Waiting List Priority**

#### Selection of Tenants

Selection will be made according to the type of unit to be filled (see Section II)

In offering units, applicants will be selected by date and time order of application with oldest dated application being the first notified.

If an applicant rejects one unit for which they are eligible, the applicant's name will be removed from the active waiting list and the applicant will be notified of the need to submit a new application for placement on the waiting list.

Participants requesting to move from one unit to another, or due to a reasonable accommodation issue, over/under housed issue, and/or conflict issue, will be treated as a new move-in and all application, certification and verification procedures will be completed and all income and assets will be verified to determine participant meets the income eligibility for the unit to which they wish to move. Final approval will be made by SHA.

### **Removing Names from the Waiting List**

SHA will document removal of any name from the waiting list in the computer database, generating the date and time of removal.

- Applicant names will be removed from the waiting list when:
  - The applicant no longer meets the eligibility requirements for the property or program;
  - The applicant fails to respond to written notices such as notices for eligibility interview, or updating applicant information);
  - The applicant is offered and rejects two units in the property;
  - Mail sent to the applicant's last known address is returned as undeliverable;
  - The type of unit needed by the applicant changes due to family size changes, and an appropriate size unit does not exist on the property.

Applicants who are determined to be ineligible for placement on the waiting list will be notified in writing of the reason for the denial and will be offered the option for an informal review of the determination.

SHA will periodically print out electronic waiting lists to show how the waiting list appeared before and after the removal of name(s).

### **Reinstating Applicants to the Waiting List**

If an applicant is removed from the list, and SHA later determines that an error was made in removing the applicant (for instance, an incorrect address was used to send mail to the applicant), the applicant will be reinstated at the original date and time of placement on the waiting list.

Applicants may also be reinstated to the waiting list with their original place on the waiting list, if a reasonable accommodation has been requested and approved.

## **SECTION III – APPLICATIONS, DETERMINING ELIGIBILITY, AND SELECTING TENANTS**

### **Applications**

SHA shall maintain a separate waiting list for Southfair. Applications shall be accepted in accordance with this Tenant Selection Plan and HUD Handbook 4350.3.

### **Eligibility**

#### Income Requirements

- Section 8 Project Based/TC units:

Household will have gross annual income at or below 50% of the HUD published median income.

There is no minimum income requirement for Section 8 Project based/TC units.

At least 40% of applicants placed during the fiscal year must have gross annual income at 30% or less of the HUD published median income. The remaining will have gross annual income at 50% or less of the HUD published median income.

SHA will monitor this requirement on a regular basis (i.e. at least monthly), and anytime that SHA has not met the 40% requirement, SHA will skip over families whose incomes have been verified to be higher than 30% of the applicable area median income, so it can place units with families having incomes at or below 30% of the median income until the 40% requirement has been met.

If the unit has not been placed with a family at or below 30% of the median income limit, by the time it has been made ready for re-rental, the unit may be placed by a family whose income is higher than 30% and lower than 50% of the median income.

Tenant households requesting to add an adult family member to the household in the first six-months of their lease, must be able to verify that the household meets the applicable income limit for a new admission, including the new household member. Tenant households who are unable to verify that they meet the applicable income limit when including the new household member(s) will be notified that the adult family member(s) will not be allowed to reside in the unit.

- Tax Credit Units

Household will have gross annual income at or below 60% of the HUD published median income.

Monthly gross income shall equal 2 times the stated monthly rent. (Exceptions: Section 8 Housing Choice Voucher holders are exempt for this requirement.)

Tenant households requesting to add an adult family member to the household in the first six-months of their lease, must be able to verify that the household meets the applicable income limit for a new admission, including the new household member. Tenant households who are unable to verify that they meet the applicable income limit when including the new household member(s) will be notified that the adult family member(s) will not be allowed to reside in the unit.

- Market Units

Household will have gross annual income at or below 120% of the HUD published median income; and

Monthly gross income shall equal 2 times the stated monthly rent. (Exceptions: Section 8 Housing Choice Voucher holders are exempt for this requirement.)

### Student Eligibility (Section 8 Project Based/TC Units Only)

Full or part time students enrolled in an institution of higher education:

- If a full or part time student is under the age of 24, not a veteran, unmarried, and has no dependent children, the student and the student's parents must meet the income eligibility requirements in order to be eligible, even if the parents do not reside with the full or part time student, unless the student can show they meet the criteria for determining independence from parents:
  - The individual must be of legal contract age under state law;
  - The individual must have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of an independent student;
  - The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
  - The individual must obtain a certification of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. This certification is required even if no assistance will be provided. The financial assistance provided by persons not living in the unit is part of the annual income that must be verified to determine eligibility and at annual recertification to determine rent. *If the student cannot obtain, or the parent refuses to provide this information, the student is not eligible for Section 8 assistance.*
  - If the income of the full-time or part-time student's parent(s) is counted, they must have incomes below 80% of median income in the area in which they reside.
  - The student eligibility criteria does not affect full-time students residing with his or her eligible parent(s), nor are high school students, or students who are working towards completion of "secondary education" (i.e. high school equivalency).

### Student Eligibility (Tax Credit and Section 8/TC Units only)

Household cannot consist entirely of full time students.

### Student definition

Internal Revenue Code Section 151(4) defines the term "student" as "an individual who during each of five calendar months during the calendar year is a full-time student" (OHCS considers the calendar year to be the certification year) at an "educational institution" described in Code Section 170(b)(1)(A)(ii). Treas. Reg. Section 1.151-3(b) provides that a full-time student is one who is enrolled for some part of five calendar months for the number of hours or courses, which is considered to be full-time attendance. The five calendar months need not be consecutive. School attendance exclusively at night does not constitute full-time attendance. However, full time attendance at an educational institution may include some attendance at night in connection with a full-time course of study. In addition, individuals pursuing a full-time course of institutional on-farm training under the supervision of an accredited agency of such education organization, of a state or political subdivision of the state, are also deemed full-time students.

Exemptions of student status:

As a general rule, units may not be occupied in it's entirely by full-time students. Thus, if any one single individual in the household is not a full-time student, the application will not be disqualified due to student status.

Beginning October 1, 2005, students in K-12 are not considered to be an exception solely by virtue of their age and grade in school.

If all tenants are full-time students, the applicants may still qualify for residency if:

- All of the students file a joint federal income tax return. A copy of the joint tax return or marriage license should be included in the file; or
- The household consists of a single parent (with custody) and a school age child or children, both of whom are not dependents of a third party. (Note: The effective date of this exemption applies to T/C allocations made after June 30, 1992); or
- They receive assistance under the TANF program as such program activities and participation are related to families with dependent children;
- They are enrolled in and receiving assistance under the Job Training Partnership Act (JPTA) or similar governmental job training programs. Note: The JPTA program no longer exists. The workforce Investment Act (WIA) was implemented as a replacement. OHCS has no opinion as to whether enrollment in any of the WIA programs would qualify as an exception.

No "Grandfather" rights:

Student status is not subject to any "grandfather" clauses as are income limits. At no time during the lease, or any extension thereof, may the unit be occupied entirely by full-time students who are not otherwise exempt. If the household qualified at move-in but later was comprised of entirely full-time students and did not meet any of the defined exemptions, the household, at that point, no longer qualifies to occupancy a tax credit unit.

### Income Limits

SHA will comply with federal regulations and implement the income limits published by HUD.

- When determining family size for establishing income eligibility, SHA will include all persons living in the unit except for the following:
  - Live in Aids. See Section XXII for definition of Live-in Aide. A relative may be considered to be a live-in aide/attendant, but they will meet the requirement defined in Section XXII. The live-in aide qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a tenant, and the aide may not qualify for continued occupancy as a remaining family member.
  - Foster children or foster adults.
  - Guests. See Section XXII for definition of guests.
  - Parent(s). Income of parent(s) must be counted if it is determined that a full or part time student who is under the age of 24, not a veteran, unmarried and who is not independent from their parent(s). The parent(s) income must be below 80% of median income where they current reside in order for the full time or part time student to be eligible.
- When an unborn child will be included in the household composition in order to qualify the unit, the household must certify their claims of eligibility by signing an Affidavit of Pregnancy/Household

Composition form. For Tax Credit units, third-party verification must be attached to the affidavit. If the household would qualify for the unit with or without the unborn child, third-party verification is not needed. (Tax Credit and Section 8 Project based/Tax Credit Units only)

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- Tenant households requesting to add an adult family member to the household in the first six-month's of their lease, must be able to verify that they continue to meet the applicable income limit. Those who are unable to verify that they meet the applicable income limit will be determined to be ineligible to reside in the unit. (Tax Credit and Section 8 Project based/Tax Credit units only)

#### Family Size in Determining Income Eligibility

SHA will include all persons living in the unit, as well as including the following individuals who are not living in the unit:

- Children temporarily absent due to placement in a foster home;
- Children in joint custody arrangements who are present in the household 50% or more of the time;
- Children who are away at school but who live with the family during school recesses;
- Children who are in the process of being adopted;
- Temporarily absent family members who are still considered family members. for example, a family member who is working in another state on assignment would be considered temporarily absent;
- Family members in the hospital or rehabilitation facility for periods of limited or fixed duration;
- Persons permanently confined to a hospital or nursing home if included by the family when determining family size for income limits. If included, these persons will not be listed as the head, co-head, or spouse on the lease or in the data submitted to TRACS but may be listed as another adult. This is true even when the confined person is the spouse of the person who is or will become the head of household. If the family chooses to include the permanently confined person as a member of the household, SHA will include income received by these persons in calculating family income;
- Children expected to reside in the home (i.e., a family member is expecting a baby); and
- Parent(s) of full time or part time students who are unable to verify that they are independent from their parent(s) (Section 8 Project based/TC units only).
- Tenant households requesting to add an adult family member to the household in the first six-months of their lease, must be able to verify that they continue to meet the applicable income limit. Those who are unable to verify that they meet the applicable income limit will be determined to be ineligible to reside in the unit. (Tax Credit and Section 8 Project Based Tax Credit units only)

#### Determining Eligibility of Remaining Family Member (Section 8 Project Based/TC Units)

If the qualifying person leaves the unit, a determination will be made as to whether the remaining family member of the household will be eligible to receive assistance.

The following basic requirements will be met for a person to qualify as a remaining family member of a household:

- The individual will be a party to the lease when the family member leaves the unit.

- The individual will be of legal contract age under the law.
- If the remaining family member is a full or part time student under the age of 24, not a veteran, unmarried, and has no dependent children, they and their parent(s) must meet the income eligibility requirements in order to be eligible, even if the parents do not reside with the full or part time student, unless the student can show they meet the criteria for determining independence from their parent(s). If unable to verify that they meet these criteria, they will be given proper notice that their Section 8 assistance has been terminated and they are required to pay the full contract rent.

Determining Eligibility of Remaining Family Member(s) (Tax Credit and Section 8 Project Based/TC units only)

If all household members on the original lease no longer occupy the unit, management must consider this a new household and the household must be verified to be income qualified and treated as a new move-in.

Disclosure of Social Security Number (Section 8 Project Based/TC units only)

The head of household/spouse/co-head will disclose Social Security Numbers (SSN's) for all family members at least six years of age and older.

If a SSN has not been assigned to a particular family member who is age 6 or above, the applicant (or if under the age of 18 the parent or guardian) will sign certification stating that a SSN has not been assigned.

Applicants who have one or more family members, who declare they are using an unauthorized and/or invalid social security number will be denied assistance. Participants who have one or more family members, who declare they are using an unauthorized and/or invalid social security number will be given notice to move from the property and those in a Section 8 Project-based/TC unit will have their assistance terminated.

Required Documentation

Applicants will provide documentation of SSN's. See Exhibit 3 for a list of acceptable documentation.

Exceptions to SSN Documentation Requirement

When an applicant has a SSN but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided.

Individuals who have applied for legalization (amnesty) under the Immigration and Reform Control Act of 1986 have social security numbers and will be able to disclose the numbers, but unable to supply the cards for documentation since they are in the possession of the Department of Homeland Security (DHS) until temporary lawful resident status is granted. Until then, acceptable documentation in lieu of a social security card is a letter from DHS indicating social security numbers have been assigned.

SHA will accept the certification and continue to process the application.

An applicant may not become a participant / tenant unless the applicant submits the required SSN documentation to SHA.

If SHA has determined that the applicant is otherwise eligible for admission to the property, and the only outstanding verification is that of the SSN, the applicant may retain their place on the waiting list for the 60-day period during which the applicant is trying to obtain documentation.

After 60 days, if the applicant has been unable to supply the required SSN documentation, the applicant will be determined ineligible and removed from the waiting list.

SHA may extend the time period for an additional 60 days if the applicant is at least 62 years of age and unable to submit the required documentation within the first 60-day period.

### **Disclosure of Social Security Number (TC AND MARKET UNITS ONLY)**

All family members age 18 and above must provide a valid/assigned social security number. Failure to provide a valid, assigned social security number is cause to deny housing or terminate the lease of the family at their next schedule annual recertification.

Family members who provide an invalid, bogus, unofficial social security number, or a social security number that has been assigned to another individual, will be denied placement for providing false misleading information. If the family member is in a household that is already residing in one of the units covered under this policy, that family member must provide a valid/assigned SSN at their next scheduled annual recertification, beginning with annual recertifications effective 9/1/07, or steps will be taken to terminate the lease.

SHA will not add an individual age 18 year of age or older to an existing household if they are unable to disclose and verify a valid/assigned social security number.

### **Forms Requiring Signature**

#### Section 8 Project Based/TC Units Only

- All family members age 18 or older will sign an Authorization for Release of Information (HUD forms 9887 and 9887 A) prior to receiving assistance and annually thereafter. If the applicant or tenant, or any adult member of the applicant's or tenant's family does not sign and submit the consent forms as required, SHA will deny assistance and admission to the applicant; or SHA will terminate assistance to the tenant.
- All household members age 18 and above are required to sign the 50059, application, applicant/ tenant questionnaire, release forms, TIC, student verification form and lease agreement. Refusal to sign any of the required forms will be grounds for denial of and/or termination of assistance.

#### Tax Credit Units Only

- All household members age 18 and above will sign application, applicant/tenant questionnaire, asset certification for assets less than \$5,000, application, release forms, TIC, lease agreement and student certification form.

#### Market Units Only

- All household members age 18 and above will sign application, release form and lease agreement.

### **Other Requirements**

- The unit for which the family is applying will be the family's only residence.
- The applicant will agree to pay the rent required by the program under which the applicant will receive assistance. (Section 8 Project Based/TC units only.)
- Only U.S. citizens or eligible non-citizens may receive assistance under the Section 8 Project based program. (Section 8 Project Based/TC units only.)
- Those claiming disability or handicap shall be required to verify their disability or handicap per Exhibit 3, Acceptable Forms of Verification. (Section 8 Project Based/TC units only.)

- All household members age 18 and above will be required to provide picture identification, which may include, but is not limited to a drivers license, motor vehicle identification card, passport, military identification card, or employment identification.
- All family members under the age of 18 will be required to provide forms of identification including, but not limited to birth certificate, valid/assigned social security number, school records, ASB card, or school report card.
- All applicants/participants are required to provide proof of age per Exhibit 3. (Not applicable to Market units.)
- Estrangement or Separation (T/C and Section 8/TC units only)

Applicants and/or tenants who are in the first 6 months of their lease who state that he/she is married but is estranged from or in the process of a separation from his/her spouse, must complete an estrangement/separation certification in order to prove that the spouse will not be residing in the unit.

### **Rental requirements (References)**

- Home ownership is verified through the county tax assessor. Mortgage payments must be current.
- Homeownership negotiated through a land sales contract is verified through the contract holder.
- FED/judgment-free rental history will be required for the most recent 12-month period. For those applicants with FED's/judgments dated older than the most recent 12 months, if approved, an additional security deposit equal to one month's contract rent will be required. (Note: Additional security deposit provision is not applicable to the Section 8 Project Based/TC units).
- Rental history demonstrating residency, but not third party rental history (i.e., residency that is, or has been with parents, other family, student housing or military housing), may require an additional security deposit equal to a full month's rent and/or additional professional references may be required. Decision to charge an additional security deposit will be based solely at the discretion of the Property Management Supervisor. (Note: *Additional security deposit provision is not applicable to the Section 8 Project Based/TC units*)
- Rental history reflecting past due rent or an outstanding balance may be denied if such money owed was incurred in the most recent 7 year period. This includes but is not limited to money owed to a current or previous landlord, property management company or public housing agency.
- Applicants who are able to verify through third party that they are current with a repayment agreement or who can verify that there are extenuating circumstances that need to be considered, on a case-by-case basis, may be approved, upon receipt of such verification, however if approved the applicant will be required to pay additional security deposit equal to a full month's contract rent. (Note: *Additional security deposit provision is not applicable to the Section 8 Project Based/TC units*)
- Rental history that reflects a record of disturbance of neighbors, destruction of property, negative behavior, living or housekeeping habits at prior residences, which may adversely affect the health, safety or welfare of other residents may be grounds for denial of the application.
- Observed behavior that may adversely affect the peaceful enjoyment of the property by current residents, may be grounds for denial of the application.

