

**Resident Selection Plan  
Section 8  
Housing for Seniors  
& Persons with Disabilities**

**Multifamily Properties**

**Rippowam Manor**

11 North Street, Stamford, CT 06902

**Glenbrook Manor**

10 Glenbrook Road, Stamford, CT 06902

# Resident Selection Plan

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## Resident Selection Plan

### **INTRODUCTION**

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and the Tenant Selection Regulations published by the HUD Occupancy handbook – 4350.3 Rev.1. The Tenant Selection Plan sets forth procedures for processing and selecting applicants, including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, and notice requirements.

### **PROPERTY INFORMATION**

Property Name	Rippowam Manor	Glenbrook Manor
Contact Name	Kelly North (Property Manager) Jennifer Dabrowska & Shari Johnson (Asst. Property Manager)	Kelly North (Property Manager) Jennifer Dabrowska & Shari Johnson (Asst. Property Mgr)
Address	11 North Street	10 Glenbrook Rd
City, State, Zip	Stamford CT 06902	Stamford CT 06902
Phone	(203) 977-1400 Ext. 5500	(203) 977-1400 Ext. 5500
Fax	(203) 358-9277	(203) 977-1439

### **ORGANIZATION AND STRUCTURE OF COC**

COC is governed by a board of officials that are generally called “commissioners.” Although some PHAs may use a different title for their officials, this document will hitherto refer to the “board of commissioners” or the “board” when discussing the board of governing officials.

Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation. The board of commissioners establishes policies under which COC conducts business and ensures that those policies are followed by COC staff. The board is responsible for preserving and expanding the agency’s resources and assuring the agency’s continued viability and success.

Formal actions of COC are taken through written resolutions, adopted by the board and entered into the official records of COC.

The principal staff member of COC is the Executive Director (ED)/Chief Executive Officer (CEO), who is selected and hired by the board. The ED/CEO oversees the day-to-day operations of COC and is directly responsible for carrying out the policies established by the commissioners. The ED/CEO’s duties include hiring, training, and supervising COC’s staff, as well as budgeting and financial planning for the agency. Additionally, the ED/CEO is charged with ensuring compliance with federal and state laws, and program mandates.

### **THE PURPOSE OF THE RESIDENT SELECTION PLAN**

The resident selection plan helps to ensure that residents are selected for occupancy in accordance with HUD requirements and established management policies.

Please contact the management office if you need help understanding this document.

- Por favor, póngase en contacto con la oficina de administración si necesita ayuda para entender este documento. (Spanish)
- Por favor contate o escritório de gerência se deve ajudar entendimento este documento. (Portugese)
- Si vous avez besoin d'aide à la compréhension de ce document, veuillez communiquer avec le Bureau de gestion. (French)
- Souple kontakte Biwo jesyon a si w bezwen èd pou konprann dokiman sa a. (Haitian Creole)
- Xin liên lạc với văn phòng điều hành nếu bạn cần giúp đỡ sự hiểu biết tài liệu này. (Vietnamese)
- Пожалуйста свяжитесь с офисом управления, если Вам нужна помощь в понимании этого документа. (Russian)
- Bitte kontaktieren Sie das Leitungsbüro, wenn Sie helfen müssen, dieses Dokument zu verstehen. (German)
- 請聯絡管理辦公室，如果你需要幫助理解這份文件。(Chinese)
- もしこの文書を理解しているための助けを必要としていれば、経営オフィスと連絡を取ってください。(Japanese)

### **BUSINESS RELATIONSHIP**

The relationship between a landlord (COC) and a resident or applicant is a business relationship. A courteous and businesslike attitude is required from both parties. COC reserves the right not to conduct business with anyone who is verbally abusive, swears, is disrespectful, makes threats, uses discriminatory language, appears to be intoxicated or under the influence of alcohol or drugs, is argumentative, or in general displays an attitude, at any time, which causes COC or the property staff to believe we would not have a positive business relationship.

**If an applicant or any member of the applicant's family demonstrates unprofessional behavior in the presence of the management team or other residents/applicants, the applicant, the applicant's family and other members of the applicant's entourage (if applicable) will be required to leave the property and the application will be rejected.**

**If the applicant or any member of the applicant's family exhibits threatening behavior, appears to be intoxicated or under the influence of alcohol or illegal drugs or attempts to intimidate the staff, the applicant, the applicant's family and other members of the applicant's entourage (if applicable) will be required to leave the property and the application will be rejected.**

Animals, (other than assistance animals necessary to allow the applicant/resident to conduct business with the owner/agent) are not allowed in the management office.

Children are always welcome. When in the management office, minors must be supervised. Property staff are not responsible for childcare or supervision.

### **SMOKING POLICY**

Smoking is allowed in individual apartments, on balconies attached to apartments and in designated smoking areas on the property.

Smoking is prohibited in any other indoor or outdoor area. This policy applies to all owners, property staff, applicants, residents, guests, and servicepersons. “Smoking” shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, cigar, pipe, other tobacco product or other legal substance.

### **USE OF MARIJUANA - FEDERALLY FUNDED PROPERTY**

Regardless of the purpose of legalization under state law, the use of marijuana in any form, is illegal under the Controlled Substances Act (CSA) and therefore is an illegal controlled substance under Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). Based on federal law, new admissions of any marijuana user – including people who use medical marijuana - are prohibited.

QHWRA requires that owner/agents establish lease standards that prohibit admission based on the illegal use of controlled substances including state legalized marijuana. State laws that legalize medical marijuana directly conflict with QHWRA and thus are subject to federal preemption.

Residents are prohibited from using marijuana (even in a smokeless manner).

If HUD rules change, the property Resident Selection Plan and the property House Rules may be edited to conform to the policies set forth by HUD.

### **Medical Marijuana Use A Reasonable Accommodation (5.403) (HUD General Counsel Opinion on Medical Marijuana, 1/20/2011)**

Federal and State nondiscrimination laws do not require HA’s to accommodate requests by current or prospective residents with disabilities to use medical marijuana. COC may not permit the use of medical marijuana as a reasonable accommodation because such accommodations are not reasonable under the Fair Housing Act and would constitute a fundamental alteration in the nature of the operations of the program,

Person(s) seeking reasonable accommodation to allow the use of medical marijuana are not “individuals with a disability” under Section 504 or the ADA and therefore do not qualify for a reasonable accommodation to allow the use of medical marijuana. Furthermore, because such requests are tantamount to requests to become an illegal drug user, COC is prohibited from granting such a request.

### **SECURITY DEPOSIT REQUIREMENT**

COC must collect a security deposit at the time of the initial lease execution. COC will comply with any HUD rules and applicable state and local laws governing the security deposit. The security deposit amount is based on the Total Tenant Payment (TTP) calculated at move in.

If the move-in certification is corrected, and the TTP is recalculated, the security deposit requirement will be recalculated as well. Otherwise, the amount of the security deposit established at move-in does not change when a resident's rent changes.

The resident is expected to pay the security deposit from his/her own resources and/or other public or private sources. An applicant will be rejected if he/she does not have sufficient funds to pay the deposit.

### **PETS**

Residents are allowed to keep pets in the unit.

Certain restrictions apply and are outlined in the property Pet Rules. Pets and assistance animals must be approved **before** they are allowed to live in the unit. A copy of the Pet Rules is available upon request.

When applicable, residents must agree to pay any required pet deposit and must agree to abide by the property's Pet Rules and/or Assistance Animal Rules.

If an applicant wishes to request approval of an assistance animal – necessary to alleviate the symptoms or side-effects of a disability - the applicant (or applicant's representative) must request a reasonable accommodation. Please review the process to request a reasonable accommodation in Appendix A. The applicant should also review the Assistance Animal Policy which is available upon request.

### **PET DEPOSIT**

The pet rules require residents who own dogs or cats (pets) or keep dogs or cats (pets) in their units to pay a refundable pet deposit in addition to any other required deposits.

Pet owners are required to pay a pet deposit of \$100 to house a cat, dog, or bird in Elderly/Disabled developments, COC may permit gradual accumulation of the pet deposit not to exceed an initial \$50 when the pet is brought into the unit and subsequent monthly payments of \$10 per month.

No pet deposit will be required for other types of authorized pets.

COC will use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet on the property. Such expenses would include, but not be limited to, the cost of repairs and replacement to the unit, fumigation of the unit, and the cost of animal care facilities.

COC will return the unused portion of a pet deposit to the resident within a reasonable time after the resident moves from the property or no longer owns or keeps a household pet in the unit.

Residents, their guests and/or service providers are required to comply with the property Pet Policies. Assistance animals that assist persons with disabilities are exempt from the pet policy and from the refundable pet deposit.

Residents, guests and service providers will be required to comply with the Assistance Animal Rules.

### **ASSISTANCE DEFINITION**

The property is operating under the guidelines established for the HUD Section 8 program. A person must be capable of fulfilling the lease requirements.

### **SUBSIDY**

Residents at this property are offered subsidized rent. This means the rent that a household pays is based upon the household income. The rent paid by residents may vary.

### **HOUSING CHOICE VOUCHERS**

COC may not admit an applicant with a voucher to a unit with Section 8 assistance unless the applicant agrees to give up the voucher prior to occupancy. This will be verified with the former housing provider.

If COC discovers that any household member failed to give up current housing assistance before moving to **Rippowam Manor or Glenbrook Manor**, no rent subsidy or utility allowance will be provided by the Department of Housing and Urban Development until the day after the move out/surrender is complete.

Household members who sign the lease will be responsible for paying the market rent until qualified to receive HUD assistance on this property. Any assistance paid in error must be returned to HUD.

Applicants should consult with the local HUD office if the former landlord is accepting subsidy after move-out.

Please note that housing assistance provided through HUD's multi-family housing program is not the same as the housing assistance provided through the voucher program. If any family member moves out, the housing subsidy will not move with the family as it does with a voucher. The family will be required to re-apply to a PHA to receive another voucher.

### **ASSISTED LIVING**

COC and property staff do not provide, nor does the authority provide, any personal care or personal supervision services. All care and supervision services must be provided by the resident or aides supervised by the resident or the resident's representative(s). COC and property staff do not provide assistance with personal activities or daily living.

Residents may contact our Resident Service Coordinators who can assist with making proper connections to outside agencies for services.

### **FAIR HOUSING POLICIES**

#### **FAIR HOUSING AND EQUAL OPPORTUNITY**

The Housing Authority of the City of Stamford d/b/a Charter Oak Communities will operate its programs within the Fair Housing regulations under Section 8-37ee-1 through Section 8-37ee-17 and Section 8-37ee-300 through Section 8-37ee-314 of the Regulations of Connecticut State Agencies.

Federal regulations prohibit discrimination against certain protected classes. State and local requirements, as well as COC policies, can prohibit discrimination against additional classes of people.

COC shall not discriminate because of race, color, sex, religion, familial status, age, disability, marital status, sexual orientation, gender identity or national origin (called “protected classes”).

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

COC will not discriminate on the basis of marital status, gender identity or sexual orientation. COC will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs.
- Provide housing that is different from that provided to others.
- Subject a person to segregation or disparate treatment.
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program.
- Treat a person differently in determining eligibility or other requirements for admission.
- Steer an applicant or tenant toward or away from a particular area based on any of these factors.
- Deny a person access to the same level of services.
- Deny a family a reasonable accommodation/modification.
- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
- Discriminate in the provision of residential real estate transactions.
- Discriminate against someone because they are related to or associated with a member of a protected class.
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class.

COC will identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all.

Federal laws require COC to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, marital status, sexual orientation, gender identity and disability. COC will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Violence against Women Act of 2005 (VAWA)
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted.

When more than one civil rights law applies to a situation, the laws will be read and applied together.

COC shall not discriminate because of race, color, sex religion, familial status, disability, national origin, lawful source of income, or sexual orientation, gender identity, and marital status in the leasing, rental, provision of services, or other disposition of housing related facilities, including land, that is part of any project or projects under COC's jurisdictions.

### **PROVIDING INFORMATION TO FAMILIES**

COC must take steps to ensure that families are fully aware of all applicable civil rights laws. As part of the public housing orientation process, COC will provide information to public housing applicant families about civil rights requirements.

### **DISCRIMINATION COMPLAINTS**

Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify COC either orally or in writing.

COC will attempt to remedy discrimination complaints made against COC.

### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

COC complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD.

### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

COC complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on the presence of a disability in all programs or activities operated by recipients of federal financial assistance.

Although Section 504 protections often overlap with the disability discrimination prohibitions included in the Fair Housing Act, Section 504 differs in that it imposes broader affirmative obligations to make their programs, as a whole, accessible to persons with disabilities.

### **Coordinating Efforts to Comply with Section 504 Requirements**

COC has designated a person to address questions or requests regarding the specific needs of residents and applicants with disabilities. This person is referred to as the Section 504 Coordinator.

Name of Section 504 Coordinator:	Beth Janney
Address:	22 Clinton Avenue, Stamford, CT 06901
Phone Number:	203-977-1400 ext. 3339
TDD/TTY Number:	203-977-1429

### **Requests for Reasonable Accommodation or Modification**

In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act, COC will make reasonable accommodations or modifications for individuals with disabilities (applicants or residents) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden. **Please see Appendix A** for additional information.

### **COMPLIANCE WITH REQUIREMENTS OUTLINED IN THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

COC understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault or stalking, people who have been victims of violence have certain protections provided through the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).