### **Credit requirements**

- Outstanding bad debts (excluding medical collections) totaling less than \$2,499 (i.e. slow pay, collections, bankruptcies, repossessions, liens, judgments, and wage garnishment programs) may require payment of an additional security deposit equal to one month's contract rent. (Note: *Additional security deposit provision is not applicable to the Section 8 Project Based/TC units.*)
- Outstanding bad debts (excluding medical collections) of \$2,500 or more will be denied, unless applicant can provide verifiable rental history showing no past due debt or outstanding balance for the preceding twenty four (24) month period. At the discretion of Southfair Apartments Management, the applicant may, upon providing verifiable rental history, be required to make payment of an additional security deposit equal to one month's contract rent. (Note: *Additional security deposit provision is not applicable to the Section 8 Project Based/TC units*)
- Outstanding bad debt up to \$4,999 may require payment of an additional security deposit equal to one month's contract rent. (Note: *Additional security deposit provision is not applicable to the Section 8 Project Based/TC units*)
- Outstanding bad debt (excluding medical collections) exceeding \$5,000, will result in the application being denied, unless applicant can provide verifiable rental history showing no past due debt or outstanding balance for the preceding twenty- four (24) month period. Upon providing verifiable rental history, Southfair Apartments Management may use its discretion to require applicant to pay an additional security deposit equal to one month's contract rent. (Note: *Additional security deposit provision is not applicable to the Section 8 Project Based/TC units*)
- For bankruptcy filings less than one year, approval may be granted if the bankruptcy was due primarily to medical debt and if proof of positive rental history for two or more years can be provided and upon payment of double security deposit. Two payments (no less than 45 days apart) can be made toward the security deposit.

**Drug-related/Violent Criminal Activity**

- When applicant initially applies for housing assistance (Waiting List Request), and when final eligibility is being determined (Long Application), landlord shall conduct a search of public records to determine whether the applicant or any proposed tenant has been engaged in, arrested and/or convicted of any crime.

**Drug or Criminal Activity Subject to Denial/Termination**

<b>Drug-related or Criminal Activity – Subject to Denial/Termination Violation</b>	<b>Waiting Period (beginning with the most recent incident date)</b>
Aggravated Murder, Murder and 1 <sup>st</sup> degree Manslaughter (Class A felonies)	Ineligible for life
2 <sup>nd</sup> degree Manslaughter (Class B felony)	7 years
Assault II	7 years
Assault III	5 years
Assault IV/Domestic Violence (single minor offense)	Eligible
Assault IV/Domestic Violence (serious or multiple offenses)	3 years
Attempted Homicide	10 years

Burglary	3 years
Convicted of Manufacturing Methamphetamine	Ineligible for life
Criminally Negligent Homicide (Class C Felony)	7 years
Drug sale, manufacturing or distribution	7 years
Drug sale, manufacturing or distribution w/in 1,000 feet of a school	10 years
Drug use/possession of marijuana may be waived with treatment certificate. Holders of Oregon Medical Marijuana cards are exempt except in the Section 8 Project Based units.	3 years
Drug use/possession for any drug other than the use/possession of marijuana, may be waived with treatment certification.	5 years
Harassment/menacing (review the aspects of the case) Class A Class B	3 years 1 year
Holders of a grow site registration cards issued by the State of Oregon will be required to forfeit their grow card and discontinue growing in order to be eligible for placement and/or eligible to remain housed, regardless if they are also holders of an Oregon Medical Marijuana card.	Ineligible unless they forfeit the card
Identity Theft	5 years
Maintaining; endangering the welfare of a minor; and/or criminal mistreatment	3 years
Pattern of Alcohol abuse	2 years
Register sex offender	Ineligible for life
Robbery	7 years
Sex Crimes that do not require registration as a sex offender	10 years
Theft of services (assistance received due to misrepresentation of income or deductions) from any social service agency	3 years
Theft of services (assistance received due to misrepresentation of income or deductions) from SHA or any other Federally assisted housing program. Under \$4,999 \$5,000 - \$7,499 \$7,500 - \$9,999 \$10,000 +	3 years 4 years 5 years 10 years

Additional non-drug related/violent criminal activity denials tied to lease violations

Damage beyond Normal Wear and Tear or failure to abide by payback agreement as agreed with the landlord and/or SHA	3 years
Failure to report to SHA a change in the composition of the family	3 years
Moved without notice	3 years
Non-payment of rent	1 year
Not reporting the inclusion or move-out of a foster adult, foster child or live-in aid	3 years
Unauthorized Guest	3 years

Violations of the lease not covered by the chart	2 years
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The number of years that a family or individual is ineligible is based on the criteria set above and is not cumulative. For example, someone arrested for distribution of drugs and Assault III would be ineligible for 7 years from the most recent incident date, not a combination of the two. Tenant/applicant shall provide, upon request, proof of criminal activity-free record from Salem Police Department.

Other Grounds for Denial

- Shoplifting if it occurred in the most recent 12 months from date of application.

**Owing Money to SHA**

- Households that owe money to SHA (within the last 7 years), or to any other PHA owner or manager in connection with an assisted housing program, may apply for assistance and be placed on the waiting list. If it is determined that an applicant being considered for placement owes money to any housing authority, property owner or manager, SHA will notify the applicant of the amount owed and give the applicant (10) calendar days from the date of notification to pay the amount in full. If full payment is not made timely, the applicant's name will be removed from the waiting list.

Eviction from Federally Assisted housing

- No family member may have been evicted from federally assisted housing for drug-related criminal activity for five years from the date of the eviction to the date of the determination of eligibility. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, SHA may admit the household.
  - SHA may deny admission to an applicant if any family member has been terminated from prior participation in any federally assisted housing program for misrepresentation.

Threatening or Abusive Behavior toward Housing Authority Personnel

- Any family member verified to have ever engaged in or threatened abusive or violent behavior toward Housing Authority personnel shall be permanently denied housing. *“Abusive or violent behavior”* towards HA personnel includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or verbal, that is customarily used to insult or intimidate, may be cause for termination or denial. *“Threatening”* refers to verbal or written threats or physical gestures that communicate intent to abuse or commit violence. *Actual physical abuse or violence will always be cause for denial/termination.*

Emancipated Minors

- Emancipated minors who have not yet attained age 18 are ineligible.

Individuals (Section 8 Project Based/Tax Credit Units Only)

Assistance shall not be provided to any individual who is:

- enrolled as a student at an institution of higher education; and
- under the age of 24.

Assistance shall not be provided to any individual who is not:

- a veteran of the United States military;
- the parent or guardian of a dependent child;
- a person with disabilities, as such term is defined in section 3(b)(3)(F) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such Section 8 as of November 30, 2005; and
- otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive Section 8 assistance.

Part 327 (b) SECTION 8 PROJECT BASED/TC UNITS ONLY all individuals enrolled as students at an institution of higher education unless the student is living with his or her parents who are applying for or receiving Section 8 assistance or is a person over the age of 23 with dependent children.

Financial assistance in excess of amounts received for tuition that an individual receives under the Higher Education Act of 1965, from private sources or from an institution of higher education is considered income for that individual, except for persons over the age of 23 with dependent children.

Exception - SHA may not deny admission to an applicant (male or female) who has been a victim of domestic violence, dating violence or stalking if the applicant otherwise qualifies for admission, however any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence or stalking may be denied.

#### Additional screening criteria

The following situations are grounds for denying housing assistance to applicant households, or may be grounds for terminating tenancy:

- A family member has committed a fraud in connection with any federally assisted housing program.
- A family member has committed a drug/violent criminal activity per the Drug/Violent Criminal Activity Chart cited previously.
- A family member has been evicted from federally assisted housing for drug-related criminal activity for five years from the date of the eviction. If the evicted family member has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, SHA may admit the household. (Section 8 Project Based /TC units only.)
- An applicant or participant household has provided incomplete, inaccurate or false information.
- An applicant or participant household has failed to disclose and verify assigned social security numbers.
- An applicant or participant who is using an unauthorized and/or invalid social security number.
- An applicant or participant has not signed all release forms required by SHA.
- Applicants or participants in a Tax Credit unit whose household consists entirely of full time students who do not meet an exception per Section II.
- An application fails to disclose a criminal activity for any household member on the application, and public record indicates otherwise.

- Co-signers will not be allowed.
- Mortgage payments are not current.
- If screening indicates that additional deposits will be required in more than one category (denied income, rental history, credit history and criminal arrests/convictions), the applicant will be denied.

Assistance shall not be provided in a Section 8 Project Based unit to any individual who is:

- an emancipated minor who has not yet attained age 18;
- enrolled as a student at an institution of higher education; who is under the age of 24 and who is not:
  - ✓ a veteran of the United States military;
  - ✓ the parent or guardian of a dependent child;
  - ✓ a person with disabilities, as such term is defined in section 3(b)(3)(F) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such Section 8 as of November 30, 2005; or
  - ✓ otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive Section 8 assistance.

Part 327 (b) SECTION 8 PROJECT BASED/TC UNITS ONLY all individuals enrolled as students at an institution of higher education unless the student is living with his or her parents who are applying for or receiving Section 8 assistance or is a person over the age of 23 with dependent children.

Financial assistance in excess of amounts received for tuition that an individual receives under the Higher Education Act of 1965, from private sources or from an institution of higher education is considered income for that individual, except for persons over the age of 23 with dependent children.

Exception - SHA may not deny admission to an applicant (male or female) who has been a victim of domestic violence, dating violence or stalking if the applicant otherwise qualifies for admission, however any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence or stalking may be denied.

### **Verifying Citizenship/ Eligible Immigrant Status (Section 8 Project Based/TC units only)**

#### Verification Requirements

To be eligible for assistance, individuals must be U.S. citizens, nationals, eligible immigrants or a Citizen of the Republic of the Marshall Islands, Republic of Palau or the Federated States of Micronesia (collectively referred to as the “freely associated states of FAS”). Eligible immigrants will fall into one of the categories specified by the regulations and will have their status verified by Department of Homeland Security (DHS). Each family member will declare his/her status once. Assistance cannot be delayed, denied or terminated while verification of status is pending except that assistance to applicants may be delayed while SHA hearing is pending.

- Citizens or nationals of the United States are required to sign a declaration under penalty of perjury.
- Eligible immigrants who were participants and age 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

- Non-citizens with eligible immigration status (exception: those age 62 and older) will sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. SHA verifies the status through the Department of Homeland Security (DHS). If the primary verification fails to confirm status, SHA will request within 10 days that DHS conduct a manual search.
- Ineligible family members who do not claim to be citizens, nationals or eligible immigrants will be listed on a statement of ineligible family members signed by the head of household or spouse.
- Non-citizen students on student visas are ineligible for assistance, as are any non-citizen family members living with the student. They will provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.
- A mixed family (i.e., a family with one or more ineligible family members and one or more eligible family members) may receive full assistance.

#### Failure to Provide Required Documentation

If an applicant or participant family member fails to sign required declarations and consent forms or provide documents as required he/she will be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

#### Time of Verification

Verification of an applicant's U.S. citizenship/ eligible immigrant status is conducted with other verifications required as part of the final eligibility determination prior to move-in. For participants, it is done at the first regular recertification after June 19, 1995. For family members added after other members have been verified, the verification occurs at the first regular or interim recertification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated.

#### Extensions of Time to Provide Documents

If the applicant cannot supply the documentation within SHA's specified timeframe, SHA may grant an extension of a maximum of 30 days, and only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. SHA may use discretion to establish a shorter extension period on a case-by-case basis.

SHA will inform the applicant in writing if an extension request is granted or denied. If the request is granted, the owner will include the new deadline for submitting the documentation. If the request is denied, SHA will state the reasons for the denial in the written response. When granting or rejecting extensions, SHA will treat all applicants consistently.

#### Change in Status

If the status of a family member changes from ineligible to eligible, the family may request an interim recertification. (See Section VII.)

#### Required Documentation of Citizenship/Immigration Status

SHA will obtain the following documentation for each family member regardless of age:

- From U.S. citizens:
  - a signed declaration of citizenship.

- From non-citizens age 62 years and older:
  - a signed declaration of eligible non-citizen status and proof of age.
- From non-citizens under the age of 62 claiming eligible status:
  - A signed declaration of eligible immigration status;
  - A signed consent form; and
  - One of the DHS approved documents listed below:
    - Form 1-551, Alien Registration Receipt Card (for permanent resident aliens).
    - 1094, Arrival-Departure Record annotated with one of the following:
      - “Admitted as a Refugee Pursuant to Section 207”;
      - “Section 208” or “Asylum”;
      - “Section 243(h)” or Deportation stayed by Attorney General”; or
      - “Paroled Pursuant to Section 212(d)(5) of the INA”
    - Form 1094, Arrival-Departure Record (with no annotation) accompanied by one of the following:
      - A final court decision granting asylum (but only if no appeal is taken);
      - A letter from DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (application was filed before October 1, 1990);
      - A court decision granting withholding of deportation; or
      - A letter from an asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
    - Form I-688, Temporary Resident Card annotated “Section 245A” or “Section 210”
    - Form I-668B, Employment Authorization Card annotated “Provision of Law 274a.12(11)” or “Provision of Law 274a.12”.
    - A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified.
    - Form 1-151, Alien Registration Receipt Card.
    - Other acceptable evidence. If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register. A birth certificate is not acceptable verification of status.

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

All documents in connection with U.S. citizenship/eligible immigrant status will be kept for five years.

### Prohibiting Delay of Assistance

SHA may not delay the family's assistance if the family submitted its immigration information in a timely manner and the DHS verification of appeals process has not been completed. Assistance will be provided under the following circumstances:

- If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has submitted the required documentation in a timely manner, SHA will offer the family a unit and provide full assistance to those family members whose documents were received on time.
- SHA will continue to provide prorated assistance to such families until information establishing the immigration status of any remaining non-citizen family members has been received and verified.

Once SHA has determined the citizenship/immigration status of a mixed family (see Definitions) assisted prior to completing the verification or appeal process, SHA will:

- Provide full assistance to a family that has established the eligibility of all its members;
- Offer continued prorated assistance to a family, or temporary deferral of termination of assistance if the family does not accept the offer of prorated assistance; or
- Offer temporary deferral of termination of assistance to an ineligible family. At the end of the deferral period the family will either pay market rent or vacate the unit.

### Verifying Immigration Status

SHA is required to verify the validity of documents provided by applicants and tenants. The personal computer method provides automated status verification when the information is contained in the Alien Status Verification Index (ASVI) database. It also automates the secondary verification process, which eliminates in most instances the completion of the paper Form G-845S. If SHA is unable to obtain the results using the automated primary and secondary verification method, SHA will attempt to obtain results using the secondary verification manual process.

- Primary verification
  - SHA will conduct primary verification of eligible immigration status only for persons claiming eligible immigration status.
  - SHA will conduct primary verification through the SAVE ASVI database, DHS automated system.
  - After accessing the ASIV database, SHA enters the required data fields. The personal computer system will display one of the following messages for immigration status confirmation on the screen:
    - Lawful Permanent Resident
    - Temporary Resident
    - Conditional Resident

- Asylee
  - Refugee
  - Cuban/Haitian Entrant
  - Conditional Entrant
- Secondary verification. If the message “institute secondary verification” is displayed on the screen, the manual verification process will be used.
- Within 10 days of SHA receiving an “institute secondary verification” response, SHA will prepare DHS form G845S and photocopies of the DHS documents submitted by the applicant to the DHS office serving the properties jurisdiction.
  - The DHS will return to SHA a cop of the DHS form G-845S indicating the results of the automated and manual search.

#### Appealing Decision to Deny Eligibility

SHA will notify the family in writing as soon as possible if the secondary verification process returns a negative result. The family has 30 days from the receipt of the notice to choose which option to follow.

The family may appeal SHA’s decision directly to the DHS. The family will send a copy of the appeal directly to SHA. The DHS should respond to the appeal within 30 days. The following actions may result after the family receives the appeal decision:

- If the DHS decision results in a positive determination of eligibility, SHA can provide the family with housing assistance.
- If the DHS decision results in a negative determination of eligibility, the family has 30 days to request a hearing with SHA.

#### Mixed Families

A mixed family is one whose members include citizens and eligible immigrants as well as non-citizens without eligible immigration status.

Mixed families that occupied units and received full assistance prior to the verification of citizenship/immigration status may be eligible for one of three types of assistance:

- Continued assistance if the family was receiving assistance prior to June 19, 1995;
- Prorated assistance; or
- Temporary deferral of termination of assistance.