If any applicant wishes to exercise the protections provided in the VAWA 2013, he/she should contact COC immediately.

COC will not assume that any act is a result of abuse covered under the VAWA 2013. In order to receive the protections outlined in the VAWA 2013, the applicant must specify that he/she wishes to exercise these protections.

The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or

occupancy of a victim who is protected from acts under the domestic or family violence laws of the jurisdiction.

The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, 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 abuse.

The Landlord may request in writing that the victim, or a family member on the victim's behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

Please see **Appendix D** for a copy of the owner/agent's VAWA Policy.

### **AVAILABILITY OF ASSISTANCE FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY**

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)" requires COC to develop and implement a system to provide housing assistance so persons with Limited English Proficiency (LEP) can have meaningful access to assisted housing opportunities. COC will provide for such meaningful access consistent with, and without unduly burdening the fundamental mission of the property.

COC will work to ensure that people who apply for and/or qualify for housing assistance are provided meaningful access to HUD's housing assistance program.

### **THE EQUAL ACCESS RULE**

COC ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in accordance with *The Equal Access Rule*.

## **ELIGIBILITY REQUIREMENTS**

### **PROPERTY ELIGIBILITY DEFINITION**

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the public housing unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

### **Household/Resident Type**

This Section 8 property is designed to provide housing to elderly and disabled families who meet the eligibility and screening requirements. In order for a family/household to meet the "family type" eligibility requirements, the head-of-household, the co-head-of-household or a spouse must be.

- 62 or older or
- Disabled as defined by HUD.

### **DEFINITIONS**

#### **Family**

To be eligible for admission, an applicant must qualify as a family. *Family* as defined by HUD, includes but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. COC has the discretion to determine if any other group of persons qualifies as a family.

*Gender Identity means actual or perceived gender characteristics.*

*Sexual orientation means homosexuality, heterosexuality, or bisexuality.*

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law, but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application and must update this information if the family's composition changes.

#### **Household**

*Household* is a broader term that includes additional people who, with COC's permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

#### **Head of Household**

*Head of household* means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all its responsibilities under the program, alone or in conjunction with a co-head or spouse.

The family may designate any qualified family member as the head of household.

The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

#### **Spouse, Cohead, and other Adult**

## Resident Selection Plan

A family may have a spouse or co-head, but not both. *Spouse* means the marriage partner of the head of household.

A *marriage partner* includes the partner in a "common law" marriage as defined in state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

A *co-head* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

Minors who are emancipated under state law may be designated as a co-head.

*Other adult* means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

**Definition D - Disabled Family.** A disabled family is a family whose head, spouse, or sole member is a person with disabilities.

**Definition E - Person with Disabilities:** A person with disabilities for purposes of program eligibility:

- 1) Means a person who.
  - a. Has a disability, as defined in 42 U.S.C. 423;
    - i. Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
    - ii. In the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness, as defined in section 416(i)(1) of this title, means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.
  - b. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
    - i. Is expected to be of long-continued and indefinite duration,
    - ii. Substantially impedes his or her ability to live independently, and
    - iii. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
  - c. Has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that

## Resident Selection Plan

- i. Is attributable to a mental or physical impairment or combination of mental and physical impairments.
  - ii. Is manifested before the person attains age 22;
  - iii. Is likely to continue indefinitely.
  - iv. Results in substantial functional limitation in three or more of the following areas of major life activity:
    - A. Self-care,
    - B. Receptive and expressive language,
    - C. Learning,
    - D. Mobility,
    - E. Self-direction,
    - F. Capacity for independent living, and
    - G. Economic self-sufficiency; and
  - v. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- 1) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.
  - 2) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
  - 3) Means person with disabilities (individual with handicaps), as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

*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 8 program.*

### **Nonelderly Disabled Family.**

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

### **Live-In Aide:**

*Live-in aide* means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

1. Is determined to be essential to the care and well-being of the person.
2. Is not obligated for the support of the persons.
3. Would not be living in the unit except to provide the necessary supportive services.  
COC must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by a family member with disabilities.

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c) (5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

### **Guests:**

A *guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

A resident family must notify COC when overnight guests will be staying in the unit for more than 3 days. A guest can remain in the unit no longer than 14 consecutive days or a total of 30 cumulative calendar days during any 12-month period.

A family may request an exception to this COC Policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

## **ABSENT FAMILY MEMBERS**

### **Definitions of Temporarily and Permanently Absent**

Generally, an individual who is or is expected to be absent from their unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from their unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general COC Policy are discussed below.

### **Absent Head, Spouse, Or Cohead**

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

### **Individuals Confined for Medical Reasons**

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

## Resident Selection Plan

If there is a question about the status of a family member, COC will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

### **RETURN OF PERMANENTLY ABSENT FAMILY MEMBERS**

The family must request approval for the return of any adult family members that have been determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this COC Policy.

### **FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY**

#### **Family Breakup**

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will continue to be assisted.

If a court determines the disposition of property between members of the applicant or resident family in a divorce or separation decree, COC will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, COC will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, COC will take into consideration the following factors:

The interest of any minor children, including custody arrangements.

The interest of any ill, elderly, or disabled family members.

The interest of any family member who is or has been the victim of domestic violence, dating violence, or stalking and provides documentation in accordance with this COC Policy.

Any possible risks to family members as a result of criminal activity

The recommendations of social service professionals.

### **REMAINING MEMBER OF A TENANT FAMILY [24 CFR 5.403]**

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of a resident family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

## Resident Selection Plan

### **Income Limits**

Income limits vary by household size. COC will provide applicants with a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. <http://www.huduser.org/datasets/il.html>. HUD requires that property managers incorporate the most recently published income limits when determining eligibility.

For this property, qualified applicant households meet the following income limit requirements:

<b>Subsidy</b>	<b>Type of Income Limit</b>
Section 8 (pre-1981) Glenbrook Manor	<b>Low</b> – 80% of median income <b>Very low</b> – 50% of median income <b>Extremely low</b> – very low-income household whose income equals or is less than the greater of poverty level or 30% of median income
Section 8 (post-1981) Rippowam Manor	<b>Very low</b> – 50% of median income <b>Extremely low</b> – very low-income household whose income equals or is less than the greater of poverty level or 30% of median income

### **OCCUPANCY STANDARDS**

Occupancy standards are established by COC to ensure that units are occupied by families of the appropriate size. This COC Policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization.

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in an inefficient use of housing funding. Occupancy standards also ensure that residents are treated fairly and consistently and receive adequate housing space.

### **DETERMINING UNIT SIZE**

In selecting a family to occupy a particular unit, COC may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. COC is permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children.

Although COC does determine the size of unit the family qualifies for under the occupancy standards, COC does not determine who shares a bedroom/sleeping room.

COC's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

COC will use the same occupancy standards for each of its developments. COC's occupancy standards are as follows:

## Resident Selection Plan

COC will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the opposite sex (other than spouses, and children under age 5) will not be required to share a bedroom.

Persons of different generations will not be required to share a bedroom.

Live-in aides will not be allocated a separate bedroom.

Single person families will be allocated a zero or one bedroom.

Foster children will be included in determining unit size.

COC will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage, or court awarded custody.

COC will use the following table as published in the regulations (8-37ee-304(c)) or the square footage requirements per person as stated in the state building code as applicable.

Below, please find this property's occupancy standards description:

BEDROOM SIZE	MIN # OF PERSONS	MAX # OF PERSONS
0	1	1
1	1	2

Square Footage Requirements:

- 150 square feet for one person
- 100 square feet for each additional person
- 50 square feet per person sleeping space (total cannot exceed square footage listed above)

\*\* Kitchens, bathroom(s), hallways and utility closets are not included. \*\*

### **Verifying the Need for an Accessible Unit**

When an applicant requests an accessible unit or a unit preference, such as a first-floor unit, COC will conduct inquiries to:

1. Verify that the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability.
2. Verify that the applicant needs the features of the unit as an accommodation to his or her disability.
3. Verify that the applicant is qualified to receive a priority on the waiting list available to persons with a disability or to persons with a particular type of disability.

### **PROGRAM ELIGIBILITY**

Based on federal regulations, COC may admit only eligible applicants. In the selection of applicants for admission, eligibility criteria have been established in accordance with HUD guidelines.

The following eligibility standards will be applied in accordance with HUD requirements:

1. The household's annual income must not exceed program income limits at move-in
2. The Head-of-Household (HOH), co-Head-of-Household and the spouse (regardless of age) and all adults in each household must sign an Authorization for Release of Information (HUD Forms 9887 and 9887A) and COC created verification documents prior to receiving assistance and annually thereafter.
3. The unit for which the household is applying must be the household's only residence.
4. An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.
5. Only U.S. citizens or eligible non-citizens may receive assistance (**See additional information below and in Appendix B**)
6. Applicants who claim eligible status must disclose Social Security Numbers for all household members and provide proof of the numbers reported (*See additional information below*)
7. The household size must be appropriate for the available apartments (*See Occupancy Standards*)
8. All information reported by the household is subject to verification.

### **Disclosure and Verification of Social Security Numbers**

All household members receiving HUD housing assistance or applying to receive HUD housing assistance are required to provide a Social Security Number and adequate documentation necessary to verify that number. This rule applies to all household members including live-in aides, foster children and foster adults. Adequate documentation includes a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:

- Original Social Security card
- Driver's license with SSN
- Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union.
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

If the applicant cannot provide any of the above, the applicant will advise the owner/agent. The owner/agent may accept self-certification of SSN *and* at least one third-party document, such as a bank statement, utility or cell phone bill, benefit letter, etc., that contains the name of the individual. *When none of the other accepted methods is available and if verifying an individual's SSN using this method, the owner/agent must document why the other SSN documentation was not available. If the resident's SSN becomes verified in HUD's Enterprise Income Verification System (EIV), then no further verification is required. If the resident's SSN fails the SSA identity match, then the*



*owner/agent must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The resident family's assistance must be terminated if any member fails to provide the required documentation (some exceptions apply).*

### **Exceptions to Disclosure of Social Security Number**

The Social Security Number requirements do not apply to:

1. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
2. Individuals who do not contend eligible immigration status.
3. A child under the age of 6 years is added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that COC terminate tenancy.
4. A minor under the age of 6 years being added to the household after move-in. The household will have a maximum of 90 days after adding the child to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner/agent terminate tenancy.
5. Foster children or adults when:
  - The foster agency will not provide the SSN or adequate documentation to verify the SSN; and
  - HUD approves.

If, at the time a unit becomes available, all non-exempt household members have not provided adequate documentation necessary to verify Social Security Numbers, the next eligible applicant family must be offered the available unit.

All non-exempt household members have ninety (90) days-from the date they are first notified that a unit is available-to provide documentation necessary to verify the Social Security Numbers. During this 90-day period, the household may retain its place on the waiting list but will not be considered again until the required documentation is provided.

If, after ninety (90) days, the applicant family is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the household will be determined ineligible and removed from the waiting list.



The applicant family may apply again, after obtaining the appropriate documentation. The applicant family will be placed on the waiting list based on the date and time the **new** Pre-Application or Application is received.

COC must deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements contained in 24 CFR 5.216.

### **Secondary Verification of the Social Security Number**

The Social Security Number provided will be compared to the information recorded in the Social Security Administration database through HUD's Enterprise Income Verification System (EIV) to ensure that the Social Security Number, birth date and last name match.

If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated, and any assistance paid in error must be returned to HUD. If the applicant/resident deliberately provides an inaccurate Social Security Number, COC and/or HUD may pursue additional penalties due to attempted fraud.

### **CITIZENSHIP/IMMIGRATION STATUS REQUIREMENTS**

Applicants are required to declare U.S. citizenship or submit evidence of eligible immigration status for each household member seeking housing assistance.

COC is required to obtain the following:

1. Family Summary Sheet (*lists all household members who will reside in the assisted unit*)
2. Citizenship Declaration - Each household member listed on the Family Summary Sheet must complete a declaration of citizen or non-citizen status.
3. Forms and/or evidence of citizen/immigration status as required by HUD.

Additional information regarding submission and verification of proof of citizenship status or eligible non-citizen status can be found in Appendix B.

If any applicant has questions or experiences difficulty providing the described information or determining the type of documentation required, the applicant should contact the management office. If any applicant is unable to provide the required documentation in the timeframe indicated in Appendix B, the applicant must contact the management office to request an extension.

If any applicant fails to provide this information in the timeframes described, COC cannot provide assistance and the application will be rejected.

COC will offer the household assistance, providing subsidy to those eligible household members whose documents were received on time, when the following criteria is met:

1. At least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible based on all of the criteria in this resident selection plan.
2. Assistance/unit is available.



3. The household is the next household to be selected from the waiting list.

Proof of declared citizenship status must be provided for all household members. Members who claim U.S. citizenship can provide any documents approved by HUD or the Department of Homeland Security (DHS) to prove citizenship. Additional information is provided in Addendum B.

Non-citizens claiming eligible status must follow the guidance provided in Addendum B and in 24 CFR to prove eligible non-citizen status.

Applicants must be able to provide proof of citizenship or legal immigration status.

Citizenship eligibility must be reviewed after move-in if eligibility status can change. If any household member is determined to be an ineligible non-citizen, either at application or after move-in, assistance and/or tenancy may be denied, terminated or prorated as appropriate.