Applicant families that are mixed are eligible only for pro-rated assistance.

#### Continued Assistance

A mixed family receiving assistance on June 19,1995 is entitled to continue to receive the same level of assistance if the following apply:

- The family head, spouse or co-head was a citizen or had eligible immigration status; and
- The family did not include any members who did not have eligible immigration status, except for the head, spouse, parents of the head of household, parents of the spouse, or children of the head or spouse.

Eligibility for continued assistance will have been established prior to November 29, 1996.

If after November 29, 1995, anyone is added to a family, including a head of household, spouse, parents of the head of household or spouse, or children of the head of household or spouse, the family is not eligible for continued assistance at the full level, but may receive prorated assistance.

### Prorated Assistance

If a family is eligible for prorated assistance and is not receiving continued assistance, and if the termination of the family's assistance is not temporarily deferred, the amount of assistance the family receives is adjusted based on the number of family members who are eligible compared with the total number of family members. The prorated assistance is calculated by multiplying a family's full assistance by a fraction.

For Section 8 assistance programs, the number of eligible people in the family divided by the total number of persons in the family determines the fraction. This fraction is multiplied by the full assistance payment. The reduced assistance payment results in a revised tenant rent for the family.

### Temporary Deferral of Termination of Assistance (Applicable to Move-ins Prior to 6/1995)

Assisted families without eligible members and those that qualify for prorated assistance and choose not to accept partial assistance are eligible to temporarily defer termination of assistance. The deferral allows families to continue to receive their current level of assistance while other suitable housing is located.

The initial deferral period is six months and may be extended for an additional six month period, not to exceed 18 months. SHA will monitor the deferral according to the following circumstances:

- At the beginning of each deferral period, SHA will inform the family of its ineligibility for financial assistance and offer the family information about affordable housing options; and
- Before the end of each deferral period, SHA will determine whether affordable housing is available to the family and whether to extend the deferral.

To extend the deferral period, SHA will determine that no affordable housing is available. SHA will inform the family of its determination at least 60 days before the current deferral period expires. SHA's determination will be based on the following:

- A vacancy rate of less than 5% for affordable housing of the appropriate size unit in the housing market for the area in which the housing is located;
- The local jurisdiction's Consolidated Plan, if applicable;
- Availability of affordable housing in the market area; and
- Evidence of the family's efforts to obtain affordable housing in the area.

To terminate assistance, SHA will determine that affordable housing is available, or that the maximum deferral period has been reached.

If eligible for prorated assistance, the family may request and begin to receive prorated assistance at the end of the deferral period.

Affordable housing for the purpose of temporary deferral of assistance is:

- Not substandard;
- Appropriate in size for the family; and
- Able to be rented by the family for an amount less than or equal to 125% of the family's current rent, including utilities.

#### Prohibiting Assistance to Non-citizen students

Non-citizen students and their non-citizen families may not receive assistance. Non-citizen students are not eligible for continuation of assistance, prorated assistance or temporary deferral of termination of assistance.

- A non-citizen student is defined as an individual who is as follows:
  - A resident of another country to which the individual intends to return;
  - A bona fide student pursuing a course of study in the United States; and
  - 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.

This prohibition applies to the non-citizen student's non-citizen spouse and children. However, spouses and children who are citizens may receive assistance. For example, a family that includes a non-citizen student married to a U.S. citizen is a mixed family.

#### False or Incomplete Information

When SHA has verifiable and substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.

If unable to verify citizenship, the applicant or participant may be given an opportunity to provide a new declaration as an eligible immigrant or elect not to contest status. SHA will then verify eligible status, and deny, terminate, or prorate as applicable. SHA will deny or terminate assistance based on the submission of false information or misrepresentation.

#### **Reasonable Accommodation**

Note: Reasonable accommodation applies to all units, however in the Section 8 Project Based units, SHA pays for costs associated with providing the reasonable accommodation. In Tax Credit/Market units, the client is responsible for bearing any costs associated with providing the reasonable accommodation.

- A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to:
  - Participate fully in a program;

- Take advantage of a service;
- Live in a dwelling; or
- Perform a job.

Reasonable accommodations include, for example, those that are necessary for a person with a disability to use and enjoy a dwelling. To show that a requested accommodation may be necessary, there will be an identifiable relationship between the requested accommodation and the individual's disability.

### Key Principles

- When a family member requires accessible features, policy modification, or other reasonable accommodation for a disability, SHA 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 provider's operation.
- If providing such accommodations would result in an undue financial and administrative burden, SHA will take any other action that does not result in an undue burden.
- If SHA refuses a requested accommodation because it is not reasonable, the provider should engage in an interactive dialogue with the requester to determine if there is an alternative accommodation that would adequately address the requester's disability-related needs. If an alternative accommodation would meet the individual's needs and is reasonable, the provider will grant it.
- According to Section 504 and the Fair Housing Act, a tenant or participant is requesting a reasonable accommodation when requesting an exception, change, or adjustment to a rule, policy, practice, service, or physical structure because of disability. A request can be made by the person with the disability, a family member or someone else acting on the individual's behalf.
- All requests for reasonable accommodation will be in writing. If the individual with a disability requests assistance with writing a reasonable accommodation request, SHA will assist the individual with the request.
- SHA will provide prompt responses to reasonable accommodation requests.

### Property Operations

SHA will make reasonable adjustments to rules, policies, practices, and procedures in order to enable applicants or tenant with disabilities to have an equal opportunity to use and enjoy dwelling units, or to participate in or have access to other activities conducted or sponsored by SHA.

### Physical Alterations

SHA will make and pay for structural modifications to dwelling units and common areas needed to provide a reasonable accommodation requested by a tenant or applicant with a disability, subject to the specifications set out in HUD handbook 4350.3, Chapter 2, Section 3.

If SHA provides a reasonable accommodation by making a requested structural modification to a unit, it will not be considered a fully accessible unit unless the modifications meet UFAS standard for an accessible unit.

### Limits

- Fundamental alteration. SHA is not required to take any action that would result in a fundamental alteration in the nature of the program. A fundamental alteration is a change so significant that it alters the essential nature of SHA's operation.
- Undue Financial and Administrative Burden. The determination of undue financial and administrative burden will be made on a case-by-case basis, involving various factors such as the cost of the reasonable accommodation, the financial resources of the provider, the benefits the accommodation would provide to the requester, and the availability of alternative accommodations that would adequately meet the requesters disability related need.
- SHA is not required to make structural changes that would impose an undue financial and administrative burden, even if alternatives to making housing programs and activities readily accessible to and usable by persons with disabilities are not effective.
- When a request for a reasonable accommodation will result in an undue financial and administrative burden, SHA will provide all other needed accommodations up to the point at which further accommodations would result in an undue financial and administrative burden.

Assistance Animals (See Southfair Assistance Animal Guidelines for Tenants provided in the Tenant Handbook)

- Assistance animals are not considered pets. Assistance animals work, provide assistance, or perform tasks for the benefit of a person with a disability, or provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals, often referred to as "service animals," "assistance animals," "support animals," or "therapy animals" perform many disability-related functions. These include, but are not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities.
- SHA will not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some animals are trained by the owners themselves and, in some cases, no special training is required. An animal that performs the disability-related assistance or provides the disability-related benefit by the person with the disability meets the definition of an assistance animal.
- SHA's refusal to permit a person with a disability to use and live with an assistance animal violates Section 504 of the Rehabilitation Act and the Fair Housing Act unless:
  - The animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation;
  - The animal would cause substantial physical damage to the property of others;
  - The presence of the assistance animal would pose an undue financial and administrative burden to SHA; or
  - The presence of the assistance animal would fundamentally alter the nature of SHA's services.
- The fact that a person has a disability does not automatically entitle him or her to an assistance animal. There will be a relationship between the person's disability and his or her need for the animal.
- SHA will not require an applicant or tenant to pay a fee or a security deposit as a condition of allowing the applicant or tenant to keep an assistance animal. However, if the individual's assistance animal causes

damage to the unit or the common areas of the dwelling, SHA may charge the individual for the cost of repairing the damage.

### Tenant Modification of Unit

SHA will permit tenant modifications to dwelling units that are reasonable and necessary to afford a person with a disability full enjoyment of the premises under the following circumstances:

- SHA may require the tenant to restore the interior of the premises to the state that existed before the modification, taking into account reasonable wear and unless it is determined that the modification benefits the property or is needed by another tenant. The decision to require that the tenant restore the unit or allow the modifications to remain will be determined on a case-by-case basis.
- SHA will not require additional security deposits for persons with disabilities. However, if it is necessary to ensure that funds will be available to pay for restorations at the end of tenancy, SHA may negotiate as part of a restoration agreement, a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest of such an account will accrue to the benefit of the tenant.
- SHA may approve unit modifications if the tenant provides reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

## SECTION IV – ACCEPTABLE FORMS OF VERIFICATION

SHA is required to verify key factors listed below that pertain to eligibility per HUD Handbook 4350.3 and the OHCS LIHTC Compliance Manual.

- Age;
- Alimony or Child Support; and
- Assets and asset income.

(For acceptable forms of verification for those factors, see Exhibit 3.)

### Verifying assets:

- Tax Credit units: All assets certified by the household to be less than \$5,000 will require self-certification only. Assets certified by the household to be in excess of \$5,000 shall be verified by third party per HUD Handbook 4350.3 Chapter 4.
- Section 8 Project Based/Tax Credit units: All assets, regardless of total value, will be verified by third party per HUD Handbook 4350.3 Chapter 4.
- Assets disposed of for less than fair market value
- Auxiliary apparatus
- Care attendant for disabled family members
- Child care expenses (including verification that a family member who has been relieved of child care is working, attending school or looking for employment).
- Citizenship
- Current net family assets
- Disability status
- Dividend Income and savings account interest income
- Employment Income including tips, gratuities, overtime
- Estrangement or Separation
- Family Composition
- Family type (information verified only to determine eligibility for project, preferences and allowances)
- Full-time student status (of family member 18 or older, excluding head, spouse, co-head or foster children)
- Immigration status
- Income maintenance payments, benefits, income other than wages (i.e.: welfare, Social Security (SS),

- Supplemental Security Income (SSI), disability income, pensions).
- Interest from sale of real property (e.g., contract for deed, installment sales contract, etc.)
- Medical expenses
- Need for assistance animal
- Net income from a business
- Pregnancy (i.e. when unborn child will be included in the household composition in order to qualify for the unit).
- Recurring contributions and gifts
- Self-employment, tips, gratuities, etc
- Social Security number
- Student status (full and/or part time)
- Unborn children
- Unemployment compensation
- Zero income

**Verification of the following factors will be conducted for current tenants using HUD's EIV (Upfront income Verification) system.**

- Employment including tips, gratuities and overtime compensation
- Unemployment Compensation
- Social Security and Supplemental Social Security income

Up-front income verification (EIV) refers to SHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. EIV will be used to the extent that these systems are available to SHA.

SHA must restrict access to and safeguard EIV data in accordance with HUD guidance on security procedures, as issued and made available by HUD.

There may be legitimate differences between the information provided by the family and EIV-generated information. No adverse action can be taken against a family until SHA has independently verified the EIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of SHA.

**Definition of Substantial Difference**

EIV information is used differently depending upon whether there is a substantial difference between information provided by the family and the EIV information. In "HUD Guidelines for Projecting Annual Income When EIV Data is Available" [HUD website, April 2004], HUD recommends using \$200 per month as the threshold for a substantial difference. SHA will therefore use \$200 per month as the threshold for a substantial difference.

## Using Up-Front Income Verification (UIV) to Project Income

HUD strongly recommends the use of up-front income verification (UIV). UIV is “the verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals”.

SHA procedures for anticipating annual income will include the use of UIV methods approved by HUD.

SHA will follow “HUD Guidelines for Projecting Annual Income When Up-Front Income Verification (UIV) Data Is Available” in handling differences between UIV and family-provided income data. The guidelines depend on whether a difference is substantial or not. HUD defines substantial difference as a difference of \$200 or more per month.

### No Substantial Difference.

If UIV information for a particular income source differs from the information provided by a family by less than \$200 per month, SHA will follow these guidelines:

- If the UIV figure is less than the family’s figure, SHA will use the UIV information.
- If the UIV figure is more than the family’s figure, SHA will use the UIV data unless the family provides documentation of a change in circumstances to explain the discrepancy (e.g., a reduction in work hours). Upon receipt of acceptable family-provided documentation of a change in circumstances, SHA will use the family-provided information.

### Substantial Difference.

- If UIV information for a particular income source differs from the information provided by a family by \$200 or more per month, SHA will follow these guidelines:
- SHA will request written third-party verification from the discrepant income source in accordance with HUD regulations.
- When SHA cannot readily anticipate income (e.g., in cases of seasonal employment, unstable working hours, or suspected fraud), SHA will review historical income data for patterns of employment, paid benefits, and receipt of other income.
- SHA will analyze all UIV, third party, and family-provided data and attempt to resolve the income discrepancy.
- SHA will use the most current verified income data and, if appropriate, historical income data to calculate anticipated annual income.

### When No Substantial Difference Exists

- If EIV information does not differ substantially from family information, the EIV documentation may serve as third party written verification.

### When a Substantial Difference Exists

- When there is a substantial difference between the information provided by the EIV source and the family, SHA must request another form of third-party written verification and use any other verification methods (in priority order) to reconcile the difference(s).

## General policy for third-party written and oral verifications

### Reasonable Effort and Timing

- Unless third-party verification is not required as described below, HUD requires SHA to make at least two unsuccessful attempts to obtain third-party verification before using another form of verification.
- SHA will diligently seek third-party verification using a combination of written and oral requests to document sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely fashion.
- SHA may mail; fax, e-mail, or hand deliver third-party written verification requests and will accept third-party responses using any of these methods. SHA will send a written request for verification to each required source within 5 business days of securing a family's authorization for the release of the information and give the source 10 business days to respond in writing. If a response has not been received by the 11<sup>th</sup> business day, SHA will request third-party oral verification.
- SHA will make a minimum of two attempts, one of which may be oral, to obtain third-party verification. A record of each attempt to contact the third-party source (including no-answer calls) and all contacts with the source will be documented in the file. Regarding third-party oral verification, SHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

### When Third-Party Verification is Not Required

#### Primary Documents

- Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

#### Certain Assets and Expenses

- SHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value.

#### Certain Income, Asset and Expense Sources

- SHA will determine that third-party verification is not available when it is known that an income source does not have the ability to provide written or oral third-party verification. For example, SHA will rely upon review of documents when SHA determines that a third party's privacy rules prohibit the source from disclosing information. Another example would be where the Social Security Administration (SSA) has refused to respond to requests for third-party verification.
- SHA also will determine that third-party verification is not available when there is a service charge for verifying an asset or expense and the family has original documents that provide the necessary information. An example would be where a financial institution will charge the family or SHA for the cost of the verification.

## Review of documents

- If SHA has determined that third-party verification is not available or not required, SHA will use documents provided by the family as verification.
- SHA may also review documents when necessary to help clarify information provided by third parties. In such cases SHA will document in the file how SHA arrived at a final conclusion about the income or expense to include in its calculations.

## Self-certification

- When a third party or review of documents cannot verify the information, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to SHA.
- SHA may require a family to certify that a family member does not receive a particular type of income or benefit.
- The self-certification must be made in a format acceptable to SHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a SHA representative or SHA notary public.

## SECTION V - VERIFICATION OF HOUSEHOLD COMPOSITION AND INCOME

All heads of household and/or spouse and household members age 18 and above will be required to provide picture identification. Picture identification may include, but is not limited to: drivers license, motor vehicle identification card, passport, military identification card, or employment identification. If picture identification is not available, two other forms of identification will be required. SHA will determine if the identification provided is acceptable.

Other forms of acceptable identification may include, but are not limited to: birth certificate, **valid** social security card, or insurance card.

### **Section 8 Project-based/TC and Tax Credit units only**

SHA will allow the addition of new household member(s) age 18 or above in the first six months of the lease term as long as the new household is income qualified and treated as a new move-in.

### **Market and Tax Credit units only**

All family members age 18 and above must provide a valid/assigned social security number. Failure to provide a valid, assigned social security number is cause to deny housing or terminate the lease of the family at their next scheduled annual recertification.

Family members who provide an invalid, bogus, unofficial social security number, or a social security number that has been assigned to another individual, will be denied placement for providing false misleading information. If the family member is in a household that is already residing in one of the units covered under this policy that family member must provide a valid/assigned SSN at their next scheduled annual recertification or steps will be taken to terminate the lease, beginning with annual recertifications effective September 1, 2007.

SHA will not add an individual age 18 year of age or older to an existing household if they are unable to disclose and verify a valid, assigned social security number.

All other household members are required to provide a form of identification which may include, but are not limited to, Birth certificate, valid proof of social security number, insurance identification card, immunization card, or school record.

All household members age 6 and above are required to disclose and provide verification of social security numbers that have been assigned to them by the Social Security Administration. If household member does not have a number assigned to them by the Social Security Administration, they will be required to sign a certification to that fact.

All household members age 18 and above will sign all release forms requested by SHA. In addition to any other requested release forms, a HUD 9887 release form is required to be signed by all household members age 18 and above. (Section 8 Project Based/Tax Credit units only.)

All household members age 18 and above will be required to complete and sign an applicant/tenant questionnaire (excluding market units).

Verification of a full or part time student's independence from his or her parents (Section 8 Project Based/Tax Credit Units only).

Full or part time students enrolled in an institution of higher education:

- If a full or part time student is under the age of 24, not a veteran, unmarried, and has no dependent children, the student and the student's parents must meet the income eligibility requirements in order to be eligible, even if the parents do not reside with the full or part time student, unless the student can show they meet the criteria for determining independence from parents:
  - The individual must be of legal contract age under state law;
  - The individual must have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of an independent student;
  - The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
  - The individual must obtain a certification of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. This certification is required even if no assistance will be provided. The financial assistance provided by persons not living in the unit is part of the annual income that must be verified to determine eligibility and at annual recertification to determine rent. *If the student cannot obtain, or the parent refuses to provide this information, the student is not eligible for Section 8 assistance.*
  - If the income of the full-time or part-time student's parent(s) is counted, they must have incomes below 80% of median income in the area in which they reside.
  - The student eligibility criteria does not affect full-time students residing with his or her eligible parent(s), nor are high school students, or students who are working towards completion of "secondary education" (i.e. high school equivalency).
- SHA must verify the income provided by the student's parents by requiring a written certification from the individual providing the support. This certification is required even if the parents are not providing any support to the student. *If the student cannot obtain, or the parent refuses to provide this information, the student is not eligible for Section 8 assistance.*

#### Student Eligibility (Tax Credit Units only)

Household cannot consist entirely of full time students.

- Eligibility/Ineligibility of Full time Students
- Student Definition

Internal Revenue Code Section 151(4) defines the term "student" as "an individual who during each of five calendar months during the calendar year is a full-time student" (OHCS considers the calendar year to be the certification year) at an "educational institution" described in Code Section 170(b)(1)(A)(ii). Treas. Reg. Section 1.151-3(b) provides that a full-time student is one who is enrolled for some part of five calendar months for the number of hours or courses, which is considered to be full-time attendance. The five calendar months need not be consecutive. School attendance exclusively at night does not constitute full-time attendance. However, full time attendance at an educational institution may include some attendance at night in connection with a full-time course of study. In addition, individuals pursuing a full-time course of institutional on-farm training under the supervision of an accredited agency of such education organization, of a state or political subdivision of the state, are also deemed full-time students.

### Exemptions of student status:

As a general rule, units may not be occupied in it's entirely by full-time students. Thus, if any one single individual in the household is not a full-time student, the application will not be disqualified due to student status.

Beginning October 1, 2005, students in K-12 are not considered to be an exception solely by virtue of their age and grade in school.

If all tenants are full-time students, the applicants may still qualify for residency if:

- All of the students file a joint federal income tax return. A copy of the joint tax return or marriage license should be included in the file; or
- The household consists of a single parent (with custody) and a school age child or children, both of whom are not dependents of a third party. (Note: The effective date of this exemption applies to T/C allocations made after June 30, 1992); or
- They receive assistance under the TANF program as such program activities and participation are related to families with dependent children;
- They are enrolled in and receiving assistance under the Job Training Partnership Act (JPTA) or similar governmental job training programs. Note: The JPTA program no longer exists. The workforce Investment Act (WIA) was implemented as a replacement. OHCS has no opinion as to whether enrollment in any of the WIA programs would qualify as an exception.

### No "Grandfather" rights:

Student status is not subject to any "grandfather" clauses as are income limits. At no time during the lease, or any extension thereof, may the unit be occupied entirely by full-time students who are not otherwise exempt. If the household qualified at move-in but later was comprised of entirely full-time students and did not meet any of the defined exemptions, the household, at that point, no longer qualifies to occupancy a tax credit unit.

## **Computation of Annual Income and Gross Family Contribution**

The Housing Authority shall compute the annual income and gross family contribution of applicants in accordance with HUD Handbook 4350.3. REV-2.

### **Section 8/TC units only**

All financial aid received by all part time or full time adult students, as determined by the criteria below must be included in determining annual income, unless:

- The financial aid is received by a full-time student either residing in a Section 8 unit with their eligible parents, or applying with their parents for Section 8 assistance; or
- The financial aid is received by an individual over the age of 23, enrolled in college part-time or full-time, who has a dependent or dependents.

Financial aid includes not only federal financial aid and work-study awards, but also private grants, scholarships, stipends, work-study, and all assistance provided by private parties' conditional to the student status. Loans to students are excluded income.

Before including financial aid in determining income eligibility, the cost of tuition only will be deducted from the total. The institution of higher learning establishes the cost of tuition, which may or may not include additional fees or charges. The institution will be required to supply the total cost of tuition after which SHA would count any assistance in excess.

All units

Income of students: All educational assistance of part-time or full-time adult students is considered income with the following exceptions:

1. Part-time or full-time students 24 years of age or older with a dependent child;
2. Student loans;
3. Cost of tuition. The cost of tuition is determined by the school (books are not included as a cost of tuition).
4. Earned income of full-time students age 18 or older who are not the head, co-head Or spouse is excluded to the extent that it exceeds \$480.

Total Tenant Payment (Section 8 Project Based/TC units only)

The total tenant payment for initial and ongoing families/participants must be the greatest of:

- 30% of family's adjusted monthly income (See Section XXII. Deductions);
- 10% of the family's monthly income; or
- \$25.00 or a hardship exemption per Section VII.

## SECTION VI – SINGLE FAMILY OCCUPANCY STANDARDS

Each unit is intended for single-family occupancy and is to be occupied in accordance with the following occupancy standards:

### Occupants Per Unit

The number of persons allowed per unit according to the number of bedrooms in the unit shall be as follows:

- A minimum of one and a maximum of three people are allowed in a one-bedroom unit; or
- A minimum of one and a maximum of five people are allowed in a two-bedroom unit; or
- A minimum of two and a maximum of seven people are allowed in a three-bedroom unit.
- Exceptions to the occupancy standards:

Applicants may request an exception to the above occupancy standards. Examples of exceptions are as follows, but not limited to:

An exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities; or

An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides and the family does not want to transfer to a larger size unit.

When evaluating exception requests consideration will be given to the size and configuration of the unit. In no case will an exception be granted that is in violation of local housing or occupancy codes, regulations or laws.

All requests for exceptions to the occupancy standards must be submitted in writing.

Approval of all exception requests will be at the discretion of management.

### Family Composition (All Units)

In order to determine the size of unit that would be appropriate for a particular family, SHA will determine the number of family members as follows:

- SHA will count all full-time members of the family.
- SHA will also count all anticipated children. Anticipated children include the following:
- Children expected to be born to a pregnant woman;
- Children in the process of being adopted by an adult family member;
- Children whose custody is being obtained by an adult family member;
- Foster children who will reside in the unit;
- Children who are temporarily in a foster home and will return to the family; and/or
- Children in joint custody arrangements who are present in the household 50% of the time.

- SHA will count children who are away at school and who live a home during recesses, if listed on the lease.
- SHA will count live-in aides for purposes of determining appropriate unit size.
- SHA will not count non-family members, such as adult children on active military duty, permanently institutionalized family members, or visitors.
- SHA will count foster adults living in the unit.

### **Households consisting of 2 or more adults (Section 8 Project Based/TC Units Only)**

Household must designate one adult as Head of Household. Additional adults must be designated a status based on their relationship to the Head. All adults will be defined under the following relationship codes, which are required by HUD for subsidy tracking:

- H – Head
- S - Spouse (They either can be a spouse or a co-head, but not both)\*
- K - Co-head
- D – Dependent
  - 18 or older and disabled or a full-time student
  - Full-time student (regardless of age) away at school but lives with family during school breaks
- O - Other adult member
  - Adult who is not the head, spouse or co-head and whose income is counted in determining the family's annual income.

Please select S, K, D, or O for all adults.

\*Couples in a spousal relationship, regardless of legal marital status or gender, should designate a Head and Spouse. It is presumed that couples will require a one-bedroom unit (or one bedroom in a multiple bedroom unit, if there are other household members), unless a reasonable accommodation request is received, based on a qualifying disability, for an additional bedroom assignment.

### **Assignment to a Smaller Unit**

SHA may assign a family to a smaller unit than suggested by the Occupancy standard policies if the family requests a smaller unit and if all of the following apply:

- The family is eligible for the smaller unit based on the number of family members, and occupancy of the smaller unit will not cause serious overcrowding; and
- The assignment will not conflict with local code.

### **Assignment to a Larger Unit**

SHA may assign a family to a larger unit than suggested by the occupancy standard policies if one of the following conditions exist:

- No eligible family in need of the larger unit is available to move into the unit within 60 days, the property has the proper size unit for the family but is not currently available, and the family agrees in writing to move at its own expense when a proper size unit becomes available.

- A family needs a larger unit as a reasonable accommodation for a family member who is a person with a disability.
- A single person will not be permitted to occupy a unit with two or more bedrooms, except for the following persons (Section 8 Project Based Tax Credit units only):
  - A person with a disability who needs a larger unit as a reasonable accommodation;
  - A displaced person when no appropriately sized unit is available;
  - An elderly person who has verifiable need for a larger unit; or
  - A remaining family member of a resident family when no appropriately sized unit is available.

#### Change in Family Size after Initial Occupancy

After a family moves into a unit, the unit may become overcrowded or underutilized due to a change in family size. When an appropriately sized unit becomes available, the family may be required to move to the unit of appropriate size.

If a family refuses to move to the correct size unit, the family may stay in their current unit and pay the market (contract) rent. SHA will not evict the family for refusing to move, but may evict the family if they fail to pay the market (contract) rent in accordance with the lease. (Section 8 Project Based/Tax Credit Units Only.)

## SECTION VII – RECERTIFICATION

### FOR SECTION 8 PROJECT BASED/TAX CREDIT UNITS

Tenant income shall be reexamined and their rent redetermined in accordance with HUD Handbook 4350.3.

#### Annual and Interim Recertification's

Recertification of family income, family composition and the extent of medical and other expenses incurred by the family shall be made at least annually. SHA will begin the annual recertification process within 120 days of the annual recertification effective date and implement the 120-day process on January 1, 2004 beginning with annual recertifications dated May 1, 2004. SHA shall re-compute the tenant's rent and assistance payments based on verification of the information gathered at the annual recertification appointment.

If at the time of initial placement, or annual recertification, it is not feasible to anticipate a level of income and expenses over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a re-determination at the end of the shorter period.

Tenants will supply information requested by SHA or HUD for use in a regularly scheduled recertification of family income and composition in accordance with HUD requirements.

Tenants will sign consent forms, and SHA will obtain third party verification of the following items:

- Reported family income;
- The value of family assets;
- Expenses related to deductions from annual income; and
- Other factors that affect the determination of adjusted income.

At each recertification, SHA will provide the tenant with a copy of the HUD fact sheet describing how the tenant's rent is calculated, as well as the Resident Rights and Responsibilities brochure.

When a change in family composition is reported at an annual or interim recertification, occupancy by adult children is subject to the following restriction:

- Adult children are not eligible to move into a unit unless they are performing the functions of a live-in aide and are classified as a live-in aide for eligibility purposes.

If a Section 8 Project Based/ Tax Credit unit participant household's gross annual income exceeds 140% of median income at the time of their annual/interim recertification, the next available unit in the building in which the participant household resides will be rented to a Tax Credit income eligible household.

If a Section 8 Project Based/Tax Credit participant household certifies and verifies at their annual/interim recertification that all household members are full-time students, and are not eligible for an exception per Section II, Exemptions from Student Status, the next available unit in the building in which the participant household resides will be rented to a Tax Credit income eligible household.

At each annual recertification, SHA must ensure that students remain eligible to receive Section 8 assistance by applying the same criteria that is applied for initial eligibility.

Assistance shall not be provided to any individual who:

- Is enrolled as a student at an institution of higher education;
- Is under the age of 24;
- Is not a veteran of the United States military;
- Does not have a dependent child;
- Is not a person with disabilities, as such term is defined in section 3(b)(3)(F) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such Section 8 as of November 30, 2005; and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive Section 8 assistance.
- Part 327 (b) applies to all individuals enrolled as students at an institution of higher education unless the student is living with his or her parents who are applying for or receiving Section 8 assistance or is a person over the age of 23 with dependent children.

Financial assistance in excess of amounts received for tuition that an individual receives under the Higher Education Act of 1965, from private sources or from an institution of higher education is considered income for that individual, except for persons over the age of 23 with dependent children.

If, in a household that is currently receiving Section 8 assistance, the owner determines that one of the household members is an ineligible student, the assistance for that household must be terminated in accordance with established requirements in Chapter 8 of Handbook 4350.3 Rev-1 and the household will be given a 30 day notice that their rent is being increased to the contract rent for the unit. The assistance will remain terminated as long as the ineligible student remains in the household. Should the ineligible student move out, the household would again be eligible for Section 8 assistance, if available.

SHA will not evict the ineligible student nor will the ineligible student be required to move out as long as the student is in compliance with the lease.

Exception – Federal law now exempts college students with disabilities from the restriction on providing Section 8 assistance to college students, if the student with the disability was receiving assistance as of November 30, 2005.

### **Timing of Annual Recertification's**

Annual Recertification's will be completed by the tenant's recertification anniversary date.

The recertification anniversary date is the first day of the month in which the tenant moved into the property. The recertification anniversary date does not change if a tenant transfers from one unit to another at the same property.

SHA will process all recertifications in a timely manner. HUD Headquarters has instructed HUD and the Contract Administrators to terminate assistance payments if a new recertification is not submitted within 15 months of the previous year's recertification anniversary date.

Annual recertifications should be completed at least 35 days before the recertification anniversary date in order to give Section 8 Project-based tenants proper notice of rent change.

## Notices to Tenants

SHA will provide written notice to tenants about the tenant's responsibility to provide SHA with information about changes in family income or composition necessary to properly complete an annual recertification. Notices also include information on the recertification process, requirements and timelines.

### Required Notices

#### Initial Notice

Upon initial signing of the lease and at each annual recertification, SHA will provide an Initial Notice to the tenant. This notice serves to ensure that the tenant understands the responsibility to report to SHA by the specified date of the following year to prepare for the next recertification.

The Initial Notice refers to the requirements in the lease regarding the tenant's responsibility to re-certify annually and specifies the cutoff date (such as the 10<sup>th</sup> day of the 11<sup>th</sup> month after the last annual recertification) by which the tenant will attend a recertification appointment and provide the required information and signatures necessary for SHA to process the recertification.

The tenant will sign and date the initial notice to acknowledge receipt; SHA will sign and date the notice as a witness.

SHA will maintain the notice with original signatures in the tenant's file and provide a copy of the signed notice to the tenant.

#### First Reminder Notice

SHA will provide tenants with a reminder notice at least 120 days prior to the recertification anniversary date.

The first reminder notice includes the following:

- The requirements in the lease regarding the tenant's responsibility to re-certify annually.
- The name of the staff person to contact regarding the scheduling of the recertification appointment, and the contact information for this person. The notice will include a proposed interview date and time, however, it will also include the option to reschedule the interview for a more convenient date and time.
- The location where the recertification will take place.
- The information that the tenant should bring to the interview.
- The cutoff date by which the tenant will contact SHA to reschedule their appointment, provide information and signatures necessary for SHA to process the recertification.
- Notification that if the tenant responds to SHA after the specified cutoff date (10<sup>th</sup> day of the 11<sup>th</sup> month after the last annual recertification) SHA will process the annual recertification but will not provide the tenant 30 days notice of any resulting rent increase.
- Notification that if the tenant fails to respond before the recertification anniversary date, the tenant will lose the assistance and will be responsible for paying the full contract rent.

SHA will maintain a copy of this notice in the tenant file documenting the date the notice was issued.

## Second Reminder Notice

If the tenant fails to respond to SHA within the timeframe specified in the First Reminder notice, SHA will provide a Second Reminder Notice approximately 90 days prior to the tenant annual recertification anniversary date informing the tenant that his/her recertification information is due.

The Second Reminder Notice provides the tenant with all the information given in the First Reminder Notice.

SHA will maintain a copy of this notice in the tenant file documenting the date the notice was issued.