### **ELIGIBLE NONCITIZENS**

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with COC efforts to verify their immigration status. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

### **SINGLE RESIDENCE/SUBSIDY CRITERIA**

A household is eligible for assistance only if the unit will be the household's only residence. COC will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

**Applicants MUST disclose if they are currently receiving HUD housing assistance.** Residents can only receive subsidy for one unit/residence at a time. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property.

If, for any reason, an applicant moves into this property before moving out of another subsidized unit, the new resident will be required to pay market rent until the move out from the previous property is complete and the resident is eligible to receive HUD subsidy for this property. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

**All adults will be required to sign the Acknowledgement in Appendix C.**



### **ELIGIBILITY OF STUDENTS ENROLLED AT AN INSTITUTE FOR HIGHER EDUCATION**

Student eligibility is determined at move-in/initial certification and at each annual recertification. Student eligibility may also be reviewed at Interim Recertification if student status has changed since the last certification.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential: when the student:

1. Is living with his or her parents who are receiving Section 8 assistance.
2. Is individually eligible to receive Section 8 assistance and has parents who are income eligible to receive Section 8 assistance.
3. Is a graduate or professional student.
4. Is a veteran of the United States military or is an active member of the United States military.
5. Is married.
6. Has a dependent other than a spouse (e.g., dependent child).
7. Is at least 24 years of age (over 23).
8. Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005.
9. Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
  - a. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older.
  - b. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence.
  - c. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
    - i. A local educational agency homeless liaison designated pursuant to the McKinney-Vento Homeless Assistance Act.
    - ii. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director.
    - iii. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
    - iv. A financial aid administrator; or
10. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. Please see property staff if you need additional information about proving independence from parents.

If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

**NOTE:** *An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.*



### **Student Financial Assistance**

Student financial assistance that is not specifically excluded will be included as part of the family's Annual Income unless the student is the HOH, co-HOH/spouse and is over 23 (24 or older) with a dependent child.

For Section 8 programs, any financial assistance that is provided through a qualified Coverdell Education Savings Account (ESA) or other qualified ESA, is excluded when determining Annual Income for the family.

Any financial assistance a student receives (1) from private sources, (2) from an institution of higher education, or (3) under the Higher Education Act of 1965, that is in excess of amounts received for tuition and other qualified fees, is included when determining Annual Income for the family, except if the student is the HOH, co-HOH or spouse and is over the age of 24 with a dependent child or children (as defined by HUD).

Student financial assistance that is provided by persons not living in the unit is not part of Annual Income if the student meets the Department of Education's definition of 'vulnerable youth'.

Covered fees include tuition, books, supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and fees required and charged to a student by an institution of higher education (as defined under section 102 of the Higher Education Act of 1965). For a student who is not the Head-of-Household, Co-HOH/Spouse, actual covered costs also include the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

### **Prohibition of Assistance to Noncitizen Students**

Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of termination of assistance. A noncitizen student is defined as an individual who is as follows:

1. A resident of another country to which the individual intends to return.
2. A bona fide student pursuing a course of study in the United States; and
3. A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

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

### **THE APPLICATION PROCESS**

This part describes the policies that guide COC's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes COC's obligation to ensure the accessibility of the application process.

### **APPLYING FOR ASSISTANCE**



## Resident Selection Plan

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b) (2) (ii), 24 CFR 960.202(a) (2)]. However, COC must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of COC's application.

Depending upon the length of time that applicants may need to wait to be housed, COC may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 90 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 90 days from the date of application. Under the two-step application process, COC initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

Families may obtain application forms from COC's office during normal business hours or from the website. Families may also request – by telephone, email or by mail –an application packet be sent to the family via first class mail.

Completed applications must be returned to COC by mail or submitted in person during normal business hours. Applications must be complete in order to be accepted by COC for processing. If an application is incomplete, COC will notify the family of the additional information required.

### **PROCEDURES FOR TAKING APPLICATIONS**

It is the owner/agent's policy to accept and process applications in accordance with HUD guidance. COC will make a reasonable accommodation to assist in the application process if the applicant or any member of the applicant household is disabled.

Upon request, COC will provide interested parties with a copy of the application package.

The person who is indicated as the Head-of-Household (HOH) must execute and sign all documents that are included in the application package.

Before completing or executing any forms, additional copies should be made for all adult household members and in some cases for minors who will live in the unit.

All adult applicants must complete the application package as instructed.

### **ACCESSIBILITY OF THE APPLICATION PROCESS**

COC must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard COC application process.

#### **Disabled Populations [24 CFR 8]**

COC must provide reasonable accommodation for the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or COC must provide an alternate approach that provides equal access to the application process.



### **Limited English Proficiency**

COC is required to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR 1].

COC may require a birth certificate or other documentation that can be used to verify age, citizen/non-citizen eligibility status and relationship to other household members as required by HUD.

All applications can be submitted on site at the property management office. COC will accept applications using alternative methods including mail or facsimile. COC will also accept the application in an equally effective format, as a reasonable accommodation, if there is the presence of a disability.

All documents in the Application Package must be **completed in full**, signed and dated in order to be accepted. Applicants **will not** be added to the waiting list until all application forms have been properly completed and signed as appropriate.

### **INCOMPLETE APPLICATIONS**

If the application is not complete, COC will attempt to contact the applicant to obtain missing information. The applicant will have ten (10) business days to respond and provide missing information. If the applicant fails to provide required information within the ten (10) day period, COC will return the application.

### **PRELIMINARY DETERMINATION OF APPLICANT ELIGIBILITY**

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

Upon receipt of the completed application, COC will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility tasks. COC will review the application to ensure that there are no obvious factors that would make the applicant ineligible.

If a preliminary eligibility review indicates that a household appears eligible for tenancy, but units of appropriate size are not available, COC will place the household on the waiting list for the property and notify the household when a suitable unit becomes available.

If an applicant is otherwise eligible but no appropriate unit exists in the property, COC will reject the application.

### **FINAL DETERMINATION OF ELIGIBILITY**

All adult applicants (and if appropriate minors) will be subject to the certain screening based on landlord/rental history, credit history and criminal history.



Criminal and credit screening are conducted before all other screenings and before COC begins the processes required to determine eligibility.

If criminal history or credit history are not acceptable, COC will notify the resident and/or reject the application as required by HUD and indicated in the description below. COC will not conduct additional screening and will not take steps to determine applicant eligibility.

If criminal history and credit history are acceptable, COC will conduct landlord screening. If landlord screening is not acceptable, COC will notify and/or reject the application as required by HUD and indicated in the description below. COC will not take steps to determine applicant eligibility.

If landlord screening is acceptable, COC will complete the tasks necessary to determine eligibility.

### **Section 8 Asset Restrictions (Limits)** **on 8 Asset Restrictions (Limits)**

The following Section 8 Asset Restrictions are considered when determining eligibility of families applying for Section 8 Housing Assistance.

#### **HOME OWNERSHIP - REAL PROPERTY RULE**

A dwelling unit may not be rented, and assistance may not be provided to any family if any member has a present ownership interest in, legal right to reside in, and the effective legal authority to sell real property, in the jurisdiction in which the property is located, that is suitable for occupancy by the family as a residence. This includes, but is not limited to a home, condominium, townhome, duplex, mobile home, etc. This restriction does not apply if:

1. The property is jointly owned by a member of the family and at least one non-household member who does not live with the family if the person resides in the jointly owned property.
2. The property is not large enough for the size of the family.
3. If there are any disabled family members, the home does not provide for the disability-related needs. (*e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.*).
4. The property is currently offered for sale. Under this proposed rule, in order to demonstrate that a family is offering property for sale, the owner/agent may require that the family provide evidence that the property has been listed for sale.
5. The property is considered unsafe to reside in when the property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied.
6. The family may not reside in the property under State or local laws of the jurisdiction where the property is located.
7. The property is owned by a survivor of a VAWA crime (*domestic violence, dating violence, sexual assault, stalking*) and such status prevents access to or use of the home or is there a possibility that the survivor could be in imminent danger if the survivor attempted to access the home.
8. The property is located so that the distance or commuting time between the property and the family's place of work or a family member's educational institution would create a hardship for the family. (*e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by the owner/agent*).



9. The property is a manufactured home for which the family is receiving Section 8 tenant-based assistance.
10. The family receives homeownership assistance from a PHA.
11. Property is part of an irrevocable trust.

### **Limited Enforcement of the Real Property Rule After Move-in/Initial Certification**

The owner/agent will review the family's eligibility, based on the Real Property Rule, at each Interim and Annual Recertification. If the family is no longer eligible for HUD Section 8 housing assistance, the owner/agent will provide the family with no more than six months to "cure". The owner/agent cannot provide advice about how to "cure".

If, after six months, the family is still not eligible, the owner/agent will begin the process to terminate assistance in accordance with HUD's requirements.

### **RESTRICTIONS BASED ON NET ASSETS - ASSET CAP**

A dwelling unit may not be rented, and assistance may not be provided, either initially or upon reexamination of family income, to any family if the Net Cash Value of Included Assets exceeds the current Asset Cap established by HUD (certain assets are excluded). This "cap" may be adjusted annually in accordance with a commonly recognized inflationary index, as determined by HUD. (The Asset Cap established by HUD for 2024 is \$100,000).

Certain assets are excluded when determining the net cash value of assets. Excluded assets include, but are not limited to:

- ABLE Accounts.
- Amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty that resulted in a member of the family being disabled.
- Value of any Coverdell Education Savings Account or any qualified tuition program under Section 529.
- Family Self Sufficiency Escrow Accounts (FSS).
- Interest in Indian Trust land.
- Irrevocable Trust.
- Revocable Trusts when no one in the family controls the trust.
- Retirement Accounts as defined by the IRS.
- Real property when the family does not have legal authority to sell such property.
- Equity in property for which a family receives HCV homeownership assistance from a PHA.
- Equity in a manufactured home where the family receives Section 8 tenant-based assistance.
- Other assets as announced by HUD through Federal Register Notice.

### **Limited Enforcement of the Asset Cap After Move-in/Initial Certification**

The owner/agent will review the family's eligibility, based on the Asset Cap, at each Interim and Annual Recertification. If the family is no longer eligible for HUD Section 8 housing assistance, the owner/agent will provide the family with no more than six months to take steps to become eligible again ("cure"). The owner/agent cannot provide advice about how to "cure".

If, after six months, the family is still not eligible, the owner/agent will begin the process to terminate assistance in accordance with HUD's requirements.



## Resident Selection Plan

Applicants and residents should not give away assets in an attempt to “cure”. Residents must understand that the owner/agent will continue to count any asset disposed of for less than fair market value, for two years from the date of divestiture.

If the family is unable to “cure” and the Net Cash Value of Included Assets exceeds \$100,000 (subject to annual adjustment by HUD), then the owner/agent will begin the process to terminate assistance in accordance with HUD’s requirements.

### **RENT CALCULATION**

The Total Tenant Payment (TTP) will be calculated in compliance with HUD rules. This means that the family will pay the greater of:

1. 10% of Monthly Income.
2. 30% of Monthly Adjusted Income; or
3. Welfare rent (welfare recipients in as-paid localities only); or
4. The \$25 minimum rent (Section 8 only).

In some cases, HUD may provide a Utility Allowance as well. Utility Allowances are deducted from the Total Tenant Payment to determine the Tenant Rent paid each month.

When the rent calculation described above results in a Tenant Rent that is equal to or more than the unit Gross Rent, HUD housing assistance will be terminated for all Section 8 programs except Component 1 PH to PBRA RAD. When there is also funding layering provided through the IRS Section 42 Low Income Housing Tax Credit program (LIHTC), the resident will pay LIHTC Max Rent when LIHTC Max Rent is less than the HUD Contract Rent for the unit. The resident may be required to pay LIHTC Max Rent when the LIHTC Max Rent is higher than the HUD Contract Rent for the Unit.

For Component 1 PH to PBRA RAD, when the rent calculation described above results in a Tenant Rent that is equal to or more than the unit Gross Rent, and when there is also funding layering provided through the IRS Section 42 Low Income Housing Tax Credit program (LIHTC), the resident will pay the lesser of:

1. HUD Contract Rent
2. LIHTC Max Rent; or
3. 100% of the Published Fair Market Rent (FMR).

Owner/agents are required to ensure that residents pay the correct Tenant Rent based on HUD’s requirements.

### **SECTION 8 MINIMUM RENT HARDSHIP EXEMPTION**

The owner/agent, may, at the owner/agent’s discretion, grant a Hardship Exemption waiving a family’s requirement to pay Section 8 Minimum Rent.

The owner/agent will grant a Section 8 Minimum Hardship Exemption if:

1. The resident or applicant requests a Minimum Rent Hardship Exemption; and
2. The net Cash Value of Assets for the entire family is \$50000 or less; **and**
3. The family’s total Annual Income is at or below the current Extremely Low-Income Limit, **and**
4. The owner/agent must waive the Section 8 Minimum Rent for any family unable to pay due to a long-term Financial Hardship, including the following:



## Resident Selection Plan

- a. The family has lost federal, state, or local government assistance or is waiting for an eligibility determination.
  - b. The family would be evicted if the minimum rent requirement was imposed.
  - c. The family income has decreased due to a change in circumstances, including but not limited to loss of employment.
  - d. A death in the family has occurred.
  - e. Other applicable situations, as determined by HUD, have occurred.
5. The resident participates in a review meeting.
  6. The resident provides required information and signatures within ten (10) business days.
  7. The resident has not provided Notice to Move.
  8. The resident is a resident in good standing and the owner/agent has not indicated intent to terminate assistance and/or terminate tenancy (eviction).
  9. The resident agrees to participate and participates in a review meeting at least every 90 days or upon request by the owner/agent.