## Third Reminder Notice

If the tenant does not respond to the Second Reminder Notice, approximately 60 days prior to the recertification anniversary date, SHA will provide the tenant with a Third Reminder Notice. This notice also serves as a 60-day notice to terminate assistance, and 60-day notice of rent increase.

The Third Reminder Notice includes the following:

- Information given in the First Reminder Notice
- The amount of rent the tenant will be required to pay if the tenant fails to provide the required recertification information by the recertification anniversary date and states that this rent increase will be made without additional notice.

SHA will maintain a copy of this notice in the tenant file documenting the date the notice was issued.

Eviction will be pursued only as a last measure for enforcing compliance. Prior to any eviction proceedings, SHA will make every effort to contact disabled and elderly tenants to be sure the requirements of the recertification process are communicated in a manner that is comprehended by the tenant.

Effective Dates of Changes in Assistance Payment, Tenant Payment and Tenant Rent/ (Section 8 Project Based/Tax Credit units only.)

The recertification process should be complete by the recertification anniversary date. However, delays may be encountered while processing a recertification that prevent its completion in time to provide a tenant with a notice 30 days prior to the anniversary date. HUD has established, per Handbook 4350.3, specific procedures regarding the timing of changes in the Total Tenant Payment (TTP), tenant rent and assistance payment when the recertification is delayed.

Recertifications are processed timely when all steps in the process are completed prior to the tenant's recertification anniversary date. Timely completion includes issuing the required 30-day notice of a rent change and timely delivery of the three reminder notices.

Changes in TTP, tenant rent, and assistance payments all take effect on the recertification anniversary date.

When a tenant responds timely, but there is a short processing time, the following can occur:

- SHA provides the first, second, and third reminder notices per HUD requirements; and

- The tenant reports for the recertification interview just prior to the 10<sup>th</sup> day of the 11<sup>th</sup> month after the last annual recertification. SHA is then responsible for completing the verification process in time to give the tenant a 30 day advance notice of any rent change. In order to complete the verification process and provide the notice in time to have the new rent take effect by the recertification anniversary date, SHA may pursue alternative forms of verification, including review of documents provided by the tenant. Third party verification will continue to be pursued, but the processing of the recertification can be completed using other sources of verification.

Should SHA fail to complete the verification process in time to give the tenant a 30 day advance notice of rent increase, the tenant's rent increase may not take effect until the 30 day rent increase notice period has expired. The Housing Assistance Payment (HAP) change will be effective on the recertification anniversary date.

If the tenant's rent is decreasing, no 3-day advance notice is required. Both the tenant's rent and the Housing Assistance Payment (HAP) will change on the recertification anniversary date.

## **Late Response**

### SHA or Third Party Delays in Processing

SHA or Third Party delays can occur when:

- SHA fails to provide timely recertification reminder notices per HUD requirements;
- SHA has adequate time, but fails to complete verification and recertification processing procedures 30 days before the recertification anniversary date, and fails to provide the required 30 day notice for a rent increase to take effect on the recertification anniversary date; or
- Changes in the assistance payment take effect on the recertification anniversary date.

Changes in the TTP and tenant rent are effective as follows:

- On the recertification anniversary date, if the tenant rent decreases as a result of the recertification; or
- On the first of the month following a 30-day notice period, if the tenant rent increases as a result of the recertification.

### Delays due to Late Tenant Response

Delays caused by late tenant response can occur when:

- SHA provides all three recertification reminder notices in accordance with HUD requirements, and
- The tenant reports for the recertification interview and provides information and signature after the cutoff date (i.e. after the 10<sup>th</sup> day of the 11<sup>th</sup> month following the last annual recertification), but before the recertification anniversary date.

SHA processes the annual recertification:

- Changes in the TTP/tenant rent and assistance payment take effect on the recertification anniversary date.
- As established in the lease, the third reminder notice fulfills the requirement for a 30- day notice of rent increase effective on the anniversary date.

- In all cases where the tenant reports for recertification after the 10<sup>th</sup> day of the 11<sup>th</sup> month after the last annual recertification but before the recertification anniversary date (as described above), all adjustments in assistance payment and the tenant's rent are made *retroactive* to the recertification anniversary date.

### Tenant Response after Recertification Anniversary Date

Tenant responses after Recertification can cause the tenant to be out of compliance. This situation occurs when:

- SHA provides all three recertification reminder notices per HUD requirements; and
- The tenant reports for the recertification interview on or after the recertification anniversary date.

On the recertification anniversary date, the tenant will begin paying the market (contract) rent.

Assistance may only be reinstated if:

- Assistance is available at the property;
- The tenant submits the required information; and
- SHA determines that the tenant qualifies for assistance.

The new TTP/tenant rent and assistance payments take effect the first day of the month following the date on which the tenant reported for the certification. The tenant will pay the market (contract) rent until this date. If the tenant fails to report for the recertification interview and fails to pay the market (contract) rent, or make arrangements to pay, SHA is obligated to evict for non-payment.

If SHA completes the income certification processing during the month following the date on which the tenant reported for the certification, the new TTP/tenant rent and assistance payment still take effect on the first day of the month following the date on which the tenant reported for the certification. When the owner processes the rent change and assistance payment, they are retroactive to this effective date.

SHA may not evict the tenant for failure to pay market (contract) rent after the tenant reports for the interview and SHA is processing the certification.

The tenant's recertification date changes to the first day of the month SHA begins receiving assistance again for the tenant. The tenant's recertification is processed as an initial certification.

### **Tenant Compliance Issues**

When a tenant fails to provide the required recertification information by the recertification anniversary date, SHA will inquire whether extenuating circumstances prevented the tenant from responding prior to the anniversary date.

#### Extenuating Circumstances

These are circumstances beyond the tenant's control. Examples of extenuating circumstances include, but are not limited to:

- Hospitalization of the tenant
- Tenant out of town for a family emergency, such as death or severe illness of a close family member; or

- Tenant on military duty.

Inquiring about extenuating circumstances:

- At the time the tenant submits the required recertification information, SHA will inquire whether extenuating circumstances prevented the tenant from submitting the information prior to the recertification anniversary date.
- If the tenant indicates that extenuating circumstances were present, the tenant will promptly provide SHA with verification of the circumstances.
- When a tenant provides evidence of extenuating circumstances, SHA will determine whether the information provided shows that the circumstances meet the condition described above.
- SHA will provide the tenant with a written notice of the decision. The notices will also inform the tenant of his/her right to appeal SHA's decision if SHA determines that extenuating circumstances were not present.
- If SHA denies extenuating circumstances, the tenant will be provided with an opportunity, within 10 days of notification, to meet with SHA to appeal the decision to raise the tenant rent to market (contract) rent. SHA will arrange for a person who was not part of the original determination to conduct the appeal meeting. The tenant may have representation at the meeting, may present information for consideration, and may respond to the information presented by others.
- Extenuating circumstances NOT present. If SHA determines that extenuating circumstances were not present, the procedures above will be followed, a determination made about whether assistance can be reinstated, and appropriate effective dates will be established.
- Effective date of TTP/tenant rent, assistance, recertification anniversary when extenuating circumstances were present.
- If SHA determines that extenuating circumstances were present:
  - There is no change in the recertification anniversary date; and
  - The TTP/tenant rent and the assistance payments determined based on the recertification information provided by the tenant are effective retroactively to the recertification anniversary date.

### **Interim Recertification's (Section 8 Project Based Tax Credit Units Only)**

To ensure that assisted tenant payments are commensurate with the ability to pay, tenants will supply information requested by SHA or HUD for use in an interim certification of family income and composition in accordance with HUD Handbook 4350.3. All tenants will notify SHA when:

- A family member moves out of the unit;
- The family proposes to move a new member into the household;  
Note: The same screening criteria applied to those initially placed applies to those being added to the household. Adult children are not eligible to move into a unit at Southfair unless they are performing the functions of a live-in aide and are classified as a live-in aide for eligibility purposes.
- An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment; or

- The family's income cumulatively increases by \$200 or more per month;

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

- Decreases in income including, but not limited to, loss of employment, reduction in number of hours worked by an employed family member, or a loss or reduction in welfare income.
- Increases in allowances including, but not limited to, increased medical expenses which may become past "one-time" nonrecurring medical expenses that have been paid in full as long as the expense has not already been allowed, and high child care costs; and
- Other changes affecting the calculation of a family's annual or adjusted income including, but not limited to, a family member turning 62 years of age, becoming a full-time student, or becoming a person with disability.

Tenants are not required to report when a family member turns 18 years of age between annual recertifications.

SHA will process an interim certification if a tenant reports:

- A change in family composition;
- An increase in family income of more than \$200 per month;
- An increase in allowances (e.g., number of dependents, and a new disability assistance expense);
- Most decreases in income except in the circumstance described in subparagraph 6.below; or
- A change in citizenship or eligible immigration status of any family member.

Upon receiving a tenant request for an interim certification, SHA will process a recertification of family income and composition within a reasonable time to verify the information provided by the tenant. Generally, HUD has determined that this process should not exceed four (4) weeks.

If the reason for interim recertification is a proposed change in family composition, SHA will screen the proposed additional person(s), including live-in aides, using the same screening criteria used when considering initial placement. An exception is that live-in aides will be screened for past tenancy, as well as for drug and other criminal activity.

SHA may refuse to process an interim recertification when the tenant reports a decrease in income only if the following apply:

- The decrease was caused by a deliberate action of the tenant to avoid paying rent. For example, SHA received documented evidence that a tenant quit a job in order to qualify for lower rent.
- SHA has confirmed that the decrease will last less than one month. For example, SHA receives confirmation from the tenant's employer that the tenant will be laid off for only two weeks.
- If SHA determines that the decrease in income will last less than one month, SHA may choose, but is not obligated, to process an interim certification.

- SHA will be consistent in implementing this policy for all tenants in the property who experience a decrease in income that will last for less than one month.
- SHA may delay, but not refuse, to process an interim certification if they have confirmation that a tenant's income will be partially or fully restored within two months. Processing may be delayed only until the new income is known.

If processing is delayed, SHA will adhere to the following procedures:

- The tenant may be required to pay the current amount of rent until the interim certification is complete.
- The tenant will not be evicted for non-payment of rent.
- The tenant will not be charged a late fee for paying rent after the 5<sup>th</sup> of the month because the owner elected to delay processing, knowing the tenant has experienced a change in income.

Once SHA is able to verify the tenant's new income, SHA will:

- Re-certify the tenant, as described in this section under Processing Interim Recertification's.
- Retroactively apply any reduction in rent to the first day of the month after the date of the action that caused the decrease in income.
- Notify the tenant in writing of any rent due for the period of delay. If the tenant fails to pay this amount within 30 days of notification, SHA may pursue eviction for nonpayment of rent.

#### Processing Interim Recertification's

When a tenant requests an interim recertification or when a tenant reports changes in income or other circumstances as required, SHA will take the following steps:

- Interview the tenant to obtain information on the reported changes. SHA will also review and ask if there have been other changes to family composition, income, assets, or allowances since the most recent certification.
- Obtain third party verification of the income or other facts reported as changed since the last recertification and maintain documentation in the tenant file.
- Input any changes to the tenant's income or other characteristics in HMS and print a 50059 facsimile.
- Document the resulting changes in the tenant's rent and assistance payment by obtaining signatures on the 50059 facsimile from the head, co-head and spouse and all other adult family members. Maintain copy with original signatures in the tenant file. Provide the tenant with a separate copy.
- After obtaining tenant and SHA representative signatures, electronically transmit interim recertification to the Contract Administrator to HUD to update the tenant information in TRACS.

SHA will take the following steps upon learning that a tenant failed to report a change in income or family composition as stated in the lease:

## Tenant Notification

When SHA learns that a tenant has experienced a change in family income or composition, the tenant will immediately be notified in writing the responsibility to provide information about such changes. SHA's notice will:

- Refer the tenant to the lease clause that requires the interim recertification:
- Give the tenant 10 calendar days to respond to the notice; and
- Inform the tenant that his or her rent may be raised to the market (contract) rent if the 10 day deadline is not met.

## Timely Tenant Response

If the tenant responds to the notice and supplies the required information within 10 days, SHA will process the request in accordance with this section and implement any resulting rent changes in accordance with this section.

## Tenant Fails to respond within 10 calendar days of notice

If the tenant fails to respond within to 10 calendar days, SHA will require the tenant to pay the market (contract) rent as of the first rent period following the 10-day notice period.

## Effective Date of Interim Recertification's

SHA will provide the tenant with a written notice of the effective date and the amount of the change in TTP or tenant rent resulting from the interim recertification.

For interim certifications, both the change in assistance payment and change in TTP or tenant rent are effective on the same date.

If the tenant complies with the interim reporting requirements, rent changes will be implemented as follows:

- Rent increases. If the tenant's rent increases because of an interim adjustment, the owner will give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day period.
- Rent decreases. If the tenant's rent will decrease, the change in rent is effective on the first day of the month after the date of action that caused the interim certification. A 30-day notice is not required for rent decreases.

If the tenant does not comply with the interim reporting requirements, and SHA discovers the tenant failed to report changes as required in this Section, SHA will initiate an interim certification and implement rent changes as follows:

- Rent increases. SHA will implement any resulting rent increase retroactive to the first of the month following the date the action occurred.
- Rent decreases. Any resulting rent decrease will be implemented effective with the first rent period following completion of the recertification.

## **Hardship Exemption (Applicable at initial placement and/or at annual or interim recertification)**

A family may at any time request a financial hardship exemption.

If a family requests a financial hardship exemption, SHA will suspend the minimum rent requirement beginning the month following the family's request for hardship exemption until SHA determines whether there is a qualifying financial hardship, and whether such hardship is temporary or short term.

If SHA determines that a qualifying financial hardship is temporary, SHA will not impose the minimum rent during the 90-day period beginning the month following the date of the family's request for a hardship exemption. At the end of the 90-day suspension period, SHA will reinstate the minimum rent from the beginning of the suspension. The family will be offered a reasonable repayment agreement, for the amount of back rent owed by the family.

If SHA determines there is not a qualifying financial hardship, SHA will reinstate the minimum rent, including back rent owed from the beginning of the suspension. The family will pay back rent according to terms and conditions established by the SHA.

If SHA determines a qualifying financial hardship is long term, SHA will exempt the family from the minimum rent requirement so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

The financial hardship exemption only applies to payment of the minimum rent and not to other elements used to calculate total tenant payment.

**SECTION VIII - ANNUAL AND INTERIM RECERTIFICATIONS  
OF HOUSEHOLD INCOME  
TAX CREDIT UNITS ONLY**

Income and assets will be determined per HUD handbook 4350.3. Rev. 1, and per OHCS LIHTC Compliance Manual.

If at the time of initial placement or annual recertification, it is not feasible to anticipate a level of income and expenses over a 12-month period, the income anticipated for a shorter period may be annualized.

Households will report any changed in family composition. A recertification will be made when household members are added or deleted.

When requesting to add a family member age 18 or above, the new family member must disclose and verify a valid/assigned social security number in order to be approved to reside in the unit. If unable to provide a valid/assigned social security number, the new family member will not be approved to move into the unit.

Applicants and/or tenants who are in the first 6 months of their lease who state that he/she is married but is estranged from or in the process of a separation from his/her spouse, must complete an estrangement/separation certification in order to prove that the spouse will not be residing in the unit. (TC only)

Tenant households requesting to add an adult family member to the household in the first six-months of their lease, must be able to verify that they continue to meet the applicable income limit. Those who are unable to verify that they meet the applicable income limit will be determined to be ineligible to reside in the unit. (excluding Market units)

If a tax credit unit participant household's gross annual income exceeds 140% of median income at the time of their annual/interim recertification, the next available unit in the building in which the over-income participant resides will be rented to a Tax Credit income eligible household.

If a tax credit unit participant household certifies and verifies at their annual/interim recertification that all household members are full time students, and are not eligible for an exemption under Section II, the next available unit in the building in which the participant household resides will be rented to a Tax Credit eligible household, and their unit is now considered a market unit.

**SECTION IX - APPLICANT/PARTICIPANT MISREPRESENTATION/ FRAUD**

Misrepresentations and fraud will be handled per the lease agreement.

## **SECTION X – SECURITY DEPOSITS**

### **Section 8 Project Based /Tax Credit Units**

The security deposit is mandated by Federal regulation to be limited to the greatest of 10% of the monthly gross income for the household, 30% of the monthly adjusted income or \$50.

### **Tax Credit Units**

The security deposit will be based on the security deposit schedule determined by SHA.

### **Market Rate Units**

The security deposit will be based on the security deposit schedule determined by SHA.

In all cases listed above, SHA will evaluate on a case-by-case basis participant requests to pay security deposits in monthly installments.

## SECTION XI - LEASING OF UNIT

A lease agreement is to be entered into between SHA and each tenant family. The lease agreement reflects the conditions governing occupancy.