When an applicant or resident requests a Section 8 Minimum Rent Hardship Exemption, the owner/agent must waive the minimum \$25 rent charge beginning the month immediately following the applicant/resident's request and implement the TTP calculated at the higher of:

- 30% of adjusted monthly income or
- 10% of gross monthly income (or the welfare rent).

The Tenant Rent will not be reduced to zero unless those calculations all result in zero.

The owner/agent may request reasonable documentation of the hardship in order to determine whether there is a hardship and whether it is temporary or long term in nature.

If the owner determines there is no hardship, as covered by the statute, the owner must immediately reinstate the Section 8 Minimum Rent requirements. The resident is responsible for paying any minimum rent that was not paid from the date minimum rent was suspended.

If the owner/agent determines that the hardship is temporary, the owner may not impose the Section 8 Minimum Rent requirement until 90 days after the effective date of the certification granting the S8 Minimum Rent Hardship Exemption. At the end of the 90-day period, the tenant is responsible for paying the Section 8 Minimum Rent, retroactive to the initial date of the suspension.

If the hardship is determined to be long term, the owner/agent will exempt the resident from the Section 8 Minimum Rent requirement starting with the effective date of the certification granting the S8 Minimum Rent Hardship Exemption. The Section 8 Minimum Rent Hardship Exemption may be effective until such time that the hardship no longer exists.

The owner/agent will meet with the resident every 90 days, while the suspension lasts, to verify that circumstances have not changed. The length of the Section 8 Minimum Rent Hardship Exemption may vary from one family to another depending on the circumstances of each family.

### **DETERMINATION OF ADJUSTED INCOME**

When determining Adjusted Income, the owner/agent will use HUD methods to determine Annual Income for the entire family. After Annual Income is determined, the owner/agent will apply the following deductions as applicable:

- The Elderly/Disabled Family Deduction.
- The Dependent Deduction.
- The Childcare Deduction.
- The Health & Medical Expense Deduction (Medical Expenses in excess of 10% of Annual Income)
- The Attendant Care & Auxiliary Apparatus Deduction



### ELDERLY/DISABLED

For each family where the HOH, co-HOH or spouse is 62 or older or is disabled, HUD provides an annual family allowance. In 2024, the Elderly/Disabled Family Deduction is \$525. This amount may be adjusted by HUD annually.

### THE DEPENDENT DEDUCTION

A family receives a Dependent Deduction (*\$480 subject to adjustment by HUD*) for each family member \*(except foster children and foster adults)\* who is:

1. Under 18 years of age.
2. A person with disabilities; or
3. A full-time student of any age.

It is not necessary for a member of the family to have legal custody of a dependent in order to receive the dependent deduction.

When more than one family shares custody of a child and both live in assisted housing, only one family at a time can claim the dependent deduction for that child.

Some family members may never qualify as dependents regardless of age, disability, or student status.

- The HOH, co-HOH or spouse may never qualify as dependents.
- A foster child, foster adult, an unborn child, a child who has not yet joined the family or a live-in aide may never be counted as a dependent.

### THE CHILDCARE DEDUCTION

Anticipated expenses for the care of children under age 13 (including foster children) may be deducted from Annual Income if all of the following are true:

1. The care is necessary to enable a family member to work, seek employment, or further his/her education (academic or vocational).
2. The family has determined there is no adult family member capable of providing care during the hours care is needed.
3. The expenses are not paid to a family member living in the unit.
4. The amount deducted reflects reasonable charges for childcare.
5. The expense is not reimbursed by an agency or individual outside the family.
6. Childcare expenses incurred to permit a family member to work must not exceed the amount earned by the family member made available to work during the hours for which childcare is paid.

### Childcare Hardship Exemption

A family may request a Childcare Hardship Exemption to continue the Childcare Deduction if:

1. The family is no longer qualified for the Childcare Deduction because no member is working, seeking employment or furthering his or her education; **and**
2. Childcare Deduction is still necessary.

An example would include, but is not limited to, a person who was previously employed and who is injured and home during rehab and childcare is still necessary during rehab.

The owner/agent will consider a request for a Childcare Hardship Exemption if:

1. The resident requests a Childcare Hardship Exemption
2. The resident is receiving a Childcare Deduction on the current certification in effect at the time of the request.
3. The net Cash Value of Assets for the entire family is \$50000 or less; **and**
4. The family's total Annual Income is at or below the current Extremely Low-Income Limit, **and**;
5. The resident participates in a review meeting.



## Resident Selection Plan

6. The resident provides required information and signatures within ten (10) business days.
7. The change results in a TTP that exceeds 25% of the family's Annual Income.
8. The resident has not provided Notice to Move.
9. The resident is a resident in good standing and the owner/agent has not indicated intent to terminate assistance and/or terminate tenancy (eviction).
10. The resident agrees to participate and participates in a review meeting at least every 90 days or upon request by the owner/agent.

If the Request for the Childcare Hardship Exemption is approved, the owner/agent will reduce Annual Income by the verified amount of Childcare.

The Childcare Hardship Exemption ends at the earliest of:

1. Ninety (90) calendar days from the Effective Date of the Certification implementing the exemption.
2. At such time the owner/agent determines the need for the Financial Hardship Exemption no longer exists and the family is able to pay their rent without the Financial Hardship Exemption.
3. Assistance is terminated.
4. The resident fails to meet with property staff or provide information/signatures, as required, at least every 90 days or upon request from the owner/agent.

The resident may request, and the owner/agent may extend the Childcare Hardship Exemption, for increments of no more than 90 days, based on the parameters outlined in the owner/agent's Hardship Exemption Policy. There is no limit to the number of times the Hardship Exemption may be extended.

Please see the property Hardship Exemption Policy for a more detailed explanation. To request a Hardship Exemption please contact the property staff for a Hardship Exemption Request.

### **THE HEALTH & MEDICAL EXPENSE DEDUCTION**

*Note: The following change will not be in effect until the owner/agent implements new site software to comply with changing HUD requirements (no later than 1/1/2025)*

The medical expense deduction is permitted only for families in which the head, spouse, or co-head is at least 62 years old or is a person with disabilities (elderly or disabled families).

If the family is eligible for a medical expense deduction, owners must include the unreimbursed medical expenses of all family members, including the expenses of non-elderly family members (adults or children) living in unit. The Medical Expense Deduction is that portion of total unreimbursed medical expenses that exceed 10% of the family's Annual Income.

The Medical Expense Deduction includes all out-of-pocket expenses the family anticipates incurring during the 12 months following the certification effective date.

### **THE ATTENDANT CARE & AUXILIARY APPARATUS EXPENSE DEDUCTION**

Families are entitled to a deduction for unreimbursed, anticipated costs for attendant care and "auxiliary apparatus" for each family member who is a person with disabilities, to the extent these



expenses are reasonable and necessary to enable any family member 18 years of age or older who may or may not be the member who is a person with disabilities to be employed.

The Attendant Care & Auxiliary Apparatus Expense Deduction is that portion of total unreimbursed medical expenses that exceeds 10% of the family's Annual Income.

The Attendant Care & Auxiliary Apparatus Expense Deduction includes all out-of-pocket expenses the family anticipates incurring during the 12 months following the certification effective date.

### **HARDSHIP EXEMPTIONS – HEALTH & MEDICAL EXPENSE DEDUCTION AND THE ATTENDANT CARE & AUXILIARY APPARATUS DEDUCTION**

*Note: The following change will not be in effect until the owner/agent implements new site software to comply with changing HUD requirements (no later than 1/1/2025)*

HUD has provided two Hardship Exemptions related to the increase to the Health & Medical Expense Deduction (previously known as the Medical Expense Deduction) and the Attendant Care & Auxiliary Apparatus Deduction (previously known as the Disability Assistance Expense Deduction).

There are two types of Hardship Exemptions related to the Health & Medical Expense Deduction and the Attendant Care and Auxiliary Apparatus Expense Deduction.

1. The Phase-in Hardship Exemption (Relief); and
2. The Financial Hardship Exemption (General Relief).

#### **The Phase-in Hardship Exemption (Relief)**

The Phase-in Exemption is available to those residents who were receiving HUD assistance (MFH or PIH) on December 31, 2023, and who were receiving either the Medical Expense Deduction or the Disability Assistance Expense Deduction as part of the Assistance Payment calculation as of that date. In these cases, HUD allows owner/agents to “phase in” the Deduction Decrease:

- The deduction will be the amount that is over 5% of Annual Income for the first 12 months of Phase-in.
- The deduction will be the amount that is over 7.5% of Annual Income for the second 12 months of Phase-in.
- After the first 24 months, the deduction will be the amount that is over 10% of Annual Income.

If assistance is terminated (not suspended), the Phase-in Exemption ends.

When an applicant requests and when the owner/agent can verify eligibility for the Phase-in Exemption, the owner/agent will allow the Phase-in Exemption to continue starting with the Move-in/Initial certification.

#### **The Financial Hardship Exemption (General Relief)**

A family may request a Financial Hardship Exemption to establish the Health & Medical Expense Deduction and/or the Attendant Care & Auxiliary Apparatus Expense Deduction to an amount that exceeds 5% of Annual Income instead of the standard 10% of Annual Income.

The owner/agent will consider a request for a Financial Hardship Exemption if:

1. The resident requests a Financial Hardship Exemption
2. There has been a change to the family's financial situation that makes it unlikely that the family would be able to pay the calculated Tenant Rent.
3. The net Cash Value of Assets for the entire family is \$50,000 or less.
4. The family's total Annual Income is at or below the current Extremely Low-Income Limit.
5. The resident participates in a review meeting.
6. The resident provides required information and signatures within ten (10) business days.



## Resident Selection Plan

7. The resident has not provided Notice to Move.
8. The resident is a resident in good standing and the owner/agent has not indicated intent to terminate assistance and/or terminate tenancy (eviction).
9. The resident agrees to participate and participates in a review meeting at least every 90 days or upon request by the owner/agent.

If the Request for the Financial Hardship Exemption (General Relief) is approved, the owner/agent will reduce Annual Income by the verified amount of qualified expenses that exceed 5% of the family's Annual Income instead of reducing the amount by 10% of the family's Annual Income.

The Hardship Exemption ends at the earliest of:

1. Ninety (90) calendar days from the Effective Date of the Certification implementing the exemption.
2. At such time the owner/agent determines the need for the Financial Hardship Exemption no longer exists and the family is able to pay their rent without the Financial Hardship Exemption.
3. Assistance is terminated.
4. The resident fails to meet with property staff or provide information/signatures, as required, at least every 90 days or upon request from the owner/agent.

The resident may request, and the owner/agent may extend the Financial Hardship Exemption (General Relief), for increments of no more than 90 days, based on the parameters outlined in the owner/agent's Hardship Exemption Policy. There is no limit to the number of times the Hardship Exemption may be extended.

The resident may request, and the owner/agent may extend the Financial Hardship Exemption for increments of no more than 90 days each, based on the parameters outlined in the property Hardship Exemption Policy. There is no limit to the number of times the owner/agent may extend this exemption.

Please see the property Hardship Exemption Policy for a more detailed explanation. To request a Hardship Exemption please contact the property staff for a Hardship Exemption Request.

### **INTERIM RECERTIFICATION - REPORTING CHANGES BEFORE NEXT ANNUAL RECERTIFICATION (AR)**

### **ION - REPORTING CHANGES BEFORE NEXT ANNUAL RECERTIFICATION (AR)**

Resident family composition, income and expenses are reviewed at least Annually.

Residents are required to report changes, between Annual Recertification, based on requirements outlined in the HUD Model Lease and the House Rules. Changes that result in an income increase or removal of a member must be reported within 30 days of the addition of a new resident (except minors) must be approved before the new member moves into the unit. Failure to notify the owner/agent before a new member is added is a material lease violation and may result in termination of tenancy. Addition of new minors must be reported as quickly as possible, but not later than the date the next rent payment, is due after the minor is added.



## Resident Selection Plan

If the change reported results in a decrease to family income, the owner/agent will process an Interim Recertification (IR), adjusting rent, when that reduction results in a decrease of the family's Annual Adjusted Income of 10% or more.

Based on the rules below, the owner/agent will submit an Interim Recertification, if the resident reports one or more changes resulting in a 10% increase to Annual Adjusted Income.

Changes to earned income will not be considered unless an Interim Recertification, reducing income, has been submitted since the last AR.

If the change is not related to earned income, and results in an increase of the family's Annual Adjusted Income of 10% or more, the owner/agent will complete an Interim Recertification adjusting rent. This is true unless the resident reports a change in a reasonable amount of time, in compliance with the owner/agent's policy, and the change is reported within 3 months of the next Annual Recertification Date.

If the reported change includes an increase to earned income, but an IR reducing income has not been completed since the last AR, the owner/agent will document the resident file, and will only consider changes not related to earned income, when determining if the Annual Adjusted Income has increased by 10% or more. If an IR reducing income has been completed since the last AR, the owner/agent will complete an IR, including any increase to earned income, unless the change is reported within 3 months of the next Annual Recertification Date.

If all adult family members comply with reporting requirements, rent changes will be implemented as follows:

1. Rent increases. If the rent increases, 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 after the end of the 30-day period.
2. Rent decreases. If the rent will decrease, the change in rent is effective on the first day of the month after the date of action (e.g., first of the month after the date of loss of employment.) A 30-day notice is not required for rent decreases.

If all adult family members do not comply with the reporting requirements, and the owner discovers the tenant has failed to report changes as required, the owner will implement rent changes as follows:

1. Rent increases. Owners must implement any resulting rent increase retroactive to the first of the month following the date that the action occurred.
2. Rent decreases. Any resulting rent decrease must be implemented effective the first rent period following completion of the recertification. The owner/agent will make rent decreases retroactive under certain circumstances. If extenuating circumstances exist (504, VAWA, LEP), the retroactive decrease is applied is the later of:
  - a. The first of the month following the date of the change that led to the decrease; or
  - b. The first of the month following the effective date of the most recent full certification.

### **ERRORS CAUSED BY A MEMBER OF THE RESIDENT FAMILY**

If an owner suspects that a resident has inaccurately supplied or misrepresented information that affects the rent or a family's eligibility, the owner must investigate and document the resident file.

If the resident family meets with the owner to discuss the error, and the owner is convinced the submissions were correct, the owner will document the file accordingly and close the investigation.



## Resident Selection Plan

If, after meeting with the resident family, the owner determines that the provision of inaccurate information was an unintentional program violation, the owner will correct the rent calculation, if applicable, and provide the tenant with notice of the change in rent. If the resident receives an improper payment, the resident will be required to return those improper payments, in compliance with the HUD lease.

If the tenant is unable to repay the full amount, the owner and tenant may enter into a repayment agreement.

1. (Note from RBD: For all programs except PRAC. Delete if PRAC and use the next bullet option. Please do not include this note in your policies). If, after the income adjustment, the family no longer qualifies for assistance, the family may remain in the property subject to making repayments and paying market rent.
2. (Note from RBD: For PRAC. Termination of assistance is not an option for the PRAC program. Please do not include this note in your policies). If the family did not qualify for assistance at MI/IC or no longer qualifies for HUD's PRAC housing assistance program, the owner/agent must terminate tenancy (evict).
3. The owner may terminate tenancy if the resident refuses to pay any new monthly rent or refuses to repay the previously overpaid subsidy (improper payment) pursuant to any Repayment Agreement.
4. The owner may terminate tenancy if the resident refuses to enter into a Repayment Agreement if such an option is offered.
5. If necessary, civil action may be filed to recover the funds.

If the owner determines the resident knowingly provided inaccurate or incomplete information, and this can be substantiated through documentation, the owner will pursue the incident as fraud.

If any adult member of the family fails to meet with the owner/agent as requested, the owner/agent will initiate termination of tenancy (eviction) in compliance with HUD's guidance.

### **ERRORS CAUSED BY THE OWNER/AGENT, A SERVICE BUREAU OR OWNER/AGENT SOFTWARE**

If the owner/agent determines that an error was made and the family's income was over-reported, the owner must complete corrections to the prior certification(s) affected by the income change. Once the corrections have been made, the owner must determine the difference between the amount of rent paid and the rent that should have been paid.

- The owner/agent will request a meeting to discuss the error.
- The owner/agent will prepare corrections or new certifications that must be signed by all adult members.
- The owner/agent will provide the family with written notification, which includes:
  - A notice of the change in rent, effective retroactively to when the error occurred.
  - The new monthly rent the tenant is required to pay.
  - The amount of the overpayment of rent due; and
  - A form used by the family choosing whether to:
    - Receive a full refund; or
    - Apply the overpayment to future monthly rent payments.

Please note that any credit will be applied to any outstanding rent payment before calculating the amount due to the resident family.

### **LIVE-IN AIDES**



## Resident Selection Plan

A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional of the family's choosing, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near elderly, or disabled family member. For continued approval, the family must submit a new, written request—subject to COC verification—at each annual reexamination.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is

- (1) not obligated for the support of the person(s) needing the care,
- (2) would not be living in the unit except to provide the necessary supportive services, and
- (3) hours the care will be provided.

COC will not provide an individual bedroom for a live-in aide.

COC has the discretion not to approve a particular person as a live-in aide, and may withdraw such approval, if [24 CFR 966.4(d) (3) (i)]:

The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

The person has a history of drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to COC in connection with Section 8 or public housing assistance under the 1937 Act.

Within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request, COC will notify the family of its decision in writing.

The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish possession of the unit within a reasonable time if the resident is absent for an extended period of time or if the resident leaves for any reason. The live-in aide will be required to sign the Live In Aide Agreement. The live in aide has no right of residency or occupancy if the resident is absent or if the resident moves out for any reason including death. See Live In Agreement Appendix F.

### **WAITING LISTS**

To ensure that applicants are appropriately and fairly selected for the next available unit (*when a unit of the appropriate size or type is not available at the time of application*), it is essential for COC to maintain waiting lists. COC will place the applicant household on the waiting list after preliminary eligibility determination is complete.

Applicants will have the option of specifying a desired unit size or multiple unit sizes when completing the application. The applicant will be placed on the waiting list for all indicated unit sizes/types as long as:



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- The applicant household meets the Occupancy Standards described in this plan, and
- The waiting list for the unit size is open.

The applicant (Head-of-Household (HOH)) will be contacted, based on the waiting list selection criteria, for the first unit that becomes available based on the selection guidelines described in this plan.

COC will maintain a site-based waiting list system, with separate waiting lists for each of the following properties:

Elderly Developments:

- Rippowam Manor
- Glenbrook Manor

HUD directs that a family that applies to reside in public housing must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that COC operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

COC will not merge the public housing waiting list with the waiting list for any other program COC operates.

### **MAINTAINING WAITING LISTS**

It is the policy of COC to administer its waiting list as required by HUD handbooks and regulations. COC will update the waiting list by removing the names of applicants based on the requirements set forth in this plan.

COC will contact each applicant household annually. The Head-of-Household (HOH) will be the only person contacted unless otherwise requested.

If this letter is unable to be delivered by the United States Postal Service, the application will be rejected, and the household will be removed from the waiting list.

If the Head-of-Household (HOH) fails to respond to COC inquiries regarding the desire to remain on the waiting list, the application will be rejected, and the household will be removed from the waiting list.

In addition, an adult member of the applicant household must contact the property, within 30 business days of changes in family size or composition, criminal history, income, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

If the household size or composition changes, COC will:

1. Update the waiting list information and
2. Decide whether the household needs the same or a different unit.



If, as a result of the household composition change, it is determined that the household will be on the waiting list for a different unit than originally indicated, the household will maintain their place on the waiting list for the new unit.

### **REMOVAL OF APPLICANTS FROM THE WAITING LIST**

COC will remove an applicant's name from the waiting list when if any of the following apply:

- Applicant requests that the household name be removed.
- The unit that is needed – using household size as the basis – has changed, and no appropriate size/type unit exists in the property.
- The unit that is needed – using household size as the basis – has changed, and the waiting list is closed for that unit size/type.
- Applicant fails to meet eligibility requirements.
- Applicant fails to meet occupancy standards.
- Applicant fails to meet screening requirements.
- Applicant is rejected for any reason described in this plan.
- Applicant cannot be contact by US Mail (letters are returned or undeliverable)
- Applicant cannot be contacted by phone (number disconnected or changed)
- Applicant fails to keep application information up to date based on the requirements described in this plan.
- Applicant was clearly advised, in writing, of the requirement to tell COC of his/her continued interest in housing by a particular time and failed to do so.

If an applicant is removed from the waiting list, and subsequently COC determines that an error was made in removing the applicant, the applicant will be reinstated at the original place on the waiting list.

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

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

- Is subject to a state lifetime sex offender registry.
- Has been convicted of a crime as indicated in the criminal screening criteria (*certain time restrictions apply*)
- Has been evicted from another property managed or owned by the owner/agent.
- Has been evicted from a federally assisted property for drug use in the last three years.

### **SELECTING APPLICANTS FROM THE WAITING LIST**

COC must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. COC must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. COC must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, sexual orientation, gender identity, marital status, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].



The order in which families will be selected from the waiting list depends on the selection method chosen by COC and is impacted in part by a point system that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

COC must maintain a clear record of all information required to verify that the family is selected from the waiting list according to COC's selection policies [24 CFR 960.206(e) (2)]. COC's policies must be posted any place where COC receives applications. COC must provide a copy of its tenant selection policies upon request to any applicant or tenant. COC may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c) (2)].

When an applicant or resident family requests a copy of COC's tenant selection policies, COC will provide copies to them for .25 each.

When a unit becomes available, COC will contact the next household on the waiting list (*based on the selection criteria described in this plan*) and the household members will be required to meet with management for an eligibility interview.

No decisions to offer the unit shall be made until all information presented by the applicant has been verified and the final eligibility determination is complete.

### **INCOME TARGETING**

Based on the HUD contract for this property, COC is required to comply with the Income Targeting Requirement. Income Targeting requires that COC implement policies to ensure that, during the property fiscal year, 40% of all households that move into the property or who begin receiving assistance fall within the Extremely Low-Income Limits for the area where the property is located.

At this time, no special selection methods are required to meet the Income Targeting requirements.

COC is required to monitor compliance throughout the year. If, after periodic review, COC discovers that the Income Targeting Requirement will not be attained, COC will only select, in order, those applicants whose income falls within the extremely low-income levels. Once the Income Targeting Requirement is met, COC will return to the "natural" selection order.

If COC also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to COC's HCV program during a COC fiscal year that exceed the 75% minimum target requirement for the voucher program, shall be credited against COC's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during the COC fiscal year; (2) ten percent of waiting list admissions to COC's housing choice voucher program during COC's fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of COC public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.



COC will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

### **PREFERENCES**

Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances.

Preferences affect only the order applicants are selected from the waiting list. They do not make anyone eligible who was not otherwise eligible. Preferences are not permitted if they, in any way, interfere with affirmative marketing efforts or fair housing requirements.

The COC system of preferences may select families either according to the date and time of application or by a lottery system.

### **First come/First served:**

Families may be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by COC.

### **Lottery Method:**

Families may be selected from the waiting list based on selection preference(s) for which they qualify, and in accordance with COC's hierarchy of those preferences. Within each preference category, families will be selected in numerical order based on the numbers that were assigned to each application, by lottery, at the time the applications were placed on the waiting list.

## **OPENING AND CLOSING THE WAITING LIST**

### **Closing Waiting List**

In order to ensure that applicants on the waiting list are processed in a reasonable amount of time, COC may stop accepting applications and close waiting lists in whole or in part. Decisions about closing and opening the waiting list will be based on the number of applications available for a particular size and type of apartment and the ability of COC to house an applicant in an appropriate apartment within a reasonable period of time.

COC will close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where COC has particular preferences or other criteria that require a specific category of family, COC may elect to continue to accept applications from these applicants while closing the waiting list to others.

COC will announce by public notice the closing of the waiting list only if the list remains open to certain categories of families, this information will be contained in the notice. The following are the media outlets, but not limited to:

- *Stamford Advocate*
- *Local community service providers*



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- *Local Community Centers*
- *COC website*

Interested parties who insist on submitting applications when the waiting list is closed will not be considered. The application **will not be reviewed** and will be returned.

During the period when the waiting list is closed, COC **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.

### **Reopening the Waiting List**

COC will announce the reopening of the waiting list at least 14 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

COC will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

- *Stamford Advocate*
- *Local community service providers*
- *Local Community Centers*
- *COC website*

### **PURGING THE WAITING LIST**

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to COC's request for information or updates because of the family member's disability, COC must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40].

The waiting list will be updated at least annually to ensure that all applicants and applicant information is current and timely.

To update the waiting list, COC will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that COC has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing and may be delivered in person or by mail. Responses should be postmarked or received by COC not later than 15 business days from the date of COC letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office, the applicant will be removed from the waiting list without further notice.



When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent COC from making an eligibility determination; therefore, no informal hearing is required.

If a family is removed from the waiting list for failure to respond, the Executive Director or his/her designer may reinstate the family if s/he determines the lack of response was due to COC error, or to circumstances beyond the family's control.

### **PRIVACY POLICY**

It is the policy of COC to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the owner/agent.

Neither the property owner nor its agents shall disclose any personal information contained in its records to any person or agency, other than HUD, its Contract Administrators or other federal/state entity or investor auditing entities, unless the individual about whom information is requested gives written consent to such disclosure. Such consent may be provided in an equally effective manner, as a reasonable accommodation, when there is the presence of a disability.

This Privacy Policy in no way limits the owner/agent's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

### **VERIFICATION**

COC shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development. After the preliminary eligibility determination, no decision to approve an application shall be made until information provided on the application form and during subsequent interviews has been collected and any necessary follow-up interviews have been performed. All information relative to the following items must be verified as described in these procedures:

### **INTRODUCTION TO THE EIV SYSTEM**

The EIV system is a web-based application which provides owners with employment, wage, unemployment compensation and Social Security benefit information for tenants participating in HUD's assisted housing programs. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all tenants with valid personal identifying information (name, date of birth (DOB), and Social Security number (SSN)) reported on the form HUD-50059. Information in the EIV system is used by owners to verify employment and income at the time of recertification and to reduce errors in subsidy payments.