Lease agreements pertaining to the Section 8 Project Based/Tax Credit units will be executed in accordance with HUD Handbook 4350.3. Rev. 1.

### **Execution of Rental Agreement/Lease**

All household members are required to execute a Rental Agreement/Lease in duplicate prior to actual admission. The copy is given to the tenant and original retained by SHA.

A new lease will be executed if at any time during the life of the Rental Agreement/Lease a change in the Tenant's status results in the need to change or amend any provisions of the Agreement/Lease, or if SHA desires to waive any provisions with respect to the Tenant,

Lease Terms: The rental agreement/lease for all Southfair units will initially be for a 12-month period.

Lease enforcement and eviction action will occur within the provisions of HUD regulations if applicable (i.e., SHA will evict for failure to provide SHA a copy of any letters received from HUD regarding the amount or verification of income), Oregon State Law, and the tenant lease agreement.

Note: SHA may not evict participant(s) who has been a victim of domestic violence, dating violence or stalking if the participant otherwise qualifies for continued occupancy, however any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence or stalking may be evicted from the unit. See Section XIV for more information.

## **SECTION XII - REPORTING CHANGES IN FAMILY COMPOSITION**

All changes in family composition will be reported in accordance with the lease agreement.

A recertification is to be conducted when ever a family reports a change in family composition. (Not applicable to market rate units.)

SHA will allow the addition of new household member(s) age 18 or above in the first six-months of their lease term, as long as the new household is income qualified and treated as a new move-in. (TC only)

If and when all household members on the original lease no longer occupy the unit, management must consider this a new household and the household must be verified to be income qualified and treated as a new move-in.

### **SECTION XIII - INSPECTIONS**

Annual inspections will be completed on all units and will be required to meet local code and HQS standards per 24 CFR 882.109.

Project Based Section 8 Assistance/Tax Credit unit inspections are also contingent upon HUD Handbook 4350.3.

## SECTION XIV - EVICTIONS

### Section 8 Project Based /Tax Credit Units

Eviictions will be issued within the provisions of the lease agreement, Oregon State Law and HUD Handbook 4350.3.

#### Tax Credit Units

- Evictions will be issued within the provisions of the lease agreement and Oregon State Law.
- SHA reserves the right to deny placement and/or evict a household if it determines that a household member is growing medical marijuana for any purpose, whether licensed or not. The State of Oregon provides users of medical marijuana with information on how to obtain medical marijuana from licensed providers so it is not necessary for holders of medical marijuana cards to grow their own crops.

#### Market Rate Units

- Evictions will be issued within the provision of the rental agreement/lease and Oregon State Law.
- SHA reserves the right to deny placement and/or evict a household if it determines that a household member is growing medical marijuana for any purpose, whether licensed or not. The State of Oregon provides users of medical marijuana with information on how to obtain medical marijuana from licensed providers so it is not necessary for holders of medical marijuana cards to grow their own crops.

### **Victims of Domestic Violence, Dating Violence or Stalking – ALL UNITS**

SHA may not terminate tenancy for a tenant (male or female) who has been a victim of domestic violence, dating violence or stalking (per Section XXII), if the tenant otherwise continues to qualify for tenancy, however any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence or stalking may be terminated tenancy.

SHA may bifurcate the lease to remove a lawful occupant or tenant who engages in criminal acts of violence to family members or others without evicting victimized lawful occupants, however, nothing limits the ability of SHA to evict or terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, if SHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

Nothing in this section is to be construed to supersede any provision of any Federal, State or local law that provides greater protection than this section for victims of domestic violence, dating violence or stalking.

Tenants who state they are a victim of domestic violence, dating violence or stalking will be required to sign the HUD Certification form HUD-50066 as well as provide the following: (1) A Federal, State, tribal, territorial, or local police or court record; or (2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

If the tenant does not sign the above certification and/or provide the required documentation within the timeframe stated, none of the protections afforded to victims of domestic violence, dating violence or stalking (collectively domestic violence) apply.

**Ineligible Students (Section 8 Project Based/TC only)**

If, in a household that is currently receiving Section 8 assistance, the owner determines that one of the household members is an ineligible student, the assistance for that household must be terminated in accordance with established requirements in Chapter 8 of Handbook 4350.3 Rev-1 and the household will be given a 30 day notice that their rent is being increased to the contract rent for the unit. The assistance will remain terminated as long as the ineligible student remains in the household. Should the ineligible student move out, the household would again be eligible for Section 8 assistance, if available.

SHA not will evict the ineligible student nor will the ineligible student be required to move out as long as the student is in compliance with the lease.

Termination Notice - SHA will give written notice of proposed terminations of tenancy. A written notice must be provided to the tenant and must:

State the specific date the tenancy will be terminated;

State the reasons for the action with enough detail to enable the tenant to prepare a defense;

Advise the tenant that remaining in the unit on the termination date specified in the notice may result in the owner seeking to enforce the termination in court, at which time the tenant may present a defense;

Advise the tenant that he or she has 10 days within which to discuss termination of tenancy. The 10-day period begins on the day that the notice is deemed effective; and

Be served on the tenant according to HUD Handbook 4350.3 Rev-1, Chapter 8.

Tenants will be provided opportunity for an Informal Review/Hearing, per Exhibit II.

**Student ineligibility (TC units only)**

If a tax credit unit participant household certifies and verifies at their annual/interim recertification that all household members are full time students, and are not eligible for an exemption under Section II, the next available unit in the building in which the participant household resides will be rented to a Tax Credit eligible household.

## **SECTION XV - RENT COLLECTIONS**

SHA will not permit partial rent payments unless an exception is made on a case-by-case basis by Authority personnel. Prepayment of the monthly rent will not be encouraged; however it will be permitted when tenants are to be away from home when their rent is due. Tenants will be requested to mail or take their rent to the Housing Authority office in the form of a check, money order or cashiers check. Rent is to be paid per the tenant lease.

## **SECTION XVI - ACCOUNTING RECORDS (Section 8 Project Based/ TC units only)**

SHA will follow HUD's Accounting Handbook in recording and maintaining rent payments. The handbook will also be followed for maintaining adequate accounting records of security deposits and Housing Assistance Payments (when applicable).

## **SECTION XVII - MAINTENANCE AND REPAIR**

### **Periodic Inspections**

SHA will inspect each unit annually and at other times necessary to ensure that the tenant is meeting the obligation to maintain the unit.

### **Inventory**

The Authority will inventory the appliances and mechanical equipment. Units will not be released for occupancy initially until all equipment has been checked to ensure it is properly installed and operating correctly.

### **Painting**

The interior of the apartment will be painted as needed.

### **Garbage Collection**

A private firm will collect the garbage.

### **Upkeep and Maintenance of Grounds**

SHA will utilize its regular staff for the upkeep and maintenance of grounds, entryways and common areas, or contract for maintenance services.

### **Tenant's Responsibility to Maintain Dwelling**

Tenants will be asked to report major and/or minor repair needs to SHA by calling the maintenance section during office hours. An after-hours telephone number will be made available to tenants.

Maintenance charges for tenant-caused damages due to accident, carelessness or neglect will be made in accordance with SHA's Schedule of Maintenance Charges. Payment for Maintenance repairs will be due in full 30 days after the billing date.

**SECTION XVIII - ADJUSTMENT OF UTILITY ALLOWANCE  
(Excluding Market Units)**

The utility allowance will be adjusted in accordance with federal regulations.

## SECTION XIX - DENIAL OF ASSISTANCE

### Reasons for Denial

- If an applicant's past performance in meeting financial obligations indicated inability to meet obligations to pay rent.
- History indicates a record of disturbing neighbors, destruction of property or living or housekeeping habits at prior residences, which adversely affected the health, safety or welfare of other tenants.
- A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which adversely affected the health, safety or welfare of other tenants.
- A history or pattern of alcohol abuse to the extent that such abuse adversely affected the health, safety or welfare of other tenants.
- Household income exceeds the applicable income limit per Section III.
- Full or part time students enrolled in an institution of higher education that is unable to meet the criteria for exception per Section III. (Section 8 Project Based/TC units only).
- Households comprised 100% of full time students who are unable to verify they meet an exemption per Section III. (Excluding market units).
- Applicants who are using an unauthorized and/or invalid social security number, per Section III.
- Applicants who are age 18 or over and who are wanting to, or are current residing in a market or TC unit, who are unable to provide a valid/assigned social security number, will not be approved to be added to the household.
- Tenants who are age 18 or over and who are currently residing in a market or TC unit, who are unable to provide a valid/assigned social security number at their next annual recertification, beginning with annual recertifications effective September 1, 2007, will be notified that steps will be taken to terminate their lease.
- Households who do not meet the other; rental; credit; drug related/violent criminal activity and/or additional screening criteria per Section III.
- Emancipated minors who have not yet attained age 18.
- An applicant at the top of the waiting list who owes money to SHA (within the most recent 7 years), any other housing authority, or owner or manager must pay the debt in full within 10 days of notification from SHA before receiving any form of housing assistance.
- Any family member age 18 and above who refuses to sign a HUD 9887/9887A General Release Consent form at any time the Housing Authority deems necessary to administer the Section 8 Project-based Tax Credit program.
- Persons with disabilities who are not receiving Social Security disability benefits (SSI), and who are unable to obtain a certification about disability status from a reliable professional. (Applies only to Section 8 Project-based Tax Credit units.)

- A family member, as a prior participant, has committed any fraud in connection with any federally assisted housing program.
- A member of the family has engaged in drug related (sale, manufacture, or distribution) or violent criminal activity for a period of seven (7) years, from the date of the waiting list application.
- No family member may be currently engaged in illegal drug use (excluding holders of an Oregon Medical Marijuana card in the non-Section 8 Project-Based units only).
- No family member may be a holder of a grow site registration card. Holders of such a card will be required to forfeit their card and discontinue growing in order to be eligible for placement and/or eligible to remain housed. This denial applies to all units at Southfair Apartments.
- No member of the family may have engaged in drug related (possession/use only) criminal activity for a period of three (3) years from the date of the waiting list application, or will be able to demonstrate that the member of the family has successfully completed a drug rehabilitation program.
- No family member may have been evicted from federally assisted housing for drug related criminal activity for three years from the date of the waiting list application.
- If the evicted household member who engaged in drug related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, SHA may admit the household.
- If a family member or participant fails to disclose and verify social security numbers assigned to all family members age 6 and older.
- No family member may have ever engaged in or threatened abusive behavior toward Housing Authority personnel. If SHA verifies that this type of activity has occurred, the family member will be permanently denied assistance.
- Any family member who is verified to be subjected to a lifetime registration as a registered sex offender will be permanently denied housing.
- If it is verified that the unit for which the family is applying is not the family's only residence.
- Denial of assistance to non citizens. SHA will deny assistance to non-citizens. Those family members who are denied assistance may initiate an appeal of the decision through DHS per the process described below. SHA will follow HUD requirement to ensure that only U.S. citizens and eligible non citizens receive federal housing assistance.
- For all other reasons for denial listed in Section II. Required evidence for denial will be based on the following:
  - Preponderance of evidence is defined as evidence, which is of greater weight or more convincing than the evidence which if offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
  - Credible evidence may be obtained from police and/or court records. When other factual evidence can not be considered, testimony from neighbors may be considered as credible evidence. Other credible evidence includes documentation of drug raids, knock and talks, and/or arrest warrants.

## Denial of assistance

If the Housing Authority denies assistance to an applicant (this includes denying placement on the waiting list and/or denying participation in the program) the Housing Authority will notify the applicant by letter of the determination.

## Notice of applicant rejection

Rejection notices will be in writing.

- The written rejection notice will include:
  - The specifically stated reason(s) for the rejection;
  - Statement of applicant's right to respond to the owner in writing or request a meeting within 14 days from the date of the rejection letter to dispute the rejection (**Section 8 Project-based/Tax Credit Units only**); and
  - The applicant's right to declare if they are a victim of domestic violence, dating violence or stalking.
- Applicants declaring such status must complete and submit the HUD Certification form HUD-50066 as well as provide the following within 14 business days of the request for certifying victim status:
  - A Federal, State, tribal, territorial, or local police or court record; or
  - Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.
  - If the applicant does not sign the above certification and/or provide the required documentation within the timeframe stated, none of the protections afforded to victims of domestic violence, dating violence or stalking (collectively domestic violence) apply.

## SHA Meetings with Applicants to Discuss Rejection Notices (**Section 8 Project-based/Tax Credit Units only**)

Any meeting with the applicant to discuss the applicant's rejection will be conducted by a member of SHA's staff who was not involved in the initial decision to deny admission or assistance.

Within five business days of the SHA response or meeting, SHA will advise the applicant in writing of the final decision on eligibility.

## **Continuing Assistance (Section 8 Project-based/Tax Credit Units only)**

SHA will not deny assistance to applicants who submitted their immigration documentation in a timely manner, but for whom the DHS verification or appeals process has not been completed.

If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has submitted the required documentation in a timely manner, SHA will offer the family a unit providing subsidy to those family members whose documents were received on time.

SHA will provide prorated assistance to the family until SHA has received and verified the immigration status of any remaining non citizen family members.

### Events Triggering Denial of Assistance

SHA will deny assistance to an applicant upon the occurrence of any of the following:

- The applicant fails to submit evidence (i.e. declaration) and eligible immigration status by the date specified by SHA.
- The applicant submits evidence of citizenship and eligible immigration status on a timely basis, but DHS primary and secondary documentation does not verify eligible immigration status of a family member; and
- The family does not pursue a DHS appeal or informal hearing rights as provided in this Tenant Selection Plan, or
- The family pursues a DHS appeal and informal hearing, but the final decision is against the family member.

The notice of denial to termination of assistance will advise the family that:

- SHA will deny or terminate rental assistance and give the reasons for this action;
- The family may be eligible for prorated assistance;
- Tenants, but not applicants may be eligible to obtain relief under the provisions for preservation of families.
- The family has a right to request an appeal to the DHS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal.
- The family has a right to request an informal hearing with SHA either upon completion of the DHS appeal or in lieu of the DHS appeal (the family can take advantage of two types of appeal); and

The notice of denial will advise that if they have failed the primary and secondary verification and submitted an appeal to the DHS, but the DHS process has not been concluded, and the applicant will receive assistance in a timely manner. (If the DHS decision is negative, the family's assistance may then be terminated.) However, once the DHS appeal process is complete, and the family receives a negative decision on the DHS appeal, SHA may delay assistance while providing the family with an opportunity for an informal meeting to appeal the decision.

### DHS Appeal Process

Submission of appeal request. When SHA receives notification from the DHS that secondary verification has failed to confirm eligible immigration status, SHA will notify the family of this result. The family has 30 days from the date of SHA's notification to request an appeal to the DHS results. The family will make the request in writing directly to the DHS and will provide SHA with a copy of the written request for appeal and proof of mailing.

Documentation to be submitted as part of appeal to DHS. If the family has additional documentation or written explanation to support the appeal, the family will submit it directly to the DHS office. Form DHS G-845 S (used by SHA to process the secondary verification request) or any other form specified by the DHS, and a cover letter stating that the family is requesting an appeal of the DHS immigration status verification results.

When decision will be issued by DHS. The DHS will issue a decision within 30 days of its receipt of documentation concerning the family's appeal of the verification of immigration status. The notice will be sent

to the family, and a copy will be sent to SHA. If, for any reason, the DHS is unable to issue a decision within 30 days, the DHS will inform the family and SHA of the reason for the delay.

Notification of DHS decision and of informal hearing procedures. When SHA receives a copy of the DHS decision, SHA will notify the family of its right to request an informal hearing on SHA's ineligibility determination.

No delay, denial, reduction, or termination of assistance until completion of DHS appeal process. Until any appeal made to the DHS is resolved, SHA will not delay, deny, reduce, or terminate assistance on the basis of immigration status.

When request for informal hearing is to be made. If the DHS decision will cause the applicant to be denied, or if the family chooses not to appeal to DHS, the family may request that SHA provide an informal hearing. The request for a hearing will be made either within 30 days of receiving the notice from SHA denying assistance, or within 30 days of receiving the DHS appeal decision.

Retention of documents. SHA will retain for a minimum of 5 years the following documents that may have been submitted to SHA by the family, or provided to SHA as part of the DHS appeal or the informal hearing:

- The application for financial assistance;
- The form completed by the family for income re-examination;
- Photocopies of any original documents (front and back) including original DHS documents;
- The signed verification consent form;
- The request for DHS appeal;
- The final DHS determination;
- The request for in informal hearing; and
- The final informal hearing decision.

All household members age 18 and above are required to sign the 50059; application and lease agreement. Refusal to sign any of the required forms will be grounds for denial of and/or termination of assistance.

If the Housing Authority denies assistance to an applicant (including denying placement on the waiting list and/or denying participation in the program) the Housing Authority will notify the applicant by letter of the determination per HUD Handbook 4350.3 Section 1, 4-9 C and D.