### **Enterprise Income Verification (EIV) System Mandated Use of HUD's Enterprise Income Verification (EIV) System**

- COC will use the Existing Tenant Search in EIV to determine previous housing assistance at Admission.
- COC will use the EIV system in its entirety:
- As a third-party source to verify tenant employment and income



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information during mandatory recertifications of family composition and income, in accordance with 24 CFR 5.236, and administrative guidance issued by HUD, and to reduce administrative and subsidy payment errors in accordance with HUD administrative guidance.

### **INFORMATION TO BE VERIFIED**

Information to be verified includes, but is not limited to:

- 1) Eligibility for Admission, such as
  - a) Income
  - b) Assets And Asset Income
  - c) Identification
  - d) Age
  - e) Household Composition
  - f) Social Security Numbers
  - g) Citizenship And/or Legal Status
  - h) Student Status
  - i) Current HUD Assistance
- 2) Allowances, such as
  - a) Age
  - b) Disability
  - c) Full Time Student Status
  - d) Childcare Expenses
  - e) Disability Assistance Expenses
  - f) Medical Expenses (For Elderly/Disabled Households Only)
- 3) Preferences
  - a) Homeless status
  - b) Veteran status
- 4) Compliance with Resident Screening Guidelines, such as
  - a) Criminal History
  - b) Credit History
  - c) Rental/Residence History
- 5) The Need for an Accessible Unit

### **METHODS OF VERIFICATION**

Verifications will be attempted in the following order:

- 1) Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system.
- 2) Upfront Income Verification (UIV) using a non-HUD system.
- 3) Third-party Verification (may be provided by applicant or resident)
- 4) Third-party Verification Form
- 5) Oral Third-party Verification
- 6) In the absence of any of the above, notarized or witnessed statements from the household member (*COC is not required to accept family/self-certification*). Each file will be documented, when appropriate, to show that staff attempted to obtain third-party verification before relying on family certification.



### **SOURCES OF INFORMATION**

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

- Any member of the applicant household
- Present and former housing providers/landlords
- Present and former employers
- Banks
- Insurance Companies
- Any Asset Manager
- Family members
- Any person or organization providing gifts/regular contributions to the household.
- Credit Screening providers.
- Criminal Screening providers
- Eviction Screening providers
- Social workers/Parole Officers
- Court records
- Drug Treatment Centers
- Health Providers
- Physicians
- Clergy
- Schools/Institutes of Higher Education
- Department of Homeland Security (DHS)
- Department of Health and Human Services (HHS)
- The Internal Revenue Service (IRS)
- The Social Security Administration (SSA)
- Medicare/Medicaid
- Representative of the United States Armed Forces
- Any federal/local benefit providers
- Pharmacies
- Utility Providers
- Local and non-local law enforcement
- Automated criminal databases
- Sexual Offenders registries when available
- The world wide web (internet)

COC will be the final judge of the credibility of any verification submitted by an applicant. If COC questions the validity of a document or the validity of information provided, it will be reviewed by management staff for a ruling regarding acceptability.

### **PERIOD FOR VERIFICATION**

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



### CONSENT AND VERIFICATION FORMS

Regardless of age, the Head-of-Household (HOH), the co-Head-of-Household (HOH) the spouse of the Head-of-Household (HOH) and all adult members of a household must sign HUD's consent forms so that COC can verify eligibility.

- 1) HUD-9887, *Notice and Consent for the Release of Information to HUD and to a PHA*
- 2) HUD-9887-A, *Applicant's/Resident's Consent to the Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance*

Consent and verification forms protect the rights and privacy of residents and applicants by allowing them to have control over any information collected about them.

After an applicant or resident has signed and submitted a consent form either on or after January 1, 2024, they do not need to sign and submit subsequent consent forms except under the following circumstances:

- When a new member is added to the unit if:
  - The new member is 18 years of age or older, or
  - The new member is the HOH, co-HOH/spouse regardless of age.
- When a member of the family turns 18 years of age.
- If the family's assistance is terminated and the family wishes to reinstate housing assistance; and
- As required by HUD in administrative instructions.

These consent forms contain provisions authorizing HUD and owner/agent to obtain necessary information for verification of an application or to maintain a family's assistance, including income information and tax return information. The executed consent forms will remain effective until the family is denied assistance, or the assistance is terminated. If a family leaves a HUD program (moves-out), the family's assistance is considered to be terminated and the signed consent forms will no longer be in effect.

Any adult member of the family may provide written notification to the owner/agent to revoke consent. Doing so makes the family ineligible and housing assistance will be terminated immediately. Termination will be completed in accordance with the HUD lease and HUD guidance. The resident will be provided with a 30-Day Notice of Rent Increase as required.

If, subsequently, the family wishes to reapply for assistance, and when such assistance is available, the HOH, co-HOH/spouse and all adult members will be required to submit the signed 9887/9887A documents with any documentation required to determine eligibility. Failure to do so will result in denial of assistance under HUD's program rules.

When a minor living in the unit turns 18, he/she will have thirty (30) days to meet with the management staff and sign appropriate forms. Failure to do so will result in termination of assistance for the entire household.

All adult members of an applicant or resident household must also sign individual verification forms authorizing COC to verify household income and applicable eligibility factors (e.g., disability status) and to allow for screening.



### **PROVISIONS FOR REFUSAL TO SIGN**

**IF ANY MEMBER OF THE APPLICANT'S HOUSEHOLD, DOES NOT SIGN AND SUBMIT THE CONSENT FORMS AS REQUIRED, COC MUST REJECT THE APPLICATION AND DENY ASSISTANCE AND/OR TENANCY.**

### **MISREPRESENTATION**

Any information provided by the applicant that proves to be untrue may be used to disqualify the applicant because of misrepresentation or attempted fraud. COC will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until COC has independently investigated the information.

COC considers false information about the following to be grounds for rejecting an applicant:

- Identity
- Social Security Numbers/Information
- Income
- Assets/Income from Assets
- Household Composition
- Disability
- Birth Date/Age
- Citizenship, Naturalization, And/or Eligible Immigration Status
- Eviction History
- Criminal History
- Sexual Offender Status
- Eligibility For Preferences and Priorities
- Allowances
- Current/Previous Residence History
- Current Housing Assistance
- Status As a student

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

### **APPLICANT SCREENING CRITERIA**

Screening is performed in a manner that is reasonable, consistent, and complies with fair housing laws. Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all residents to peacefully enjoy their homes.

**Anyone who wishes to live on the property must be screened prior to moving in.** This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in. *Certain exceptions apply to children/minors.* The current screening guidelines in place at the time the new household member applies will be used to determine eligibility for admission.



### SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

COC is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to housing programs. This authority assists COC in complying with HUD requirements and COC policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records COC must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

COC may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

COC will prohibit admission of:

1. Any household in which any member was evicted in the last five years from federally assisted housing for drug-related criminal activity.
2. A household in which any member is currently engaged in illegal use of drugs or for which COC has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents. (COC may obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when COC has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program.)
3. Any household member, if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse.
4. Any household member who is subject to any state lifetime sex offender registration requirement (household member may be removed)

In addition to HUD requirements, COC has established a policy to reject all applications where the applicant or any household member has engaged in criminal activity as described in this document.

COC will reject applications if any household member's criminal history includes one or more of the following:

1. Criminal activities resulting in felony conviction involving violence, potential violence, human trafficking, destruction of property, burglary, fraud or the illegal distribution or manufacture of a controlled substance if the conviction or exit from incarceration occurred within fifteen (15) years.
2. Criminal activities resulting in felony conviction other than crimes involving violence, potential violence, human trafficking, destruction of property, burglary, fraud or the illegal distribution or manufacture of a controlled substance if the conviction or exit from incarceration occurred within ten (10) years.
3. Criminal activities resulting in misdemeanor convictions involving violence, potential violence, human trafficking, destruction of property, burglary, fraud or the illegal distribution or manufacture of a controlled substance within five (5) years of conviction or exit from incarceration, whichever is later.



4. Criminal activities resulting in misdemeanor convictions other than crimes involving violence, potential violence, human trafficking, destruction of property, burglary, fraud or the illegal distribution or manufacture of a controlled substance within three (3) years of conviction or exit from incarceration, whichever is later.
5. A record of three or more separate instances where the applicant is involved in criminal activities resulting in misdemeanor convictions – other than the above - within five (5) years of conviction or exit from incarceration, whichever is later.
6. Sex Offender Registration: Applicant is currently subject to registration under a state sex offender registration program. If COC determines that a registered sex offender is part of the household, COC will allow the household to remove the sex offender from the application. Removal must be documented using a signed, notarized copy of the owner's form. The household will have ten (10) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing.

Failure to provide such documentation will result in rejection of the application for all household members.

In this case, COC reserves the right to monitor household composition after move-in. If COC discovers that a sex offender has moved into the unit, assistance will be terminated, and the household will be evicted in accordance with HUD requirements.

Any assistance paid-in-error must be returned.

If COC is unable to complete required criminal or sexual offender screening due to the applicant's failure to provide required information or release forms, the application will be rejected.

### **Consideration of Extenuating Circumstances**

In deciding whether to exercise discretion to admit an individual or household that has engaged in prohibited criminal activity, COC will, upon request, consider all of the circumstances relevant to the particular admission or eviction decision, including but not limited to: the seriousness of the offending action; the effect that denial of the entire household would have on family members not involved in the criminal activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when specifically considering whether to deny admission for illegal drug use by a household member who is no longer engaged in such activity, COC will, upon request, consider whether the household member is participating in or has successfully completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

COC may obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when COC has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program.

### **Criminal Screening Discoveries**



COC will perform criminal background checks through local law enforcement for all adult household members.

If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, COC will request a fingerprint card and will request information from the National Crime Information Center (NCIC).

If the criminal background investigation results indicate that the applicant does not meet the criminal screening criteria, COC will reject the applicant in accordance with HUD guidance and the COC's standards for applicant rejection.

Before rejecting the household, COC will compare the information provided by the applicant with the criminal history report. If the information conflicts, COC will:

1. Notify the household of the proposed action based on the information.
2. Provide the content of the criminal record and information about how to obtain a copy of the information.
3. Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.
4. Allow the household the opportunity to remove the household member.

In this situation, applicants will have ten (10) business days to contact COC and provide documentation to refute the criminal discovery. If the applicant fails to contact COC or indicates that he/she cannot provide documentation to refute the criminal discovery, COC will reject the application and remove the household from the waiting list.

If, after move-in, COC discovers that there was criminal history that would have resulted in rejection, COC will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been known at the time of the eligibility determination, COC will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

### **SCREENING CREDIT HISTORY**

COC reviews each adult applicant's credit history for the last three years. A lack of credit history will not disqualify someone from becoming a resident, but a poor credit rating may.

COC does not consider medical bills/expenses when reviewing credit history.

COC does not consider student loans and/or expenses when reviewing credit history.

COC will use Online Rental Exchange to assist with credit screening.

Credit history will be reviewed to determine if there is any debt owed to a prior landlord or HUD. Applicants owing prior landlords or HUD will be rejected unless:

- Such debt has been paid.



If the applicant has no credit history, the credit screening will be considered “positive”.

### **SCREENING RENTAL HISTORY**

If any member of the applicant household has been evicted from any property owned or managed by [Charter Oak Communities](#) for lease violations, that applicant household will be rejected.

### **SCREENING FOR RECEIPT OF ASSISTANCE IN ANOTHER UNIT**

All applicants **MUST** disclose if they are currently receiving housing assistance. COC will not knowingly assist applicants who will maintain a residence in addition to the assisted unit on this property. HUD provides COC with information about an applicant’s current status as a housing assistance recipient.

COC will use the **Existing Tenant Report** provided via HUD’s Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving housing assistance.

Nothing prohibits a housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before assistance on this property will begin. Special consideration applies to:

1. Minor children where two assisted families share custody.
2. Recipients of assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit.

If an applicant fails to fully and accurately disclose rental history, the application may be denied based on the applicant’s “misrepresentation” of information and the household will be removed from the waiting list. This information will be reviewed periodically after moving in.

If any household member receives or attempts to receive housing assistance while receiving housing assistance on this property, the household member will be required to reimburse the assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

### **REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS**

COC reserves the right to reject applicants for admission based on any of the following:

- No unit of the appropriate size exists on the property.
- The household fails to meet the HUD indicated eligibility requirements for the assistance program/property.
- Any non-exempt member of the household fails to provide a Social Security Number or adequate documentation to verify the Social Security Number (SSN)
- Any member of the household fails to meet the applicant screening requirements.
- Any member of the household fails to sign appropriate verification documents.
- Misrepresentation
- Fraud
- Any member of the household fails to respond to management inquiries for additional information during the application process.



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- Any member of the household fails to provide changed household information to the management company as indicated.
- COC is unable to contact the applicant via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
- Any member of the household has a record of eviction, for lease violations, from any property managed by [Charter Oak Communities](#)
- Any member of the household has a record of eviction, for lease violations, from any property within the last five years.
- There is record of outstanding or overdue payments to a previous landlord.
- There is record of outstanding or overdue payments to HUD.
- The household is unable to establish utilities in the new unit.
- The household is unable to take possession of the unit within 30 days.
- The household is unable to pay the first month's rent (TTP)
- The household refuses unit offer

### **REJECTION NOTICES**

COC will promptly notify the household (Head-of-Household (HOH)), in writing, of the denial of admission or assistance. A rejection letter will be sent to the Head-of-Household (HOH) via First Class Mail. The notice will contain a brief statement of the reason (s) for COC decision, and it may also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

### **APPEALING THE DECISION TO REJECT**

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants for public housing are not entitled to the same hearing process afforded tenants in COC grievance procedure [24 CFR 966.53(a)].

Informal hearings provide the applicant with a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

COC will only offer informal hearings to applicants for the purpose of disputing denials of admission.

**Use of Informal Hearing Process** Any applicant may make a request to appeal the denial in writing **ten (10) business days from the date of the rejection.**

COC will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to the property management office.

If there is no appeal request **within ten (10) days**, the rejection will be considered final. Reasons to appeal include:

- You believe the decision has been made in error.
- You believe there are extenuating circumstances that should be considered.



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- You or a member of your household is a victim of abuse covered by the Violence Against Women Act and you feel your status as a victim contributes to the decision to deny.
- You or a member of your household is a person with a disability, and you believe a reasonable accommodation would allow us to continue processing the application.
- Your household was rejected because the application includes someone who is a registered sex offender, and you wish to remove that household member.

COC will schedule and send written notice of the informal hearing within 10 business days of the family's request.

The informal hearing will be conducted by a person other than the one who made the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written or oral objections to the decision of COC.

The person conducting the informal hearing will make a recommendation to COC, but COC is responsible for making the final decision as to whether admission should be granted or denied. Applicants and/or their representatives have the right to request a reasonable accommodation to:

- Assist in facilitating your request for appeal.
- To assist in your participation during the appeal meeting

**COC WILL NOTIFY THE APPLICANT OF THE FINAL DECISION, INCLUDING A STATEMENT EXPLAINING THE REASON(S) FOR THE DECISION. THE NOTICE WILL BE MAILED, WITHIN 10 BUSINESS DAYS OF THE INFORMAL HEARING, TO THE APPLICANT AND HIS OR HER REPRESENTATIVE, IF ANY. THE APPLICANT MAY CALL COC ADMISSIONS OFFICE THE NEXT BUSINESS DAY FOR THE DECISION.**

**IF THE INFORMAL HEARING DECISION OVERTURNS THE DENIAL, PROCESSING FOR ADMISSION WILL RESUME.**

**IF THE FAMILY FAILS TO APPEAR FOR THEIR INFORMAL HEARING, THE DENIAL OF ADMISSION WILL STAND AND COC WILL ASSUME THE APPLICANT WAS NO LONGER INTERESTED.**

### **OFFERING AN APARTMENT**

COC must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination.

In filling an actual or expected vacancy, COC must offer the dwelling unit to an applicant in the appropriate sequence.

When a unit becomes available and eligibility is determined, available units will be offered using one or more of the following methods:



- In writing
- Over the phone
- By email

Applicants must accept or refuse a unit offer within 2 business days of the date of the unit offer. Offers made by telephone will be confirmed by letter.

If COC is unable to contact the household (Head-of-Household (HOH) (HOH)) **within five (5) business** days from the date of the letter, the offer will be cancelled, and the apartment will be offered to the next applicant based on the selection criteria described in this plan. COC will offer the unit until it is accepted. Failure to respond to COC will be considered a refusal of the unit offer. (See Right to Refusal policies.)

COC has adopted a “one offer plan” for offering units to applicants. Under this plan the first qualified applicant in sequence on the waiting list will be made one offer of a unit of the appropriate size, at a site in which the applicant has applied to reside. If the unit is rejected, the applicant is removed from the waiting list.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

COC will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

### **OFFERING ACCESSIBLE UNITS**

Units that have been made accessible in accordance with the Universal Federal Accessibility Standards or the Americans with Disabilities Act Accessibility Guidelines will be offered to applicant households with disabled members first. In some cases, COC may implement marketing effort to ensure that disabled households occupy accessible units.

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, COC will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, COC will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

If the applicant fails to move in thirty (30) calendar days, assistance will be terminated. This rule, in no way, affects the single residence criteria. The household can only accept assistance in one unit on any given day.

### **OFFERING UNITS TO APPLICANTS WITH DISABILITIES REQUESTING ACCESSIBILITY FEATURES**

COC will not skip over a household that has reached the top of the waiting list and has indicated a need for certain unit features because of a disability.



The household will be given the opportunity to benefit from the program and decide, in compliance with the Fair Housing Act and Section 504, whether a unit meets the needs of the disabled household member. The household may accept the unit and request some modification to the unit as a reasonable accommodation. See Appendix A for information about requesting a reasonable modification.

### **RIGHT TO REFUSAL**

The Right to Refusal Policy applies to applicants and existing residents who have submitted a Unit Transfer Request. Residents requesting unit transfer and applicants will be offered available units based on the information included in this resident selection plan.

Each household will be offered the opportunity to accept an offered apartment One (1) time. If a resident/applicant does not wish to accept an offered apartment, they have the right to refuse the offer. Residents/applicants must notify COC of their intent to refuse the unit offer by using one or more of the following methods:

- In writing (delivered by fax, mail or other means)
- By email

The First time an applicant or resident refuses an offered unit; the household will be removed from the waiting list.

The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until COC opens the waiting list.

### **Good Cause for Unit Refusal**

An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].

Applicants may refuse to accept a unit offer for “good cause.” Good cause includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant’s race, color, national origin, etc. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

- The family demonstrates to COC’s satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
- The family demonstrates to COC’s satisfaction that accepting the offer will place a family member’s life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.
- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application).



- The unit is inappropriate for the applicant's disabilities.
- 

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.

COC will require documentation of good cause for unit refusals.

### **TIMEFRAME FOR TAKING POSSESSION OF A UNIT**

The applicant must agree to take possession of a unit in no more than thirty (30) calendar days unless COC provides written exception to this policy.

If the applicant household does not complete appropriate paperwork and does not take possession of the unit within thirty (30) days from accepting the offer, the applicant will be subsequently rejected and removed from the waiting list. (Extenuating circumstances related to verified medical situations will be considered.) COC reserves the right to refuse subsequent applications. The unit will be offered to the next eligible applicant/resident based on the selection order described in this plan.

### **UNIT TRANSFER POLICIES**

COC will accept requests for transfer based on the following:

1. There is a need for a unit transfer because of a change in household size and/or composition.
2. There is a need for a unit transfer based on the verified need for an accessible unit.
3. There is a verified medical need for a different unit.
4. The household has lived in an efficiency unit for at least one year and wishes to transfer to a 1-bedroom unit.

Existing residents must complete a Unit Transfer Request. The Unit Transfer Request must be completed and signed by the head of household and all adult household members who wish to move. COC will accept the Unit Transfer Request in an equally effective format, as a reasonable accommodation, if there is the presence of a disability.

Special consideration is given when the unit transfer is requested because there is:

- A verified medical need for a different unit
- A verified need for an accessible unit
- There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living to accommodate a disabled resident/applicant on the waiting list.
- A change in household size that makes the current unit too large or too small for the family based on the COC occupancy standards.

Except in those cases described above, unit transfers will be granted only if:

- The household has not given notice to move.
- The resident is not being evicted.



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- The resident is current for all outstanding charges.
- The resident has not entered into a repayment agreement for failing to fully and accurately report income or household composition.
- The resident has no record of more than one minor lease violation in the last 12 month.
- The resident has no record of any major lease violations.
- The resident complies with lease provisions regarding decent safe and sanitary conditions of the current unit.

### **SECURITY DEPOSITS, PET DEPOSITS & UNIT TRANSFERS**

Residents must pay a security deposit to COC at the time of admission. The amount of the security deposit will be equal to the family's total tenant payment at the time of move-in. or reasonable fixed amount at tax credit/mixed financed properties as determined by COC and must be paid in full prior to occupancy.

COC will hold the security deposit for the period the family occupies the unit. COC will not use the security deposit for rent or other charges while the resident is living in the unit.

COC will provide the resident with a written list of any charges against the security deposit within 30 business days of the move-out inspection. If the resident disagrees with the amount charged, COC will provide a meeting to discuss the charges.

Within 30 days of move-out, COC will refund to the resident the amount of the security deposit (including interest earned on the security deposit), less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

If the resident transfers to another unit, COC will transfer the security deposit and pet deposit to the new unit. The tenant will be billed for any maintenance or other charges due for the "old" unit. This bill must be paid within 30 days.

### **CHANGES IN HOUSEHOLD COMPOSITION**

#### **ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY**

All families must report all changes in family and household composition that occur between annual reexaminations within 10 business days of when the change occurs.

COC will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request COC approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)].



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COC may adopt reasonable policies concerning residence by a foster child or a live-in aide, and defining the circumstances in which COC consent will be given or denied. Under such policies, the factors considered by COC may include [24 CFR 966.4(d)(3)(i)]:

- Whether the addition of a new occupant may necessitate a transfer of the family to another unit, and whether such units are available.
- The COC's obligation to provide reasonable accommodation for persons with disabilities.

Families must request COC approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 14 consecutive days or a total of 30 cumulative calendar days during any 12-month period and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by COC prior to the individual moving into the unit.

COC will not approve the addition of new family or household members other than by birth, adoption, court-awarded custody, or marriage, if it will require the family to transfer to a larger size unit unless the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by COC. Exceptions will be made on a case-by-case basis.

COC will not approve the addition of a new family or household member unless the individual meets the COC's eligibility criteria and documentation requirements.

If COC determines that an individual does not meet COC's eligibility criteria or documentation requirements, COC will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

COC will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

Failure to notify COC about changes in household composition as described above may result in retroactive rent changes and/or termination of subsidy/tenancy for the entire household. Please contact COC or property staff if you have questions about this policy.

### **REMOVING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY**

Residents must notify COC if any household member listed on the lease or on HUD Form 50059 leaves the unit. This notification must occur as quickly as possible but within no more than thirty (30) calendar days.

Upon notice, the rent payment will be re-calculated to remove any income or allowances for the previous household member. If the rent increases, the increase will take effect on the first of the month following delivery of a 30-day notice of change to rent. If the rent decreases, the decrease will take effect on the first of the month following the removal of the household member.



If the resident fails to notify COC of a change in household composition within thirty (30) calendar days, and that change would result in a rent decrease, COC will make the decrease effective the first of the month following the notice. No retroactive rent credits will be returned to the resident.

Failure to notify COC about changes in household composition may result in termination of subsidy and/or tenancy for the entire household. Please contact COC if you have questions about this policy.

### **APARTMENT INSPECTIONS**

HUD rules require COC to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, COC may require additional inspections, in accordance with COC Policy. This part contains COC's policies governing inspections, notification of unit entry, and inspection results.

#### **The move-in inspection**

The lease must require COC and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by COC and the resident, must be provided to the tenant and be kept in the resident file.

#### **The move-out inspection**

COC must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to COC. COC must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear.

The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear. When applicable, COC will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 15 business days of conducting the move-out inspection.

In addition, COC is required to inspect all occupied units annually using HUD's Uniform Physical Condition Standards (UPCS). Under the Public Housing Assessment System (PHAS), HUD's physical condition inspections do not relieve COC of this responsibility to inspect its units [24 CFR 902.20(d)]. This is also an opportunity to determine any damage to the unit and, if so, make the necessary repairs. At this time, residents may be charged for damages to the unit so long as those damages are not the result of normal wear-and-tear.

#### **Special Inspection**

COC staff may conduct a special inspection for any of the following reasons:

- Housekeeping/Unit condition
- Suspected lease violation
- Preventive maintenance
- Routine maintenance
- If there is reasonable cause to believe an emergency exists



### **Other Inspections**

Building exteriors, grounds, common areas and systems will be inspected according to COC's maintenance plan.

### **CHANGES TO THE RESIDENT SELECTION PLAN**

Applicants will be notified in writing when the resident selection plan undergoes significant change or when preferences are added or removed. At that time, applicants will be:

- 1) Given an opportunity to review the new plan.
- 2) Notified of changes to preferences
- 3) Asked if they wish to remain on the waiting list.

If the applicant household does not respond that household will be deemed ineligible and removed from the waiting list.

The current resident selection plan, in place at the time of final eligibility determination, will be used to make a final decision to approve or reject the application.



### **APPENDIX A – REQUEST FOR REASONABLE ACCOMMODATION OR MODIFICATION**

COC is committed to complying with the Fair Housing Act and Section 504 of the Rehabilitation Act by ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities in connection with the operation of housing services or programs solely on the basis of such disabilities.

If an individual with a disability requests an accommodation or modification, COC will fulfill these requests, unless doing so would result in a fundamental alteration in the nature of the program or create an undue financial and administrative burden. In such a case, if possible, COC will offer an alternative solution that would not result in a financial or administrative burden.