#### Notice of Applicant Denial

Denial notices will be in writing and will include:

- The specifically stated reason(s) for the rejection; and
- The applicant's right to respond to the owner in writing or request a meeting within 15 days to dispute the rejection.

### Review of Denial Notices

Any meeting with the applicant to discuss the applicant's denial will be conducted by a SHA staff member not involved in the initial decision to deny admission or assistance.

Within five business days of the SHA response or meeting SHA will advise the applicant in writing of the final decision on eligibility.

## SECTION XX - TERMINATION OF ASSISTANCE

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

SHA may not terminate assistance for a tenant (male or female) who has been a victim of domestic violence, dating violence or stalking (per Section XVII), if the tenant otherwise continues to qualify for tenancy, however any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence or stalking may be terminated assistance.

SHA may bifurcate the lease to remove a lawful occupant or tenant who engages in criminal acts of violence to family members or others without evicting victimized lawful occupants, however, nothing limits the ability of SHA to evict or terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, if SHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

Nothing in this section is to be construed to supersede any provision of any Federal, State or local law that provides greater protection than this section for victims of domestic violence, dating violence or stalking.

Tenants declaring such status must complete and submit the HUD Certification form HUD-50066 as well as provide the following within 14 business days of the request for certifying victim status:

A Federal, State, tribal, territorial, or local police or court record; or Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

If the tenant does not sign the above certification and/or provide the required documentation within the timeframe stated, none of the protections afforded to victims of domestic violence, dating violence or stalking (collectively domestic violence) apply.

SHA will terminate a tenant's assistance in the following circumstances:

- Any tenant age 18 or above fails to provide required information at the time of recertification, including changes in family composition, or changes in income or social security numbers for new family members.
- Any tenant age 18 or above fails to sign/submit required consent and verification forms (i.e. form HUD-9887 and form HUD 9887-A; applicant/tenant questionnaire).
- An annual or interim recertification determines that the tenant has an increased ability to pay the full contract rent.
- A tenant fails to move to a different-sized unit within 30 days after the owner notifies him/her that the unit of the required size is available.
- Any family member who is determined to be the perpetrator in incidents involving domestic violence, dating violence or stalking may be terminated assistance.

- SHA in compliance with federal law (HUD memo dated 24 September 1999) will deny assistance to applicants who are current users of medical marijuana.
- SHA reserves the right to deny assistance to or terminate housing assistance of a participating family if SHA determines that a household member 1) is using medical marijuana; or 2) is growing medical marijuana for any purpose, whether licensed or not. The State of Oregon provides users of medical marijuana with information on how to obtain medical marijuana from licensed providers so it is not necessary for holders of medical marijuana cards to grow their own crops.
- SHA will terminate the assistance of a participant family if any family member uses an unauthorized and/or invalid social security number.
- Notice of termination of assistance.

When terminating assistance, SHA will increase the tenant's rent to the contract rent. SHA will provide proper notice of the increase in the tenants rent.

The written notice will include:

- The specific date the assistance will terminate;
- The reason(s) for terminating assistance;
- The amount of rent the tenant will be required to pay; and
- Notification that if the tenant fails to pay the increased rent, SHA may terminate tenancy and seek to enforce the termination in court.

#### Requesting a review of Adverse Action

The notice will be served by:

- Sending a letter by first class mail, properly stamped and addressed and including a return address, to the tenant at the unit address; and
- A copy of the notice will be delivered to any adult person answering the door at the unit. If no adult answers the door, the person serving the notice may place it under or through the door, or affix it to the door.
- The date on which the notice is deemed received by the tenant is the later of:
  - The date the first class letter is mailed; or
  - The date the notice is properly given.
- Service of the notice is deemed effective once the notice has been both mailed and hand delivered.

#### Reinstating Assistance

SHA may reinstate a tenant's terminated assistance if:

- The original termination of assistance was due to:

- A tenant's failure to recertify, or
- A tenant's increased ability to pay
- The original termination of assistance was not due to fraud;
- The tenant is eligible for assistance (based on the income and rent calculation);
- The tenant submits the required information; and
- Assistance is available for the unit.
- Termination of Assistance Related to Establishing Citizenship or Eligible Immigration Status

#### Exceptions to Termination

SHA will not terminate assistance on the basis of ineligible immigration status of a family member if:

- The primary (automated) and secondary (manual) verification search of any immigration documents that were submitted in time have not been completed by the DHS;
- The family member for whom required evidence has not been submitted has moved from the assisted dwelling unit;
- The family member who is determined not to have eligible immigration status following DHS verification has moved from the assisted unit;
- The DHS appeals process under 24 CFR 5.514(e) has not be concluded;
- Assistance is prorated in accordance with 24 CFR 5.520;
- Assistance for a mixed family is continued in accordance with 24 CFR 5.516 and 24 CFR 5.518; or
- Deferral or termination of assistance was granted in accordance with 24 CFR 5.516 and 24 CFR 5.518.
- Termination of Assistance When Unable to Establish Citizenship or Eligible Immigration Status
- When SHA is unable to establish citizenship or eligible immigration status of family members, termination of assistance will be handled per HUD Handbook 4350.3 Rev-1. Chapter 8, 8-7 C.

#### Termination of Assistance When a Tenant Allows an Ineligible Individual to Reside in a Unit

If SHA terminates assistance based on a determination that a tenant has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit; such termination of assistance will be handled per HUD Handbook 4350.3 Rev. 1. Chapter 8, 8-7 D.

**SECTION XXI– COMPLIANCE WITH 504 ACCESSIBILITY REQUIREMENTS  
(Section 8 Project Based/TC Units Only)**

Common Spaces are accessible and alterations will be made to meet the UFAS standard as required by Section 504.

**SECTION XXII -TENANT INCOME CERTIFICATIONS (TIC)  
(Section 8 Project Based/TC Units Only)**

**Initial Certifications**

After obtaining; verifying and computing all income and asset information, a Tenant Income Certification (TIC) is prepared and all household members age 18 and above and a representative of the Housing Authority are required to sign the TIC before signing the lease, but in no case more than ten (10) days prior to move-in.

Section 8 Project Based/TC units must also have a 50059 generated for sending to TRAC's.

**Recertifications**

All units must be certified annually on or before the anniversary of the move-in date. The original move-in date must be carried over onto all subsequent recertifications. Annual recertification TIC's must be signed by all household members age 18 and above and a representative of the Housing Authority any time after all verifications have been collected, but no later than the effective date. In no case can the TIC be signed more than 120 days prior to the effective date.

Section 8 Project Based/TC units must also have a 50059 generated for sending to TRAC's.

## SECTION XXIII – DEFINITION OF TERMS

### **50059 Data Requirements (Section 8 Project Based/TC Units Only)**

The 50059 requirements list and describe the data that owners are required to collect from applicants and tenants, and the calculations owners will perform to certify tenant eligibility and tenant rents. This data is submitted electronically to the Tenant Rental Assistance Certification Systems (TRACS) through Contract Administrators or HUD. The 50059 data requirements replace Form HUD-50059. A facsimile is a paper copy printed out to TRACS compliant software.

### **Adjusted Income (Section 8 Project Based/TC Units Only)**

Annual income (as determined by the owner) of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

\$480 for each dependent;

\$400 for any elderly family member or disabled family;

The sum of the following:

Non-reimbursed reasonable medical expenses of any elderly family or disabled family; and  
Non-reimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member or the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members age 18 years or older who are able to work because of such attendant care or auxiliary apparatus; and

Any reasonable childcare expenses necessary to enable the family member to be employed or to further his or her education. (24 CFR 5.611)

### **Annual Income**

All amounts, monetary or not, that:

Go to, or on behalf, the family head or spouse (or co-head), even if temporarily absent, or to any other family member;

Are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date;

Are not specifically excluded (by regulation).

Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

### **Applicant**

Person(s) age 18 or above who is head or co-head of a family that has applied for housing assistance.

## **Application**

A written request for occupancy in a housing unit that includes the information required to determine eligibility for assistance and/or suitability for tenancy. Owners generally develop a standardized form that is completed by the prospective applicant. The application will be signed and dated by the applicant and include the applicant's certification that the information provided is complete and accurate.

## **Assistance Payment (Section 8 Project Based / TC Units Only)**

The amount HUD pays the owner for a unit occupied by a Section 8, RAP, Rent Supplement or PAC Tenant. It includes HUD's share of the contract rent and any utility reimbursement due the tenant. It is the gross rent for the unit minus the Total Tenant Payment (TTP).

## **Assisted Tenant (Section 8 Project Based / TC Units Only)**

A tenant who pays less than the market rate, including tenants receiving Section 8 assistance.

## **Assistance Animals**

Assistance animals work, provide assistance, or perform tasks for the benefit of a person with a disability, or provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals, often referred to as "service animals," "assistance animals," "support animals," or "therapy animals" perform many disability-related functions. These include, but are not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities. Assistance animals are not required to be professionally trained. Some animals are trained by the owners themselves and, in some cases, no special training is required. An animal that performs the disability-related assistance or provides the disability-related benefit by the person with the disability meets the definition of an assistance animal.

## **Citizen (Section 8 Project Based / TC Units Only)**

A citizen or national of the United States. [24 CFR 5.504] (See definition of National)

## **Co-Head of Household**

An adult member of the family who is treated the same as a head of the household for purposes of determining income, eligibility, and/or rent.

## **Common Household Pet**

A domesticated animal, such as a dog, cat, bird, rodent (including rabbit), fish or turtle that is traditionally kept in the home for pleasure rather than commercial purposes. Common household pets do not include reptiles (except turtles). If this definition conflicts with any applicable State or Local law or regulation defining the pets that may be owned or kept in dwelling accommodations, the State or Local law or regulation shall apply. This definition does not include animals that are used to assist persons with disabilities. [24 CFR 5.306]

## **Contract Rent (Section 8 Project Based / TC Units Only)**

The rent HUD or the Contract Administrator has approved for each unit type covered under an assistance contract. The rent may be paid by the tenant, HUD, or both.

## **Contract Rent / TIC and Market Units**

The rent due per the lease agreement to be paid by the Tenant to Owner.

## **Covered Person**

A tenant, any member of the tenant's household, a guest or another person under the tenant's control.

## **Currently Engaging In (Drug or Criminal Activity)**

With respect to behavior such as illegal use of a drug, other drug related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

## **Dating Violence**

The term dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such as relationship shall be determined based on a consideration of the following factors: 1) the length of the relationship; 2) the type of relationship; and 3) the frequency of interaction between the persons involved in the relationship.

## **Deductions (Section 8 Project Based/TC Units Only)**

In determining adjusted income, the owner will deduct the following from annual income:

\$480 for each dependent.

\$400 for an elderly family or disabled family member.

The sum for the following to the extent the exceeds 3% of annual income:

Un-reimbursed reasonable medical expenses of any elderly family or disabled family, which may include: **1)** expenses the family anticipates paying during the 12-months following certification/recertification; **2)** Un-reimbursed medical expenses paid during the last 12-months to estimate medical expenses; and/or **3)** past "one time" nonrecurring medical expenses that have been paid in full if the one-time expense was not used for an interim recertification in the prior year; and

Un-reimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member or the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by the family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus; and

Any reasonable childcare expenses necessary to enable the family member to be employed or to further his or her education. (24 CFR 5.611)

## **Denial of Tenancy or Assistance**

The process of rejecting an applicant's request for either occupancy or assistance because the household does not meet eligibility criteria for the program of the owner's criteria for suitability for tenancy.

### **Dependent (Section 8 Project Based / TC Units Only)**

A member of the family other than the head, spouse, or co-head, who is under 18 years of age or is a person with disabilities or a full time student. A foster child, a foster adult, or a live in aide may never be a dependent regardless of age or disability.

### **Disabled Family (Section 8 Project Based / TC Units Only)**

Disabled (handicapped) family means:

Families of two or more persons the head of which (or his/her spouse) is a person with a disability (handicapped);

The surviving member or members of any family described in paragraph 1 of this definition living in a unit assisted under 2002/8 with deceased member of the family at the time of his/her death;

A single person with disabilities (handicapped persons) over the age of 18;

Two or more persons with disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well being.

A family including one or more persons with disabilities living with one or more live in aides.

A disabled family that included a family member under the age of 18. [24 CFR 891.505]

### **Disabled Household (Section 8 Project Based / TC Units Only)**

Disabled Household means a household composed of:

One or more persons at least one of who is an adult (age 18 or older) who has a disability;

Who is determined by HUD, based upon a certification from an appropriate professional (e.g. a rehabilitation counselor, social worker, or licensed physician) to be important to their care or well being; or

The surviving member or members of any household described in paragraph 1 of this definition who were living in a unit assisted under his part with deceased member of the household at the time of his/her death.

A disabled household that included a family member under the age of 18.  
[24 CFR 891.305]

### **Displaced Family (Applies only to Eight (8) Applies only to Eight (8) Section 8 Project Based / TC Units)**

A family in which each member, or sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.

### **Displaced Person (Applies only to Eight (8) Applies only to Eight (8) Section 8 Project Based / TC Units)**

A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.

## **Domestic Partnership**

A relationship between two people who are each at least 18 years of age, are each unmarried, are each other's sole domestic partner and intend to remain so indefinitely; are not related by blood closer than would bar marriage in the State of Oregon; are residing together, sharing the common necessities of life, and are responsible for each other's common welfare; and have registered, certified, or affirmed their relationships with any jurisdiction in the United States which has a domestic partnership or civil union registry, or with the State of Oregon's Public Employees Benefits Board.

## **Domestic Violence**

The term domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

## **Drugs**

A controlled substance as defined in Section 102 of the Controlled Substance Act (21 U.S. C. 802)

## **Drug Related Criminal Activity**

The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug. (21 U.S.C .802)

## **Elderly Family (Section 8 Project Based / TC Units Only)**

Families of two or more persons, the head of which (or his/her spouse) is 62 years of age or older.

The surviving member of members of a family described in paragraph (1) living in a unit assisted under 24 CFR part 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his/her death;

A single person who is 62 years of age or older;

Two or more elderly persons living together, or one or more such persons living with another person who is determined by HUD, based on a licensed physician's certification provided by the family, to be essential to their care or well being.

A family including one or more persons who are least 62 years of age, which may include a member under the age of 18; or

A family (as defined in 24 CFR 5.403) whose head, 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 least 62 year of age living with one or more live in aides. [24 CFR 891.505] [24 CFR 5.403]

## **Elderly Person**

A person at least 62 years of age.

## **Eligible Non-citizen (Section 8 Project Based/TC Units Only)**

A person who has eligible immigration status in one of the following categories:

A non-citizen lawfully admitted for permanent residence, as defined by section 101(a)(20) of the immigration and Nationality ACT (INA), as an immigrant, as defined by section 101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and U.S.C. 1101(a)(15), respectively) [immigrants]. (This category included a non-citizen admitted under section 210 or 210A or the INA (U.S.C. 1160 or 1161) [special agricultural worker], who has been granted lawful temporary resident status.

A non-citizen who entered the United States before January 1, 1972, or such late date as enacted by law, and has continuously maintained residence in the United States since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under section 249 of the INA (8 U.S.C. 1259);

A non-citizen who is lawfully present in the United States pursuant to an admission under section 207 of the INA (8 U.S.C. 1157) [refugee status]; pursuant to the granting of asylum (which has not been terminated under section 208 of the INA (8 U.S.C. 1158) [asylum status]; or as a result of being granted conditional entry under section (a)(7) of the INA (8 U.S.C. 1153 (a) (7) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity;

A non-citizen who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reason deemed strictly in the public interest under section 212(d)(5) of the INA (U.S.C. 1882(d)(5) [parole status];

A non-citizen who is lawfully present in the United States as a result of the Attorney General's withholding deportation under section 243(h) of the INA (8 U.S.C.(h)) [threat to life or freedom];

A non-citizen lawfully admitted for temporary or permanent residence under section 245A of the INA (8 U.S.C. 1255A) [amnesty granted under INA 245A]; or

A non-citizen who is a lawful resident of the United States and its territories and possessions under Section 141 of the Compacts Free Association between the United States government and the Governments of the Marshall Islands, the Federated States of Micronesia and Palau (collectively referred to as "The Freely Associated States" (FAS)) [Section 3(b) of Public Law 106 – 504].

A non-immigrant student, while lawfully admitted to the United States, is not eligible.

## **Eviction**

The dispossession of the tenant from the leased unit as a result of the termination of tenancy, including a termination prior to the end of the lease term.

## **Evidence of Citizenship or Eligible Status (Section 8 Project Based / TC Units Only)**

The documentation that will be submitted to evidence citizenship or eligible immigration status.  
[24 CFR 5.504]

## **Expected to Reside**

In applying lead safe housing requirements, actual knowledge that a child will reside in a dwelling unit reserved for the elderly or designated exclusively for persons with disabilities. If a female resident is known to be pregnant, there is actual knowledge that a child will reside in the dwelling unit.

### **Extremely Low Income Family (Applies only to Eight (8) Section 8 Project Based / TC Units)**

A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes. [24CFR 5.603]

### **Fair Housing Act**

Title VII of the Civil Right Act, 42 U.S.C. 3601. The Fair Housing Act, is a broad statute that prohibits discrimination based upon race, color, religion, sex, national origin, disability or familial status in most housing and housing related transactions.

### **Familial Status**

One or more individuals (who have not attained the age of 18 years) being domiciled with:

A parent or another person having legal custody of such individual or individuals (regardless of age or number of children); or

The designee of such parent or other person having such custody, with the written permission of such parent or another person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

### **Familial Status**

One or more individuals who have not attained the age of 18 years, being domiciled with:

1. A parent or another person having legal custody of such individual or individuals (regardless of age or number of children); or
2. The designee of such parent or other person having such custody, with the written permission of such parent or another person. [24 CFR 100.20]

### **Family (Applies only to Eight (8) Section 8 Project Based / TC Units)**

Family includes, but is not limited to:

A family with or without children (temporary absence of a child from the home due to placement in a foster case shall not be considered in determining family composition and family size);

An elderly family;

A near elderly family;

A disabled family;

A displaced family;

The remaining member of a tenant family; or

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

## **Family (Market and Tax Credit units only)**

One or more persons sharing residency, whose income and resources are available to meet the Household needs.

## **Family Composition**

The specific individuals who are included in the assisted family. Information on family composition includes names, ages, sexes, and citizenship status (if applicable) of all members and their relationship to one another.

## **Financial Assistance**

Financial assistance includes any assistance the student receives that is in excess of tuition under the Higher Education Act of 1965, from other sources, and from institutions of higher education.

Under the Higher Education Act of 1964 this includes Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, The Robert G. Byrd Honors Scholarship Program and the Federal Work Study Programs.

Assistance from private sources. This would be non-governmental sources of assistance, including assistance that may be provided to a student from a parent, guardian or other family member, whether residing within the family in the Section 8 assisted unit or not and from other persons not residing in the unit.

From an institution of higher education. This requires a reference to a particular institution and the institution's listing of financial assistance.

Financial assistance does not include loan proceeds, therefore, the Perkins, Stafford and Plus loans under the Higher Education Act of 1965 are not considered as financial assistance.

## **Foster Adult**

A foster adult is usually an adult with a disability who is unrelated to the tenant family and who is unable to live alone.

## **Foster Children**

Children that are in the legal guardianship or custody of the State, county, or private adoption or foster care agency, yet are cared for by foster parents in their own homes, under some kind of short term or long term foster care arrangement with the custodial agency. These children will generally remain in foster care until they are reunited with their parents, or until their parents voluntarily terminate or sever their parental rights as biological parents, so that they can become available to be adopted by another family or family member. Therefore, the parental rights of these children may or may not have been terminated or severed, and the children may or may not be legally available for adoption.

## **Fraud**

Deceit or trickery deliberately practiced to gain some advantage dishonestly. Fraud is an intentional deception and cannot be committed accidentally.

## **Gender Identity**

A person's actual or perceived sex, including a person's identity, appearance, expression, or behavior with respect to actual or perceived sex, whether or not that identity, appearance, expression or behavior is different from that traditionally associated with the person's sex at birth.

### **Gross Rent (Section 8 Project Based /TC Units Only)**

The gross rent for a unit equals the contract rent plus the utility allowance for that unit (if the property has utility allowance).

### **Gross Rent Change (Section 8 Project Based/TC Units Only)**

Any HUD approved change in the contract rent or the utility allowance for the unit.

### **Guest**

A person temporarily staying in a unit with the consent of the tenant or another member of the household who has express or implied authority to consent on behalf of the tenant. [24 CFR 5.100] A guest is a temporary visitor of the tenant's and should not be confused with an unauthorized occupant. Additionally, a guest is not a party to the lease agreement.

### **Hardship Exemption (Section 8 Project Based / TC Units Only)**

An exemption from the \$25 minimum rent an owner will provide for any household unable to pay the Section 8 minimum rent due to a long term financial hardship as defined by the regulation.  
[24 CFR 5.630]

### **Head of Household**

The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

### **Housing Assistance Payment (HAP) (Section 8 Project Based / TC Units Only)**

The payment made by HUD or the Contract Administrator to the owner of an assisted unit as provided in the contract. Where the unit is leased to an eligible family, the payment is the difference between the contract rent and the tenant rent. An additional payment is made to the family when the utility allowance is greater than the total tenant payment. A housing assistance payment, known as a 'vacancy payment', may be made to the owner when an assisted unit is vacant, in accordance with the terms of the contract. [24 CFR 880.201]

### **Immediate Family Member**

A spouse, parent, brother, sister, or child of a household member; or an individual who stands "in loco parentis," or in place of a parent to children within the household; or any other person living in the household of that person who is related to that person by blood or marriage.

### **Income Limit**

HUD establishes income limits that are used to determine whether housing applicants qualify for admission to HUD subsidized properties. These income limits are based on HUD estimates for area median family income with certain statutorily permissible adjustment. Different programs use different income limits.

### **Income Targeting (Section 8 Project Based / TC Units Only)**

Statutory requirements that at least 40% of new admissions to a Section 8 property in each fiscal year be household with incomes at or below 30% of the area median income. The law ensures that a significant portion of housing assistance goes to families with the greatest need.  
[24 CFR 5.601, 5.603, 5.653]

## **Independent Student**

To be classified as an independent student for Title IV aid, a student must meet one or more of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought;
- Be an orphan or a ward of the court through the age of 18;
- Be a veteran of the U.S. Armed Forces;
- Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
- Be a graduate or professional student; or
- Be married.

## **Institution of Higher Education**

As defined under Section 102 of the Higher Education Act of 1965 (20 U.S. C. 1002)

## **Lease**

A written agreement between an owner and a family for leasing of a decent, safe and sanitary dwelling unit to the family.

## **Live in aide**

A person who resided with one or more elderly persons, near elderly persons, or persons with disabilities, and who;

Is determined to be essential to the care and well being of the persons;

Is not obligated for the support of the persons; and

Would not be living in the unit except to provide the necessary supportive services.

## **Low Income (Tax Credit Units only)**

Annual gross income, which is 60% of the medial income as published by HUD.

## **Market Rent (Section 8 Project Based/Tax Credit Units Only)**

The rent HUD authorizes the owner to collect from families ineligible for assistance. For Section 8 units, the market rent is the same as the contract rent.

## **Minimum Rent (Section 8 Project Based/TC Units Only)**

The lowest total tenant payment permitted for tenants receiving Section 8 assistance. The minimum rent is \$25 and is used when 30% of the adjusted monthly income and 10% of the gross monthly income and the welfare rent (where applicable) are all below \$25. The minimum rent covers the tenant's contribution for rent and utilities.

### **Mixed Family (Section 8 Project Based/TC Units Only)**

A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

### **National (Section 8 Project Based/TC Units Only)**

A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

### **Near- elderly Family (Section 8 Project Based/TC Units Only)**

A family whose head, spouse or sole member is a person who is at least 50 years of age, but below 62; or two or more persons, who are at least 50 years of age but below the age of 62 and living together, or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live in aides.

### **Non-citizen (Section 8 Project Based/TC Units Only)**

A person who is neither a citizen nor a national of the United States.

### **Other Persons Under the Tenant's Control**

The person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

### **Parent**

The biological or adoptive parents or guardians, such as grandparents, aunt or uncle, and/or god parents, or an individual who stands "in loco parentis," or in place of a parent in the household.

### **Participant**

A family becomes a participant when the Housing Authority executes a lease on behalf of the family.

### **Person with Disabilities (Handicapped Person) as defined for program eligibility purposes (Applies only to Eight (8) Section 8 Project Based / TC Units)**

A person with disabilities means:

- Any adult having physical, mental, or emotional impairment that expected to be on long continued and indefinite duration, which 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.
- A person with developmental disability, as defined in section 102(7) of the Developmental Disabilities Assistance Bill of Rights Act 942 U.S.C. 6001 (8)), i.e. a person with severe chronic disability that:
- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- is manifested before the persons attains age 22;
- Is likely to continue indefinitely;

- Results in substantial functional limitation in three or more of the following areas of major life activity:
- Self Care;
- Receptive and expressive language;
- Learning;
- Mobility;
- Self-direction;
- Capacity for independent living;
- Economic self sufficiency; and
- Reflects the persons need for a combination and sequence of special, interdisciplinary or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- A person with a chronic mental illness, 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.
- Persons infected with the human acquired immunodeficiency virus (HIV) who are disabled as a result of infection with 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.

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 and Section 811 programs. [24 CFR 891.305 and 891.505]

A person infected with the human acquired immunodeficiency virus (HIV) , or a person who suffers with alcoholism or drug addiction, provided they meet the definition of "person with disabilities" in Section 811 (42 U.S.C.) 801 (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 891.304]

### **Physical Disability (Section 8 Project Based/TC Units Only)**

A physical impairment which (A) is expected to be of long continued duration, (B) substantially impeded his or her ability to live independently, and (C) is of such nature that such ability to live independently could be improved by more suitable housing conditions.

### **Preliminary Application (Waiting List Request)**

An abbreviated application form that is used by some owners when the waiting time for an available unit is extensive and requires only enough information to access apparent program eligibility, place the applicant on a waiting list, and contact applicant when a unit becomes available or additional information is required.

**Premises**

The building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

**Prorated Assistance (Section 8 Project Based/TC Units Only)**

Partial rental assistance or reduced housing assistance payments received by mixed families. In mixed families, the level of assistance is calculated at the ratio of eligible family members to ineligible family members.

**Recertification Anniversary Date (Section 8 Project Based/TC and TIC only)**

The recertification anniversary date is the first day of the month a tenant moved into the unit.

**Remaining member of a Tenant Family (Section 8 Project Based/TC Units Only)**

Person left in assisted housing after other family members have moved from the unit and no longer are assisted.

**Screening**

A review of an applicant's history to identify patterns of behavior that, if exhibited, would make the applicant an unsuitable tenant. Screening criteria may include consideration of drug related or criminal activity, tenancy, credit and rent payment history, or other behaviors that may affect the rights of other residents and management.

**Security Deposit**

A payment required by an owner to be held during the term of the lease (or the time period the tenant occupies the unit) of offset damages incurred due to the actions of the tenant. Such damages may include physical damages to the property, theft of property, and failure to pay back rent. Forfeiture of the deposit does not absolve the tenant of further financial liability.

**Service Animals**

See Assistance Animals.

**Sexual Orientation**

A person's actual or perceived heterosexuality, homosexuality or bisexuality.

**Single Person**

Any individual who is not disabled, handicapped or age 62 or older.

**Source of Income**

Refers to the means by which a person supports himself or herself and his/her dependents, including but not limited to, money and property from any occupation, profession or activity, from any contract, settlement or agreement, from federal or state payments, court ordered payments, gifts, bequests, annuities, live insurance policies, any compensation for illness or injury, but excluding any money or property derived in a manner made illegal or criminal by any law, statute or ordinance.

## **Stalking**

Stalking means to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and to place under surveillance with the intent to kill, injure, harass or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts to place a person in reasonable fear of death of or serious bodily injury to, or to cause substantial emotional harm to that person; a member of the immediate family of that person; or the spouse or intimate partner of that person.

## **Tenant**

An individual or a family member renting or occupying an assisted dwelling unit.

## **Tenant Rent (Section 8 Project Based/TC Units Only)**

The amount payable monthly by the family as rent to the owner:

Where all utilities (except telephone) and other essential housing services are supplied by the owner, tenant rent equals total tenant payment.

Where some or all utilities (except telephone) and other essential housing services are not supplied by the owner, tenant rent equals total tenant payment less the utility allowance.

## **Tenant Selection Plan (Administrative Plan)**

A formal written policy statement, development by the owner and available to the public, that clearly states the procedures and criteria the owner will consistently apply in drawing applicants from the waiting list, screen for suitability for tenancy, implementing income targeting requirements, and offering the housing assistance and/or assisted housing units. The Tenant Selection Plan also includes policies applied to residents of the property such as how unit transfers are carried out.

## **Termination of Assistance (Section 8 Project Based/TC Units Only)**

When a tenant fails to comply with certain HUD program requirements, the owner, under agreements with HUD, is obligated to terminate the assistance provided by HUD on behalf of that tenant.

## **Termination of Tenancy**

Termination of tenancy occurs when a tenant violates specific provisions of the lease agreement, and the owner notifies the tenant that he/she no longer has the right to occupy the unit as a result of lease violations. Leases have very specific conditions under which tenancy may be terminated and procedures that will be followed during the termination process.

## **Total Tenant Payment (Section 8 Project Based/TC Units Only)**

The total amount the HUD rent formula requires the tenant to pay toward the gross rent. Total Tenant Payment is computed in accordance with the formula in HUD handbook 4350.3

## **Tuition**

Tuition is defined by each institution of higher education.

## **Unauthorized Occupant**

A person who, with the consent of a tenant, is staying in the unit, but is not listed on the lease documents or approved by the owner to dwell in the unit. An owner will follow State or local law regarding an unauthorized occupant and establish an equitable and consistent policy to incorporate that policy into the house rules.

## **Unearned Income**

Income received that is not wages, tips, or other compensation for work performed.

## **Unintentional Program Violation**

An error or oversight by the tenant that does not involve deliberate, intentional deceit. (See also Fraud)

## **Utility Allowance (Section 8 Project Based/TC Units Only)**

HUD's or the Contract Administrator's estimate of the average monthly utility bills (except telephone) for an energy conscious household. This estimate considers only utilities that are paid directly by the tenant. If all utilities are included in the rent, there is not a utility allowance. Utility allowances vary by unit type and are listed in the project's rent schedule or HAP contract.

## **Utility Reimbursement (Section 8 Project Based/TC Units Only)**

The amount, if any, by which the utility allowance for a unit exceeds the total tenant payment for the family occupying the unit.

## **Very Low-Income Family (Section 8 Project Based/TC Units Only)**

A very low-income family is a family whose annual income does not exceed 50% of the area median income as determined by HUD, with adjustments for smaller or larger families.

## **Veteran**

A person who served in the active military, naval or air service and who was released under conditions other than dishonorable discharge.

## **Violent Criminal Activity**

Any criminal activity that has one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause serious bodily injury or property damage.

## **Waiting List**

A formal record of applicants for housing assistance and/or assisted housing units that identifies the applicant's name, date and time of application, selection preferences claimed, income category, and the need for an accessible unit. The waiting list may be kept in either a bound journal, or a computer program. Whichever method is used to maintain the waiting list, the owner will establish a method of documenting the appropriate selection of applicant names from the list.

## **Welfare Assistance**

Welfare or other payments to families or individuals, based on need, that are made under programs funded separately or jointly by the Federal, State, or local government.

**Exhibit I**

**(Section 8 Project Based/TC Units Only)**

**INFORMAL REVIEW/HEARING PROCEDURE**

- A. An opportunity for an informal review/hearing will be given to Applicants and/or Participants who request such review in writing, by phone or in person within 14 days of the written notice of the adverse action. Applicants/participants will receive notice in writing; specifying the action being taken, the reason for the adverse action, as well as any effective date said action is to take place. Applicants/participants may request the review be conducted in person; by phone or by written communication.

For Applicants/Participants with a disability, the notice will be in a form accessible to the Applicant/Participant and if a request is made to meet in person, the meeting will be held in a location accessible to the Applicant/Participant.

- B. Informal review/hearings will be conducted in accordance with the following rules:
1. The review/hearing will be conducted by person(s) designated by the Housing Authority, other than the person who made or approved the decision under review or a subordinate of such person.
  2. The person(s) conducting the review/hearing may regulate the conduct of the hearing in accordance with Housing Authority procedures.
  3. The Applicant/Participant may be represented at his/her own expense, by a lawyer or other representative.
  4. Evidence may be presented by the Housing Authority and by the Applicant/Participant. Evidence may be considered without following judicial proceedings for rules of evidence.
  5. The person(s) conducting the review/hearing must provide the Applicant/Participant the notice of decision, within five (5) days of the review/hearing,. The notice of the decision must briefly state the reason(s) for the decision. Factual determinations shall be based on evidence provided at the review/hearing.
- E. The Housing Authority is not required to provide an opportunity for an informal review/hearing in the following instances:
1. Discretionary-administrative determinations by the Housing Authority or to consider general policy issues or class grievances;
- F. The Housing Authority will not be bound by a hearing decision in the following situations:
1. If a decision is made about a matter for which the Housing Authority is not required to provide a hearing; or,
  2. If a decision is contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.