- (1) COC informs all applicants/residents that, at any time, the applicant/resident or a person acting on behalf of the applicant/resident may make a request for reasonable accommodation or modification for an individual with a disability.
- (2) At the time of application, all applicants are provided with a copy of the Reasonable Accommodation - Modification Policy. This is provided in writing as part of the Application Package or, upon the applicant's request, the Policy will be provided in an equally effective format.
- (3) All applicants/residents are provided with a Reasonable Accommodation/Modification Request Form when requesting a reasonable accommodation or modification. COC will encourage the family to make its request in writing using a reasonable accommodation request form. However, COC will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.
- (4) Residents and applicants may contact the management office located within their property for information about requests.
- (5) COC will provide an initial reply to requests as quickly as possible, but no more than ten (10) business days from the receipt of the request unless COC explains the delay. Response may include but is not limited to:
  - i. Request Approval
  - ii. Request Denial
  - iii. Request for Additional Information or Verification of Need
- (6) COC will consent to or deny the request as quickly as possible. Unless COC explains the delay, the applicant/resident will be notified of the decision to consent or deny within no more than thirty (30) calendar days after receiving all necessary information and documentation from the resident and/or appropriate verification sources. All decisions to grant or deny reasonable accommodations will be communicated in writing or, if required/requested, in an alternative format. Exceptions to the thirty (30) day period for notification of the owner/agent's decision on the request will be provided to the resident setting forth the reasons for the delay.
- (7) If the request for reasonable accommodation or modification is denied, the requestor has the right to appeal the decision within ten (10) business days of the date of the written notification of denial. The appeal meeting will be conducted by a person who was not originally involved in the decision to deny.



### **Medical Marijuana Use A Reasonable Accommodation (5.403) (HUD General Counsel Opinion on Medical Marijuana, 1/20/2011)**

Federal and State nondiscrimination laws do not require HA's to accommodate requests by current or prospective residents with disabilities to use medical marijuana. COC may not permit the use of medical marijuana as a reasonable accommodation because such accommodations are not reasonable under the Fair Housing Act and would constitute a fundamental alteration in the nature of the operations of the program,

Person(s) seeking a reasonable accommodation to allow the use of medical marijuana are not "individuals with a disability" under Section 504 or the ADA and therefore do not qualify for a reasonable accommodation to allow the use of medical marijuana. Furthermore, because such requests are tantamount to requests to become an illegal drug user, COC is prohibited from granting such a request.



### Appendix B – Citizen/Non-citizen Eligibility

Applicants are required to declare U.S. Citizenship or submit evidence of eligible immigration status for each of household member seeking housing assistance. COC is required to obtain the following documents:

- 1) Family Summary Sheet (lists all household members who will reside in the assisted unit)
- 2) Citizenship Declaration (Each household member listed on the Household Summary Sheet must complete)
- 3) Forms and/or evidence of citizen/immigration status

If you have any questions or difficulty in providing the described information or determining the type of documentation required, please contact the management office. If you are unable to provide the required documentation in the timeframe indicated, you must contact the management office and request an extension. If you fail to provide this information, COC cannot provide assistance.

The owner agent will offer the household assistance, providing subsidy to those household members whose documents were received on time when the following criteria is met:

- 1) Assistance/unit is available.
- 2) The household has come to the top of the waiting list.
- 3) At least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible based on all of the criteria in this resident selection plan.

If any household member is determined to be an ineligible non-citizen, either at application or after move-in, assistance may be prorated or terminated.

### REQUIRED DOCUMENTATION

COC must obtain the following documentation for each household member regardless of age:

- From U.S. citizens, a signed declaration of citizenship. COC requires verification of the declaration. The following documents will be accepted as proof of citizenship.
  - United States (U.S.) Passport
  - U.S. birth certificate
  - Other documentation as provided by HUD or DHS
- From non-citizens claiming eligible status who is 62 or older:
  - A signed declaration of eligible immigration status and
  - Proof of age
- From non-citizens claiming eligible status who is not 62 or older:
  - A signed declaration of eligible immigration status **and**
  - A signed consent form **and**
  - One of the DHS-approved documents
    - Form I-551, *Permanent Resident Card*.
    - Form I-94, *Arrival-Departure Record* annotated with one of the following:
      - “Admitted as a Refugee Pursuant to Section 207”;
      - “Section 208” or “Asylum”;
      - “Section 243(h)” or “Deportation stayed by Attorney General”; or



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- “Paroled Pursuant to Section 212(d)(5) of the INA.”
- Form I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:
  - A final court decision granting asylum (but only if no appeal is taken);
  - A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (application filed was before October 1, 1990);
  - A court decision granting withholding of deportation; or
  - A letter from an asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
- A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant’s entitlement to the document has been verified.
- Other acceptable evidence.

If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.

### TIMEFRAMES FOR SUBMITTING EVIDENCE OF CITIZENSHIP/IMMIGRATION STATUS TO COC

Applicants must submit required documentation of citizenship/immigration status no later than the date COC initiates verification of other eligibility factors (pre application or application). COC determines the applicant’s citizenship or immigration status during the initial eligibility determination prior to move-in.

If the applicant cannot supply the documentation within the owner/agent’s specified timeframe, COC **may** grant the applicant an extension of not more than thirty (30) days, **but only if** the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. (Although the extension period may not exceed thirty (30) days, COC may establish a shorter extension period based on the circumstances of the individual case.)

COC will inform the applicant in writing (or, if required/requested, in an alternative format) if an extension request is granted or denied. If the request is granted, COC will include the new deadline for submitting the documentation. If the request is denied, COC will state the reasons for the denial in the response. When granting or rejecting extensions, the owner/agent/agent will treat applicants consistently.

### REVIEWING AND VERIFICATION OF A HOUSEHOLD’S CITIZENSHIP/IMMIGRATION STATUS

Owner/agents will conduct primary verification through the (Systematic Alien Verification for Entitlements) SAVE ASVI database - the Department of Homeland Security (DHS) automated system. After accessing the ASIV database, COC enters the required data fields.



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The 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 must be used.

Within ten (10) days of receiving an “Institute Secondary Verification” response, COC will prepare DHS Form G-845S, *Document Verification Request*. COC will send DHS Form G-845S and photocopies of the DHS documents submitted by the applicant to the DHS office serving the property’s jurisdiction.

The DHS will return to COC a copy of DHS Form G-845S indicating the results of the automated and manual search.

### **NOTIFICATION TO APPLICANTS**

Owner/agents will notify households in writing that they are:

- Eligible for assistance
- Eligible for partial assistance, as a mixed household

The owner/agent/agent will notify applicants and/or residents in writing if they are found to be ineligible based upon citizenship/immigration status.

### **MIXED HOUSEHOLDS**

A mixed household—a household with one or more ineligible members and one or more eligible household members—may receive:

- Prorated assistance
- Continued assistance

### **APPEALING DETERMINATIONS OF INELIGIBILITY**

COC will notify the household in writing as soon as possible if the secondary verification process returns a negative result.

The applicant or resident has thirty (30) days from receipt of the notice to choose which option to follow.



The applicant or resident may appeal the owner/agent's decision directly to the DHS. The applicant or resident must send a copy of the appeal directly to the owner/agent. The DHS should respond to the appeal within thirty (30) days.

If the DHS decision results in a positive determination of eligibility, COC can provide the appropriate housing assistance. If the DHS decision results in a negative determination of eligibility, the household has **thirty (30) days** to request a hearing with the owner/agent.

### **PROHIBITION AGAINST DELAY OF ASSISTANCE**

Owner/agents may not delay the household's assistance if the applicant or resident submitted immigration information in a timely manner, but the DHS verification or appeals process has not been completed.

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



**APPENDIX C: DUAL SUBSIDY NOTICE**

I understand that my application to move to **Rippowam or Glenbrook Manor** with the rest of my household members has met preliminary eligibility requirements.

I have indicated, on the application, that:

- 1.  I am not currently receiving HUD assistance in another unit.
- 2.  I am currently receiving HUD assistance in another unit.

According to the current HUD lease, if I am living in a community and receiving HUD project-based assistance, I must provide a 30-day notice to the agent managing the property where assistance is currently provided.

*If COC discovers that any household member failed to move out of a HUD assisted residence before moving to **Rippowam or Glenbrook Manor**, no rent subsidy or utility allowance will be provided by the Department of Housing and Urban Development until the day after the move out is complete. Household members who signed the lease will be responsible for paying the market rent until qualified to receive HUD assistance on this property. Any assistance paid in error must be returned to HUD.*

- 3.  I am the recipient of a housing voucher.

I understand that HUD prohibits residents from benefiting from Housing Voucher assistance in a unit assisted through HUD’s Section 8 program.

*I understand that HUD prohibits residents from benefiting from Housing Voucher assistance in a unit assisted through HUD’s Section 8 program. When the application is submitted the household will be added to the waiting list. A unit will be offered in accordance with the resident selection plan. If the family later moves out of the project, the project subsidy will not move with the family as it does with a voucher. If you wish to participate in the voucher program after move-out, you will need to reapply to the PHA to receive another voucher.*

*All household members must be removed from or forfeit the voucher before receiving HUD assistance for a unit on this property. If COC discovers that any household member failed to give up current HUD assistance before moving to **Rippowam or Glenbrook Manor**, no rent subsidy or utility allowance will be provided by the Department of Housing and Urban Development until the day after the move out is complete.*

*Household members who signed the lease will be responsible for paying the market rent until qualified to receive HUD assistance on this property. Any assistance paid in error must be returned to HUD.*

This information will be verified using the Existing Tenant Report in EIV. If EIV indicates a conflict and verification information indicates that the information provided is not true, and the EIV information is verified, then COC will reject the application based on misrepresentation of information.



### **APPENDIX D – VAWA POLICY**

#### **OVERVIEW**

The Violence against Women Act of 2005 (VAWA) provides special protections for victims of domestic violence, dating violence, and stalking who are applying for or receiving assistance under the public housing program. If your state or local laws provide greater protection for such victims, those laws take precedence over VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and COC policies in three areas: notification, documentation, and confidentiality.

#### **DEFINITIONS**

##### **As used in VAWA:**

The term bifurcate means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

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; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship.

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 cohabitating with or has cohabitated 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.

The term immediate family member means, with respect to a person:

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- Any other person living in the household of that person and related to that person by blood and marriage.

The term stalking means:

- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
- 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 the death of, or serious bodily injury to, or to cause



substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

### **CONFIDENTIALITY**

All information provided to COC regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that COC (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

**If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, COC will inform the victim before disclosure occurs so that safety risks can be identified and addressed.**

The certification form provides notice to the resident of the confidentiality of the form and the limits thereof. COC will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

### **NOTIFICATION**

#### **Notification to Public**

COC will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, or stalking.

The definitions of domestic violence, dating violence, and stalking provided in VAWA.

An explanation of the documentation that COC may require from an individual who claims the protections provided by VAWA.

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of COC's obligation to keep confidential any information that it receives from a victim unless (a) COC has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information.

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY)

#### **Notification to Applicants and Tenants**

COC will provide all applicants with information about VAWA at the time they request an application for housing assistance. COC will also include such information in all notices of denial of assistance.

COC will provide all tenants with information about VAWA at the time of admission and at annual reexamination. COC will also include such information in all lease termination notices.

The VAWA information provided to applicants and tenants will consist of the notice and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.



Whenever COC has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

### **REQUESTS & CERTIFICATION**

When COC responds to a request for protections provided under the VAWA COC will request that an individual complete, sign, and submit a certification form, within fourteen (14) calendar days of the request. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

COC may, in its discretion, extend the deadline by 10 business days. Any extension granted by COC will be in writing.

COC understands that the delivery of the certification form to the applicant/resident via mail may place the victim at risk, (e.g., the abuser may monitor the mail). COC will work with the applicant/resident in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

If the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the applicant/resident may submit written proof of this outreach in lieu of the certification form. COC may accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) From whom the victim has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence and/or stalking has signed or attested to the documentation.

### **Conflicting Documentation**

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, COC will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

### **Discretion to Require No Formal Documentation**

If COC accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, or stalking, COC will document acceptance of the statement or evidence in the individual's file.

### **Failure to Provide Documentation**

In order to deny relief for protection under VAWA, COC must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation



within 14 business days from the date of receipt, or such longer time as COC may allow, COC may deny relief for protection under VAWA.

COC understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault and/or stalking, people who have been victims of violence have certain rights under the Violence Against Women Act Reauthorization of 2013.

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

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

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

However, being a victim of an offense covered under the VAWA is not reason to change the eligibility or applicant screening requirements set forth in the tenant selection plan unless such requirements interfere with protections provided under the VAWA. Being a victim of an offense covered under the VAWA is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless such requirements interfere with protections provided under the VAWA.

COC will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact COC immediately. COC is committed to ensuring that the Privacy Act is enforced in this and all other situations.

### **LEASE BIFURCATION**

If COC determines that physical abuse caused by a resident is clear and present, the law provides COC with the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any abuser, while allowing the victim, who lawfully occupies the home, to maintain tenancy.)

COC may attempt to evict the abuser, but residents should know that state/local tenant/landlord laws prevail, and COC must comply with such laws. COC cannot guarantee that a court will award or enforce an eviction.

COC must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law. COC is committed to attempting to assist the victim; however, evictions are generally carried out through the court system and COC cannot override or circumvent a legal decision.



If there is a restraining order against the abuser and the resident willingly allows or invites the abuser onto the premises, COC may seek termination of assistance and/or tenancy.

*In accordance with the regulation at 24 CFR 5.861, COC may terminate tenancy and evict a tenant through judicial action for criminal activity by a covered person if the Landlord determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested, or convicted for such activity and without satisfying a criminal standard of proof of the activity.*

COC will take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

### **LEASE ADDENDUM**

Any HUD approved lease addendum will be implemented and provided in accordance with HUD guidance.

